The County of San Diego

Planning Commission Hearing Report

Date:	November 13, 2015	**Case/File No.:**	Berk Estates Tentative Map; PDS2013-TM-5577 RPL[1] PDS2013-ER-13-02-003
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	**Project:**	21-Lot Residential Subdivision
Time:	9:00 a.m.	**Location:**	Northwest corner of Winterhaven Road and Sunnycrest Lane
Agenda Item:	#1	**General Plan:**	Semi-Rural (SR) / Semi-Rural 1 (SR-1)
Appeal Status:	Appealable to the Board of Supervisors	**Zoning:**	Limited Agriculture (A70)
Applicant/Owner:	Jeffery Berk & Nancy Berk	**Community:**	Fallbrook Community Plan Area
Environmental:	CEQA §15183 Exemption	**APN:**	106-280-22

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed Tentative Map (TM), for a 21-lot residential subdivision, determine if the required findings can be made and take the following actions:

a. Adopt the Environmental Findings included in Attachment C, which include a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines.

b. Adopt the Resolution of Approval for the TM which includes the requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego Regulations (Attachment B).

2. Key Requirements for Requested Actions

a. Is the proposed project consistent with the vision, goals, and polices of the General Plan?

b. Does the project comply with the policies set forth under the Fallbrook Community Plan?

c. Is the proposed project consistent with the County's Zoning Ordinance?

d. Is the proposed project consistent with the County's Subdivision Ordinance?

e. Is the project consistent with other applicable County regulations?

f. Does the project comply with the California Environmental Quality Act (CEQA)?

B. REPORT SUMMARY

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed TM, conditions of approval and findings, and environmental findings prepared in accordance with CEQA.

The applicant proposes a TM to subdivide a 26.5-acre property into 21 single-family residential lots. Planning & Development Services (PDS) finds the proposal in conformance with the six Key Requirements for Action and recommends approval of the TM, with the proposed conditions noted in the Resolution of Approval (Attachment B).

C. DEVELOPMENT PROPOSAL

1. Project Description

The proposed project is a TM to subdivide a former 26.5-acre abandoned agricultural orchard into 21 single-family residential lots and two private road lots, as shown in Figure 1. The proposed residential lots will be an average of one acre in size. The lot sizes vary between one and 1.5 acres, which meets the General Plan density of one dwelling unit per acre, within the SR-1 Lands Use designation. Water would be provided by the Fallbrook Public Utilities District with on-site individual sewer disposal systems. The site is served by the North County Fire Protection District (NCFPD) for fire protection services. Earthwork is expected to consist of 22,885 cubic yards of cut and 14,485 cubic yards of fill.

Access to the project will be provided from Sunnycrest Lane - a private road, which runs north-to-south along the eastern boundary of the subject property. Secondary access will be provided from a private road running north to south along the western boundary of the proposed project site (see Figure 1 for access and secondary access to and from the proposed TM).

The project would be conditioned to realign Sunnycrest Lane and Winterhaven Road intersection in an eastward direction, and includes the installation of a 90-foot long and six-foot wide channeling median, on Sunnycrest Lane. In addition, the applicant would be required to enter into a Private Road Maintenance Agreement for the proposed private road (labeled as Private Street "A" in Figure 1).

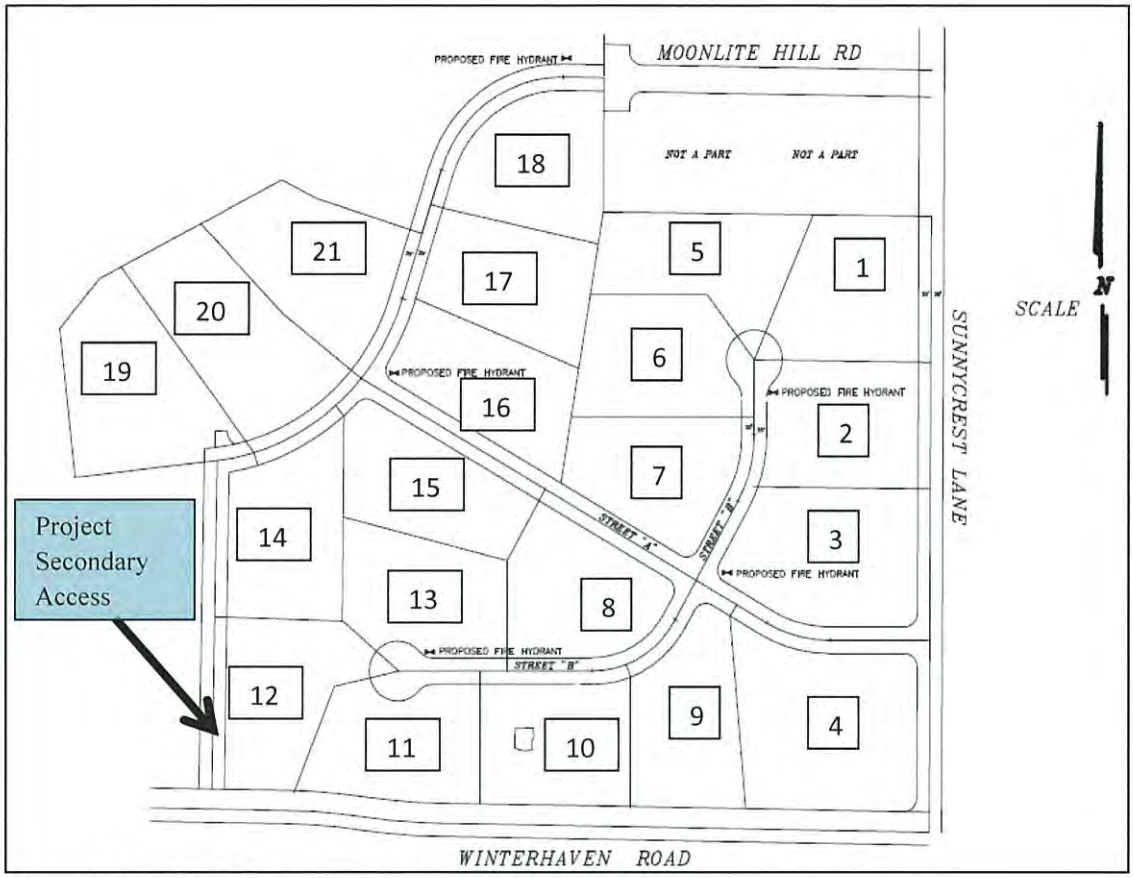


Figure 1: Tentative Map

2. Subject Property and Surrounding Land Uses

The project site is located on the northwest corner of Winterhaven Road and Sunnycrest Lane within the Fallbrook Community Plan area (see Figures 2 and 3). Surrounding land uses consist primarily of single-family homes and agriculture (see Figure 4). The site is generally flat with areas consisting of gently rolling slopes. The overall property topography rises from the Winterhaven Road property line to the northern site boundary (see Figures 5 and 6).

The Fallbrook United Methodist Church is located approximately one-quarter mile east of the site. The proposed TM is to the west of the Green Canyon North TM (TM 5553 RPL[1]), which was approved by the Planning Commission on September 12, 2014. The surrounding residential development is similar in density and lot size to the proposed project. Most lots in the immediate area range in size from 1.2 to 5 acres, with a few larger lots averaging 14 to 28 acres (see Table C-1 for a summary of the surrounding designations and land uses).

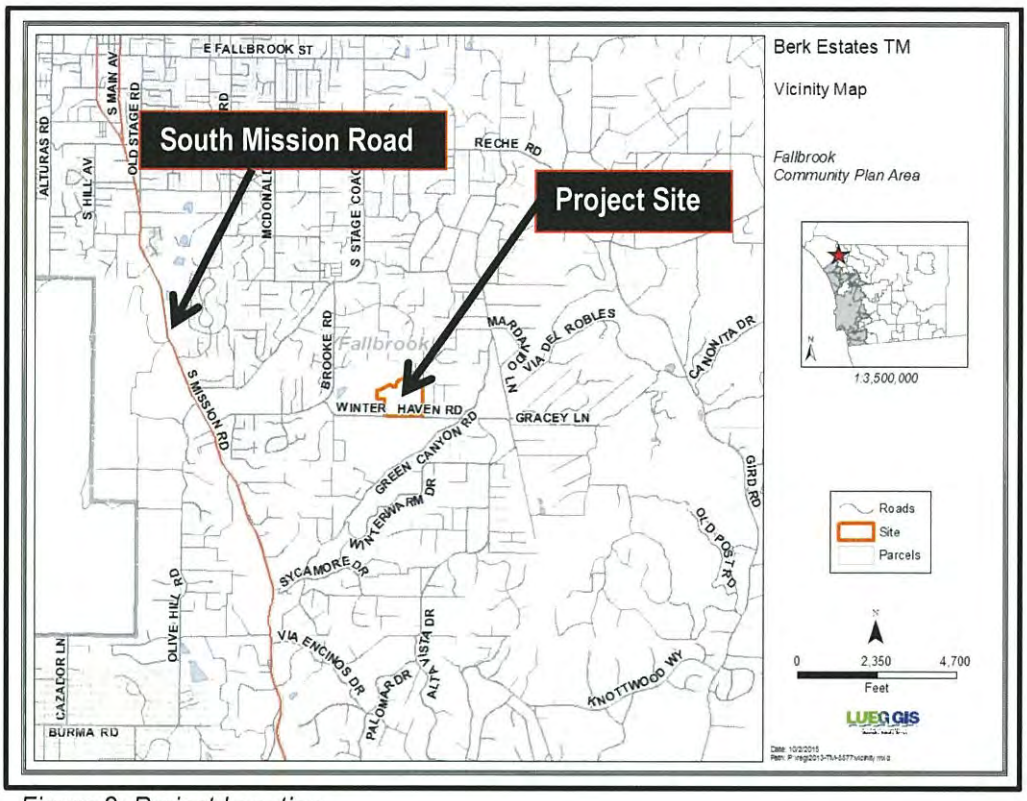


Figure 2: Project Location

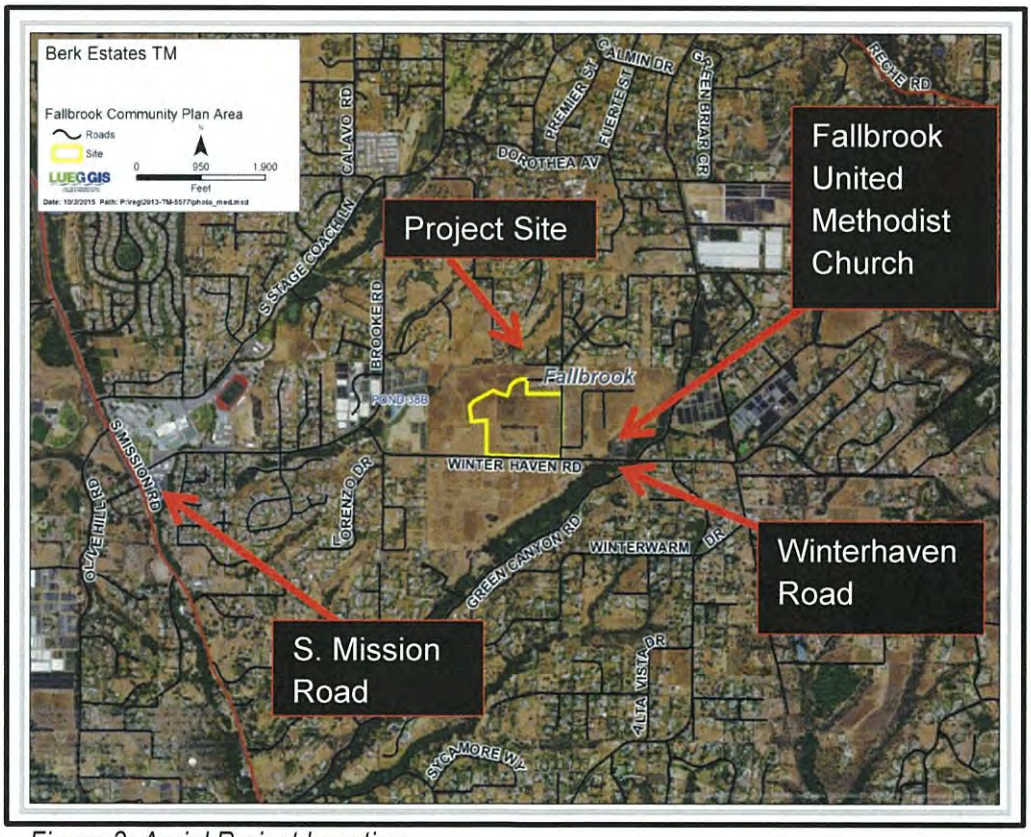


Figure 3: Aerial Project Location

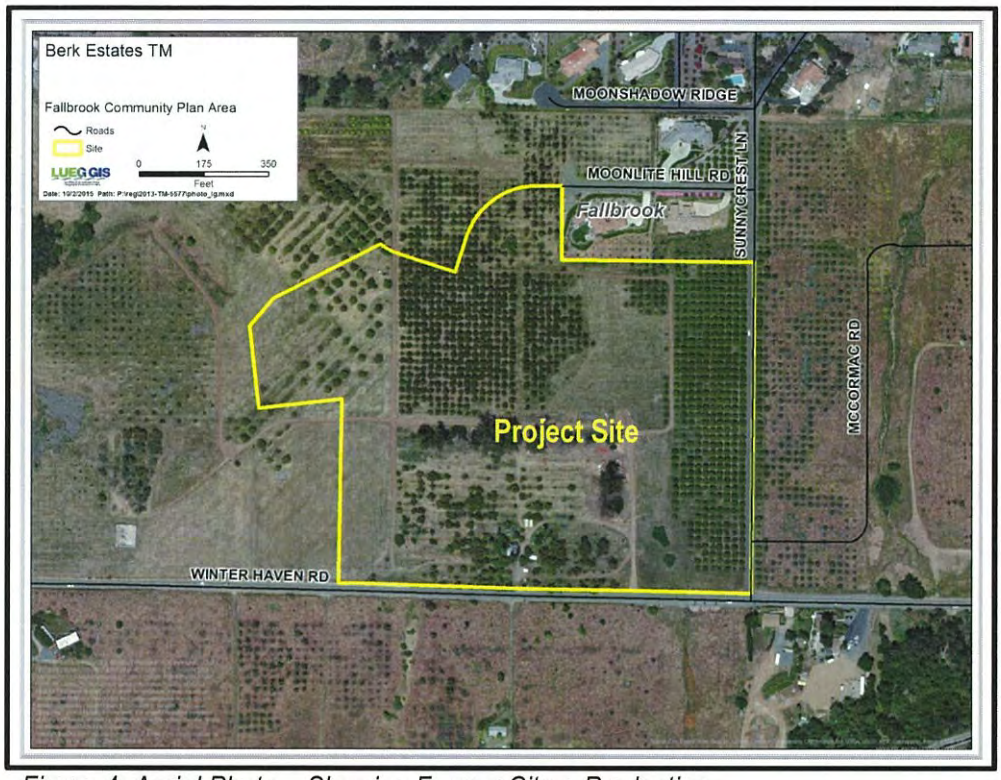


Figure 4: Aerial Photo – Showing Former Citrus Production

Figure 5: Looking Northwest to Project Site from The Corner of Winterhaven Road and Sunnycrest Lane

Figure 6: Looking North at Secondary Access to Project Site from Winterhaven Road.

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural – SR-1	A70	Moonlite Hill Road, Moonshadow Ridge	Agricultural, Residential
East	Semi-Rural – SR-1	A70	Sunnycrest Lane, Fallbrook United Methodist Church	Residential, Educational
South	Semi-Rural – SR-1	A70	Winterhaven Road	Former Agricultural Orchard, Residential
West	Semi-Rural – SR-1	A70	N/A	Former Agricultural Orchard

D. ANALYSIS AND DISCUSSION

1. Project Analysis

Staff has reviewed the project to ensure it conforms to the relevant ordinances and guidelines, including the San Diego County General Plan, Fallbrook Community Plan, the Subdivision Ordinance, the Zoning Ordinance and CEQA Guidelines. Project issues raised include traffic safety, biological resources, agriculture mitigation and cultural mitigation.

a. Traffic Safety

Issue: During the January 20, 2014 Fallbrook Community Planning Group (CPG) meeting for the Berk TM, neighboring residents to the north who utilize Sunnycrest Lane as access, expressed two main concerns regarding the subject application and the easterly subdivision approved as Green Canyon North TM (TM-5553 RPL[1]). (1) Sight distance at the Sunnycrest Lane and Winterhaven Road intersection (see Figures 7 and 8); and (2) Fire safety concerns with the use of Sunnycrest Lane.

Analysis and Response: During the processing of the Green Canyon North TM (TM-5553 RPL[1]), County staff met several times with the concerned neighbors, NCFPD and the CPG to discuss access concerns to both projects. The results of the meetings are described below:

i. Sight Distance

Relating to the safety of the Sunnycrest Lane and Winterhaven Road intersection, the County Department of Public Works (DPW) analyzed the existing intersection design and inspected the intersection. Based on this analysis, DPW determined the existing sight distance is adequate and meets the required 450 feet. However, in light of the concerns raised by the neighboring residents, each TM applicant proposed and agreed to slightly realign Sunnycrest Lane to enable improved sight distance at its intersection with Winterhaven Road. Depending on what project is first constructed, either the applicant for the Berk TM or Green Canyon North TM will make the following improvements, prior to the approval of the Final Map (see Attachment B, TM Resolution Condition 31.a):

a. Intersection Relocation

The applicant will shift the intersection slightly to the east (see Figure 8). Thus, eastbound traffic on Winterhaven Road would travel several feet farther prior to turning left (north) onto Sunnycrest Lane. This realignment would enhance driver views of on-coming westbound vehicles. The realignment would also facilitate better views in the eastbound direction when exiting Sunnycrest Lane at Winterhaven Road. This enhancement will increase sight distance to approximately 600 feet in both directions of Winterhaven Road, which is above the required 450 feet.

b. Installing a Median

To further channel traffic to the east at Sunnycrest Lane, either applicant would install a mountable median. The median would be six feet wide and would be 90 feet long. A mountable median allows vehicles hauling trailers, such as horse trailers, to wider turns. This was a request by residents who conduct equestrian uses activities.

c. Landscape Clearing

Landscape clearing will further increase visibility and sight distance along the north side of Winterhaven Road. The vegetation removal would be accompanied by re-grading the existing slope embankment, within the Winterhaven Road right-of-way (ROW).

The proposed conditioning for these road improvements will address safety concerns at the intersection. The TM Resolution requires the improvements described above (see Attachment B, Condition 31.a.). Figure 7 shows that the proposed realignment will add 150 feet to the existing 450-foot required sight distance.

ii. Secondary Access

The TM is conditioned to improve an existing north-south access easement, at the project's west property line, which intersects with Winterhaven Road. This improvement would provide a second access point to the Berk TM. The residents in the established neighborhood agreed to this second access point during the February 2015, Fallbrook CPG meeting. The TM Resolution requires the secondary access improvements (see Attachment B, Condition 31.b.).

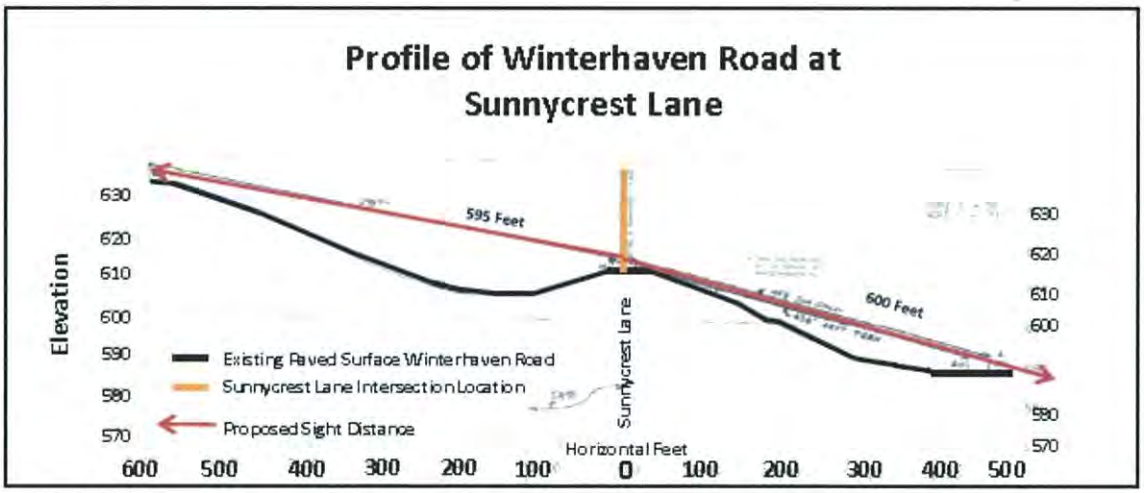


Figure 7: Vertical Curve on Winterhaven Road

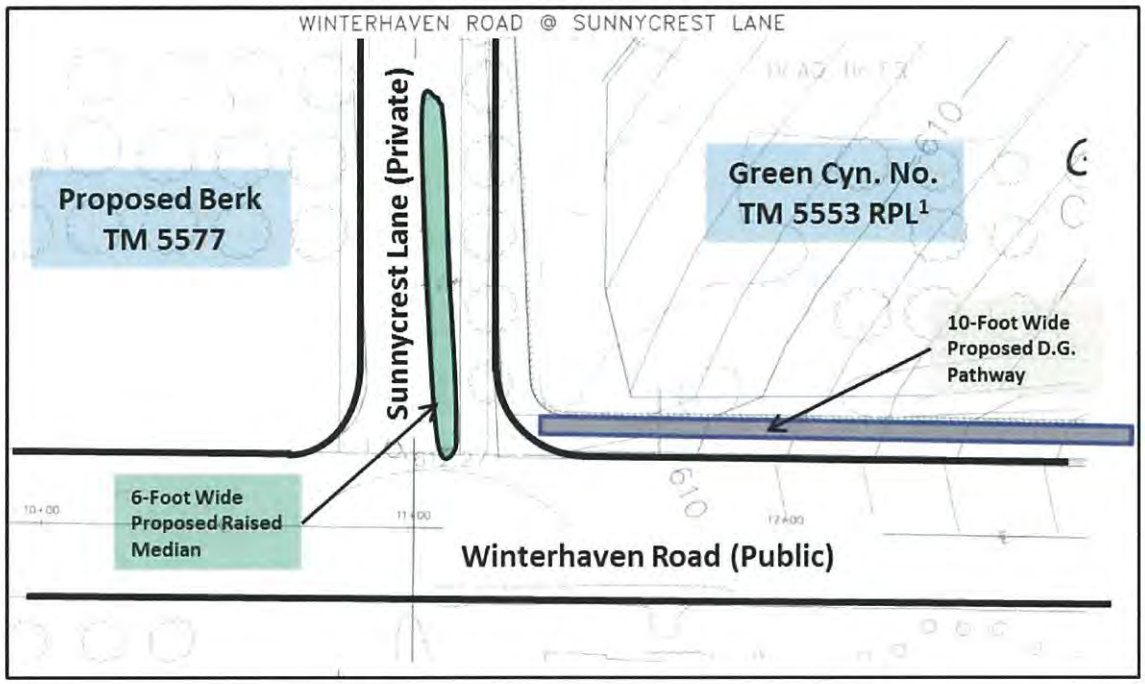


Figure 8: Proposed Intersection Enhancement to Winterhaven Road and Sunnycrest Lane

b. California Department of Fish and Wildlife Comments

Issue: During the public disclosure period for CEQA Section 15183 (between June 26 and July 27, 2015), the California Department of Fish and Wildlife (CDFW) provided comments on the project. The CDFW raised concerns related to the potential presence of Stephens' kangaroo rat (SKR); burrowing owl habitat; suitability of the proposed agricultural Purchase of Agricultural Conservation Easement (PACE) Program mitigation, and requested off-site mitigation within the Pre-Approved Mitigation Area (PAMA) of the Draft North County Multiple Species Conservation Program (NCMSCP).

Analysis and Response: Staff prepared responses to the CDFW letter (see Attachment D), which are summarized below.

i. Burrowing Owl

As with the approved Green Canyon North TM 5553 RPL[1], staff has added a condition of approval that requires a pre-construction survey for the burrowing owl, which includes protocols if active burrowing owl burrows are discovered (see Attachment B, TM Resolution Condition 55).

ii. Stephens' Kangaroo Rat

As with the approved Green Canyon North TM, staff determined that the SKR is not likely to occur on-site because suitable habitat is not present. Specifically, this species is not known outside of the Weapons Station Fallbrook, which is in the site vicinity. The closest observation is approximately two miles to the west of the Berk TM and there is no known SKR movement corridor to the project site. The subject property is

surrounded by development and has been historically dominated by tree crops; therefore, the property is not an ideal habitat for SKR. Further, no observations of the species were detected during on-site surveys. Therefore, staff found that the Berk site is not suitable for SKR, and a protocol survey is not necessary.

iii. PACE Program

The PACE Program was approved as an agricultural impact mitigation credit program by the Board of Supervisors on September 17, 2014. The program provides an option to mitigate by purchasing credit for each impacted acre. Applicants may or may not elect to purchase credits in the PACE Program and are not required to participate. Another mitigation option outside of the PACE Program is for an applicant to find off-site agricultural land to satisfy the mitigation requirement.

Property owners may request to add their agricultural lands to the PACE Program. Such applications are ranked in part, by whether preservation of a property would contribute to assemblage of the MSCP. This shows that a development applicant's purchase of PACE Program mitigation credits will contribute to building the preserve for the Draft NCMSCP.

c. Agricultural Mitigation

Issue: Based on the County Agricultural CEQA Guidelines, the project site is an important agricultural resource. The proposed lot sizes are a minimum of one acre and it is unlikely that the future residents will co-locate both homes and productive on-site agricultural activities. The proposed subdivision would result in potentially significant direct impacts to agricultural resources and requires mitigation.

Analysis and Response: The agriculture and non-native grasslands on the property serve as raptor foraging habitat within the Draft NCMSCP, though it is notably outside of any future PAMAs. Since both the on-site agricultural lands and the non-native grasslands function biologically as raptor foraging habitat, the project has been conditioned with two mitigation options (see TM Resolution Condition 45 in Attachment B).

i. Option One

The first option would require the applicant to preserve 9.6 acres of agricultural resources, (a preservation ratio of 0.5:1), by purchasing land within the PACE Program, as agricultural mitigation lands; or

ii. Option Two

The second option would require the applicant to purchase 9.6 acres of off-site agricultural lands that contain prime farmland soils.

d. Cultural Resources

Issue: The project was surveyed for potential cultural resources, and no cultural or archeological materials or historic resources were identified. The County initiated a Sacred

Lands consultation on January 7, 2014, by contacting the Native American Heritage Commission (NAHC) for a Sacred Lands check. The NAHC did not identify any Sacred Lands within the proposed project site. Six Tribes (La Jolla, Pala, Pauma/Yuima, Pechanga, Rincon, and San Luis Rey) were contacted on January 21, 2014. Three Tribes (Pala, Pechanga, and Rincon) responded to the County's outreach requesting notification as the project progressed. They also requested copies of environmental and planning documents and the archaeological construction monitoring.

The Tribes were also notified of the public disclosure period. Three Tribes (Pauma, Pala, and San Luis Rey) provided comments requesting archaeological construction monitoring and a copy of the archaeological monitoring conditions.

Analysis and Response: Due to the proximity of cultural resources within close proximity of the proposed subdivision, the project has been conditioned to provide archeological construction monitoring during grading of the site. The Tribes were placed on the project's distribution list, copies of environmental documents were provided, and archaeological construction monitoring has been made a condition of approval (see Attachment B, TM Resolution Condition 49).

2. General Plan Consistency

The proposed project is consistent with all relevant General Plan goals, policies, and actions. The following policies are highlighted in Table D-1.

Table D-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
LU-1.9 - Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.	The site is subject to General Plan Land Use Designation SR-1, which allows a maximum density of one dwelling unit per acre on properties that contain 25 percent slopes or less. The site's slopes are between zero and 15 percent which conforms to the one dwelling unit per acre density. The development density is 0.8 dwelling units per acre and is under that allowed within the SR-1 Land Use. Therefore, the 21-lot single family project conforms to the allowed General Plan density for the site.
LU-2.8 - Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.	The project is designed to minimize significant impacts to surrounding areas. The project proposes a residential subdivision and would not introduce a new use that would create or cause excessive noise or vibrations. The design of the project would utilize Best Management Plans to reduce dust and odor.

General Plan Policy	Explanation of Project Conformance
LU-5.3 - Rural Land Preservation. Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi- Rural Land Use Designations. Open space and rural lands are primary areas that provide carbon sequestration benefits for the Region.	Based on the project biology report, the required off-site mitigation was determined to be more beneficial than on-site preservation. The off-site mitigation will create contiguous areas of potential foraging habitat, as opposed to the project site's potential to provide fragmented and limited preserve acreage. The site does not support intact native habitat.
LU-5.5 - Projects that Impede Non-Motorized. Travel. Ensure that development projects and road improvements do not impede bicycle and pedestrian access. Where impacts to existing planned routes would occur, ensure that impacts are mitigated and acceptable alternative routes are implemented. Examples include large parking areas that cannot be crossed by non-motorized vehicles, and new developments that block through access on existing or potential bicycle and pedestrian routes.	As part of the project conditions, a reconstruction of the Winterhaven Road frontage will be implemented that includes the installation of 10-foot wide DG pathway. This will enhance the existing conditions for pedestrian activity where there is currently no sidewalk or pathway on either side of Winterhaven Road. Both Sunnycrest Lane and Winterhaven Road will remain open to bicycle and pedestrian activity during the project construction (see Attachment B, TM Resolution Condition 30).
LU-6.1 - Environmental Sustainability. Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.	The project site has potential foraging habitat but does not support native vegetation and would not be part of a future open space network. Some on-site open space may be retained for agriculture; however, the project will mainly be providing for off-site preservation of natural resources, through mitigation measures.
LU-6.4 - Sustainable Subdivision Design. Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and, when appropriate, provide public amenities consistent with the applicable community plan.	The project protects the area from fire hazards by the requirement for each lot to include a 100-foot wide Fire Modification Zone and providing fire hydrants to better protect the neighborhood. Ember resistant vents will be installed on all structures and building construction features will reflect the enhanced requirements of the County Building Code. The project will comply with the Watershed Protection Ordinance and incorporates on-site stormwater management techniques. No public amenities are required by a project of this size.

General Plan Policy	Explanation of Project Conformance
LU-6.5 - Sustainable Stormwater Management. Ensure that development minimizes the use of impervious surfaces and incorporates other Low Impact Development (LID) techniques and a combination of site design, source control, and stormwater best management practices, where applicable and consistent with the County's LID Handbook.	The project incorporates LID techniques, as explained in the Stormwater Management Plan (SWMP). The project proposes LID design techniques, such as the installation of a bioretention area.
LU-6.9 - Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominate physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.	The project would involve 22,885 cubic yards of cut and 14,485 cubic yards of fill for the 21 residential lots and proposed private roads. The site slopes up to the south and west. However, the applicant has designed the pads to utilize the flattest areas of each proposed parcel, thereby reducing the amount of grading while preserving the natural topography.
LU-6.10 - Protection from Hazards. Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.	The project site was analyzed for agricultural hazardous wastes and airport hazards. Neither potential hazard was found to be CEQA significant. The property does not possess evidence of recognized toxins associated with past agricultural properties. Additionally, the project protects the area from fire hazards by installing fire hydrants to better protect the neighborhood. Ember resistant vents will be installed on all structures and building construction features will reflect the enhanced requirements of the County Building Code, Chapter 7A.
LU-10.1 - Residential Connectivity. Require residential development in Semi-Rural areas to be integrated with existing neighborhoods by providing connected and continuous street, pathway/trail, and recreational open space networks.	The project will improve Winterhaven Road and Sunnycrest Lane, as well as improving an existing access easement to Winterhaven Road; thereby, connecting the project to the existing neighborhood to the north. A DG pathway will be installed at the north side of Winterhaven Road, to improve pedestrian access. Sunnycrest Lane will be reconfigured to provide safer left-turn movements.
LU-10.2 – Development - Environmental Resource Relationship. Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources	While the project site is mainly surrounded by development and does not have unique natural resources, it does support agriculture and foraging habitat. The project has been conditioned to preserve agriculture and non-native grasslands off- site, to mitigate the

General Plan Policy	Explanation of Project Conformance
and hazard areas.	potential loss of on-site resources.
LU-13.2 - Commitment of Water Supply. Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.	The Fallbrook Public Utility District issued a Project Facility Availability Form for this development. The project has been conditioned to obtain a commitment letter prior to issuance of an approval for a Final Map.
LU-14.2 - Wastewater Disposal. Require that development provide for the adequate disposal of wastewater concurrent with the development and that the infrastructure is designed and sized appropriately to meet reasonably expected demands.	The project wastewater disposal will be handled via individual septic systems. The project has been conditioned to obtain approval of the design and installation of those systems by the County Department of Environmental Health (DEH).
COS-4.1 - Water Conservation. Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that minimize the County's dependence on imported water and conserve groundwater resources.	The project would be required to comply with San Diego County's *Water Conservation in Landscaping Ordinance* and the County of San Diego *Water Efficient Landscape Design Manual,* which includes water conservation requirements and water efficient landscaping. These policies are enforced at the Building Permit phase.
COS-14.3 - Sustainable Development. Require design of residential subdivisions and nonresidential development through "green" and sustainable land development practices to conserve energy, water, open space, and natural resources.	The project has been designed using sustainable land development practices, including the installation of bio-retention basins to treat stormwater runoff.
COS-19.1 - Sustainable Development Practices. Require land development, building design, landscaping, and operational practices that minimize water consumption.	The proposed TM would include conditions to require that planning, funding and construction efforts shall consider ways to minimize water consumption, regardless of whether water is deemed to be readily available by applicable water authorities at local, county, and/or state levels.
S-3.6 - Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.	The project has been reviewed and approved by the County Fire Marshal and NCFPD. The project meets NCFPD requirements with the addition of "no parking" signage along the proposed private road.

General Plan Policy	Explanation of Project Conformance
S-6.4 - Fire Protection Services for Development. Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station).	The maximum travel time based on the Regional Category (Semi-Rural Residential Areas - SR-0.5 and SR-1) is five minutes. The project demonstrates a response time of two minutes based on Form 399F and County Fire Marshal review. The form and the preliminary grading plan were reviewed and approved by the County Fire Marshal and NCFPD.

3. **Community Plan Consistency**

The proposed project is consistent with the following relevant Fallbrook Community Plan goals, policies and actions as described in Table D-2.

Table D-2: Community Plan Conformance

Community Plan Policy	Explanation of Project Conformance
Policy LU 2.1.3 – Prohibit Grading for Residential development from unduly disrupting the natural terrain, or causing problems associated with runoff, drainage, erosion, or siltation.	The project complies with this Policy in that the proposed grading matches the existing contours of the property to the extent practicable. Compliance with the project SWMP will protect the project site and those surrounding properties from erosion and damage caused by stormwater runoff.
Policy LU 2.1.6 – Require a minimum lot of one-half gross acre in the Semi-Rural and one acre in the Rural Lands Regional Categories.	The project is required to have one-acre minimum lot sizes and meets this Policy.
Policy LU 2.1.7 – Limit the extent of sewer for new subdivisions in accordance with General Plan Policy LU-14.4, Sewer Facilities, because sewer can induce growth and produce development that is out of character with Fallbrook's rural character.	The project wastewater disposal will occur through individual wastewater disposal systems that will be reviewed by the County DEH.
Policy LU 2.4.6 – Require grading impacts to be minimized and require landscaped areas disturbed by grading to be re-vegetated, control drainage and runoff so as not to exceed the rate associated with the property prior to grading.	The project complies with this Policy in that the proposed grading matches the existing contours of the property, to the extent practicable. Compliance with the project SWMP will protect the project site and those surrounding properties from erosion and damage caused by stormwater runoff. All graded portions of the site will be re-vegetated, pursuant to the County Water Conservation in Landscaping Ordinance. At the property line, the volume of stormwater runoff will not exceed that which now leaves the site.

Community Plan Policy	Explanation of Project Conformance
Policy CM 2.1.3 – Require residential subdivisions with lots of one-half acre or greater to incorporate asphaltic berms, as necessary, in lieu of concrete curbs and gutters unless concrete curbs and gutters are required because of the grade of the road.	The subdivision's internal streets will contain asphaltic berms and gutters and will not include concrete sidewalks or curbs. The improvement to Winterhaven Road will be comprised of a DG pathway and asphaltic curbs and gutters. Based on this, the rural feel of Fallbrook will be maintained and the project will comply with this Policy.
Policy COS 1.1.1 – Encourage development of combined agriculture and residential uses.	Although possible on lots that are equal to or slightly greater than one acre in size, it is difficult to co-locate single family home uses and economically viable agricultural uses due to the limited land area to conduct agricultural operations. For lots that exceed one acre, the individual homeowners may combine agricultural uses and the single family home. This is a predominant type of agricultural production in the County and it is exhibited throughout the neighborhood. The project will comply with this Policy.

4. Zoning Ordinance Consistency

The proposed project is subject to the Limited Agriculture (A-70) zone, and complies with all applicable zoning requirements with the incorporation of conditions of approval. The Planning Commission should consider whether the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	A70	Yes
Animal Regulation:	L	Yes
Density:	-	N/A
Lot Size:	1.0 Acre	Yes
Building Type:	C	Yes
Height:	G	Yes
Lot Coverage:	-	N/A
Setback:	C	Yes
Open Space:	-	N/A
Special Area Regulations:	C	Yes

Table D-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	Proposed/Provided	Complies?
Section 2100 of the Zoning Ordinance describes the permitted uses in the Limited Agriculture (A-70) Use Regulations.	The proposed project complies with the A-70 Use Regulations.	Yes ☒ No ☐
Section 4200 of the Zoning Ordinance describes the required minimum lot size.	The proposed project would comply with the minimum lot size.	Yes ☒ No ☐
Section 4800 of the Zoning Ordinance requires a setback of 60 feet in the front yard, 15 feet in the side yard, and 25 feet in the rear yard.	The proposed lots have been designed to contain building pads that are large enough for a single-family dwelling to be constructed without encroaching into the required setbacks.	Yes ☒ No ☐
Special Area Regulations Designator 'C' indicates that this property is located within the boundaries of the MCB – Camp Pendleton and the Fallbrook Airpark Airport Land Use Compatibility Plan (ALUCP), and requires an Overflight Agreement Area, as specified in the applicable ALUCP prior to building permit issuance.	The property is located within the Fallbrook Overflight Agreement Area, as specified in the Airport Land Use Compatibility Plan (ALUCP). The project applicant was required to obtain a Federal Aviation Administration (FAA) notification that the project would not affect aircraft flights over the property. The applicant obtained that notice and no further action is required by the project applicant. Therefore no Overflight Agreement will be required. In addition the project has been deemed consistent with the safety, noise and overflight compatibility policies of the ALUCP (see Attachment D).	Yes ☒ No ☐

5. Subdivision Ordinance Consistency

The project has been reviewed for compliance with the Subdivision Ordinance. The project is consistent with the requirements for major subdivisions in terms of design (Section 81.401), dedication and access (Section 81.402) and improvements (Sections 81.403 and 81.404). The project includes requirements and conditions of approval necessary to ensure that the project is implemented in a manner consistent with the Subdivision Map Act and the Subdivision Ordinance.

6. Applicable County Regulations

Table D-5: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
1 Resource Protection Ordinance (RPO)	The project complies with the RPO. There are no RPO Wetlands, RPO Sensitive Habitat Lands, or RPO steep slope lands. The project is conditioned to mitigate off-site via the County PACE Program or obtaining a perpetual off-site agricultural easement, for direct impacts to agriculture and foraging habitat. The property was surveyed and no historical or cultural sites were found; however, grading monitoring will be required to protect potential on-site cultural resources.
2 Noise Ordinance	The project would not generate potentially significant noise levels which exceed the allowable limits of the County Noise Element or Noise Ordinance.
3 County Consolidated Fire Code	The project contains secondary access and all cul-de-sacs comply with the 800-foot maximum length requirement. Finally, emergency travel time is two minutes, where five minutes is required. An NCFPD station is within a mile of the project. Ember resistant vents will be installed on all structures and building construction features will reflect the enhanced requirements of the County Building Code, Chapter 7A.
4 Multiple Species Conservation Program	The project is located outside of an approved MSCP, but is within the Draft NCMSCP. It is not identified as future PAMA, within that Draft NCMSCP.

7. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed for compliance with CEQA and the project qualifies for an Exemption from Additional Environmental Review pursuant to CEQA Guidelines Section 15183 (Attachments C & D). CEQA Section 15183 provides an exemption from additional environmental review for projects that are consistent with the development density established by the General Plan for which an Environmental Impact Report (EIR) was certified. For the proposed project, the planning level document is the General Plan Update Program EIR, certified by the Board of Supervisors August 2011. Additional environmental review is only for project-specific significant effects that are peculiar to the project or its site. Attachment D includes the "Statement of Reasons for Exemption," which details the analysis of environmental effects staff determined were not discussed in the prior EIR. The project level environmental analysis includes technical studies for drainage and stormwater management. County staff found that the mitigation measures for the

project would reduce any potential impacts to the environment to a level below significance. Details of these mitigation measures can be found in the Resolution of Approval (Attachment B).

E. COMMUNITY PLANNING GROUP

On February 16, 2015, the Fallbrook CPG voted 11-0-1-3 (Ayes: 11, Noes: 0, Abstain: 1, Absent: 3) to recommend approval of this TM.

Please see Attachment E – Public Documentation, for additional information, as well as the above discussion regarding Sunnycrest Lane, in section D.1. Representatives of the CPG attended all neighborhood meetings relating to the residents' concerns.

F. PUBLIC INPUT

As discussed in Section D of this report, during the public disclosure period between June 26, 2015 to July 27, 2015, comments were received from the Endangered Habitats League, CDFW, Pauma Band of Luiseno Indians, Pala Band of Mission Indians, San Luis Rey Band of Mission Indians, the San Diego County Archaeological Society. As requested by the Tribes, the TM conditions were updated to strengthen the archaeological construction monitoring for cultural artifacts and to ensure that all Tribes are given copies of construction monitoring logs should they request this. No additional comments were received.

Staff has evaluated all issues and determined that the project, as designed, is consistent with the General Plan, the Fallbrook Community Plan, the Zoning Ordinance, the Subdivision Ordinance and CEQA. The issues raised have been reviewed and resolved. In addition, agriculture, biology and cultural resources have been fully analyzed. Finally, the project is appropriately designed to ensure that the impacts in those areas will be properly mitigated.

G. RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. Adopt the Environmental Findings included in Attachment C, which includes a finding that the project is exempt from further environmental review pursuant to Section 15183 of the CEQA Guidelines.

2. Adopt the Resolution of Approval for PDS2013-TM-5577 RPL[1], which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego Regulations (Attachment B).

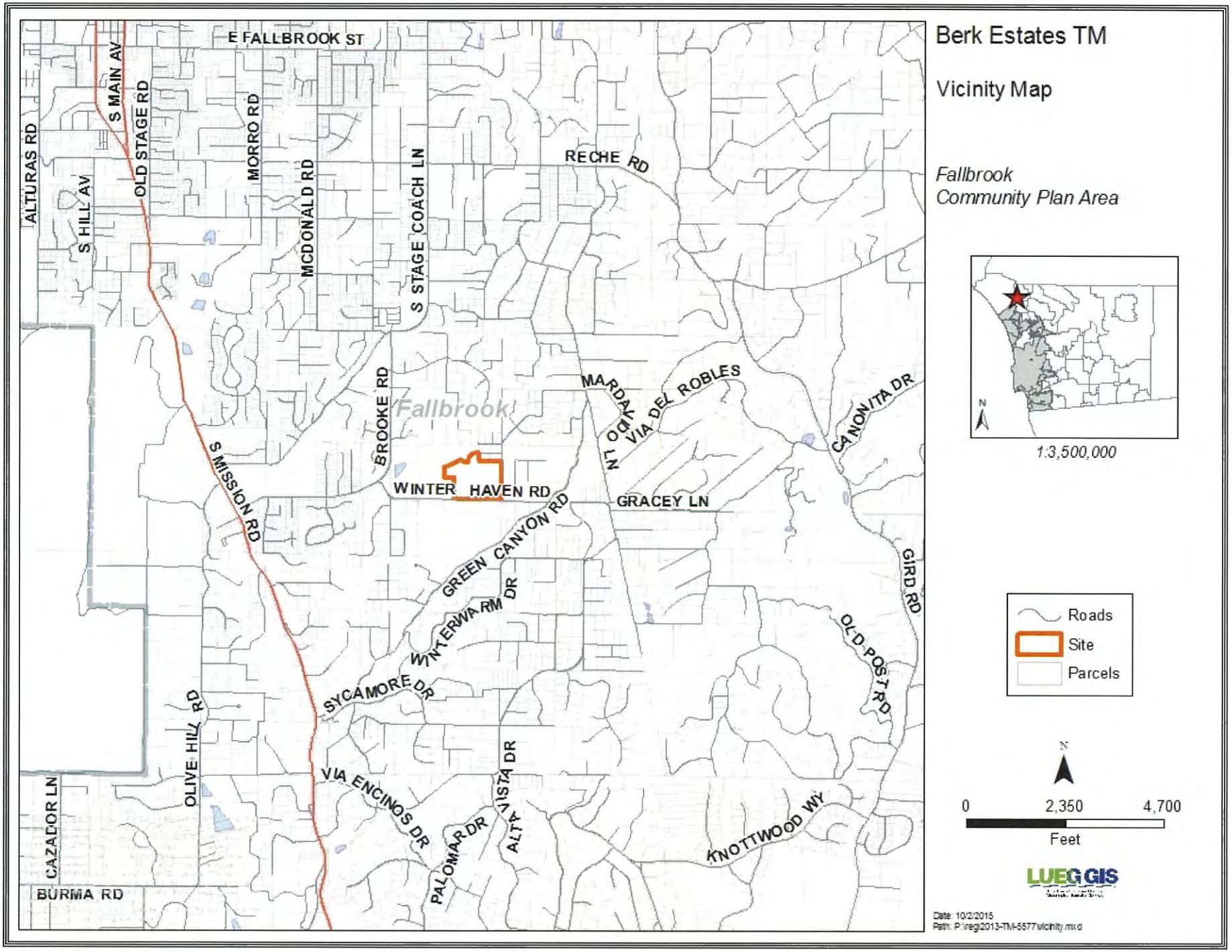
Report Prepared By:	***Report Approved By:***
Dennis Campbell, Project Manager	Mark Wardlaw, Director
858-505-6380	858-694-2962
Dennis.Campbell@sdcounty.ca.gov	Mark.Wardlaw@sdcounty.ca.gov

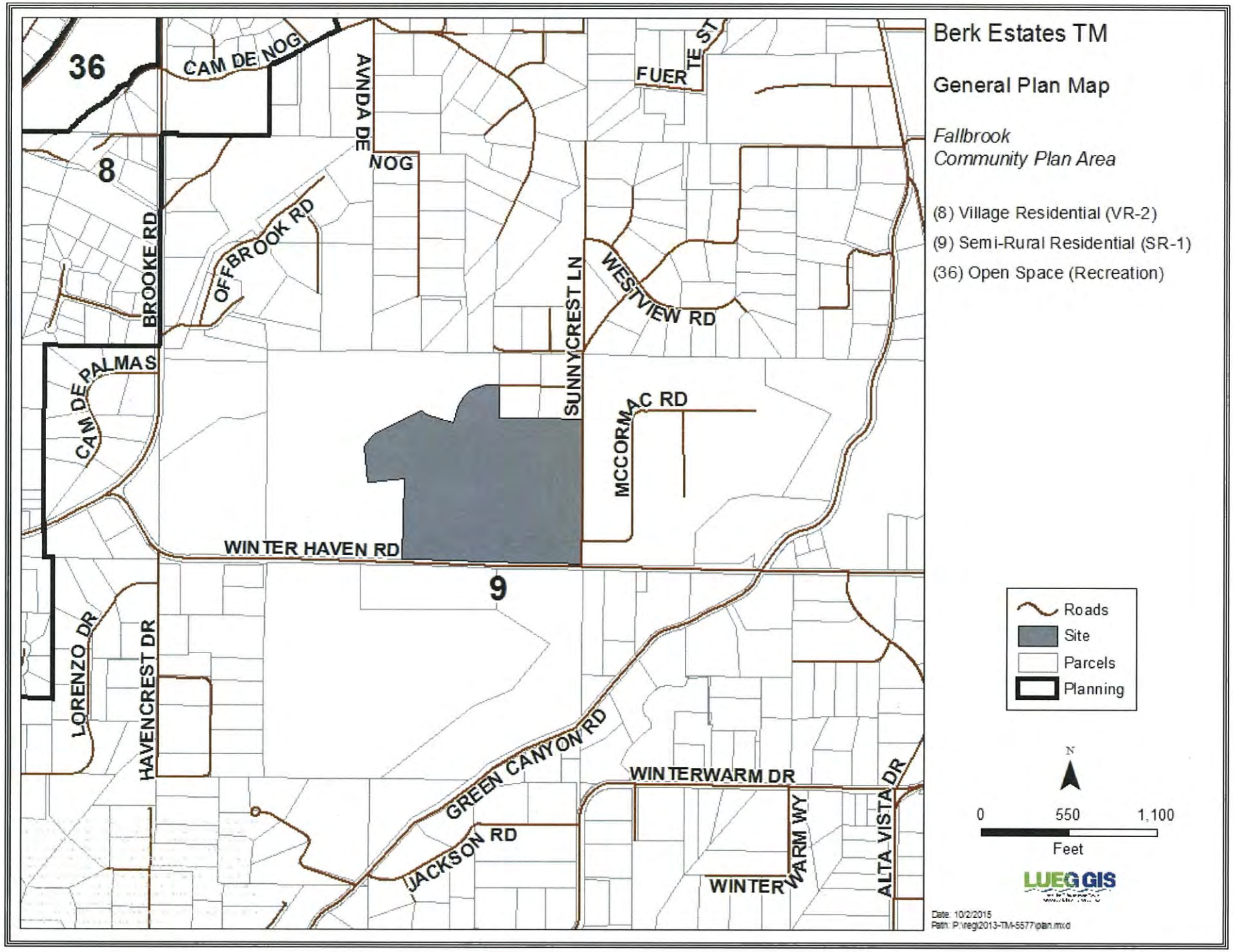
AUTHORIZED REPRESENTATIVE: _____

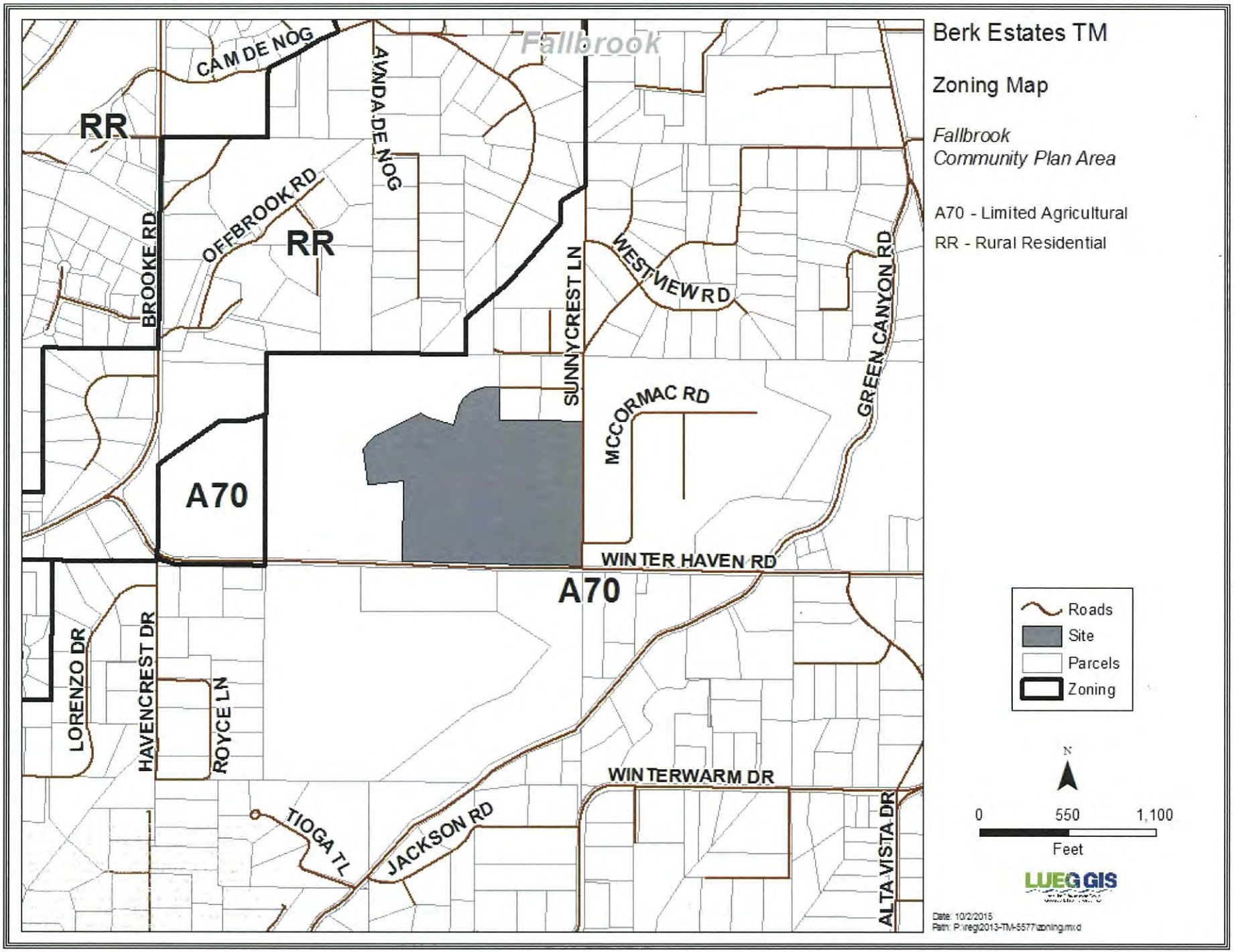
MARK WARDLAW, DIRECTOR

ATTACHMENTS:
Attachment A – Planning Documentation
Attachment B – Resolution Approving Tentative Map No. 5577 RPL[1] (PDS2013-TM-5577 RPL[1])
Attachment C – Environmental Findings
Attachment D – Environmental Documentation
Attachment E – Public Documentation
Attachment F – Ownership Disclosure

Attachment A – Planning Documentation


Berk Estates TM
Vicinity Map
Fallbrook
Community Plan Area
1:3,500,000
N
Roads
Site
Parcels
0
2,350
4,700
Feet
LUEG GIS
Date: 10/2/2015
Path: P:\regi\2013-TM-5577\vicinity.mxd
E FALLBROOK ST
S MAIN AV
ALTURAS RD
S HILL AV
OLD STAGE RD
MORRO RD
MCDONALD RD
S STAGE COACH LN
RECHE RD
BROOKE RD
Fallbrook
MARDAK LN
VIA DEL ROBLES
CANONITA DR
S MISSION RD
WINTER HAVEN RD
GRACEY LN
GREEN CANYON RD
WINTERWARM DR
GIRD RD
OLD POST RD
SYCAMORE DR
OLIVE HILL RD
VIA ENCINOS DR
VISTA DR
ALTA
PALOMAR DR
KNOTTWOOD WY
CAZADOR LN
BURMA RD


Berk Estates TM
General Plan Map
Fallbrook
Community Plan Area
(8) Village Residential (VR-2)
(9) Semi-Rural Residential (SR-1)
(36) Open Space (Recreation)
36
8
9
CAM DE NOG
AVNDA DE NOG
FUERTE ST
BROOKE RD
OFFBROOK RD
SUNNYCREST LN
WESTVIEW RD
CAM DE PALMAS
MCCORMAC RD
WINTER HAVEN RD
LORENZO DR
HAVENCREST DR
GREEN CANYON RD
JACKSON RD
WINTERWARM DR
WINTERWARM WY
ALTA VISTA DR
Roads
Site
Parcels
Planning
N
0
550
1,100
Feet
LUEG GIS
Date: 10/2/2015
Path: P:\regl2013-TM-5577\plan.mxd


Berk Estates TM
Zoning Map
Fallbrook
Community Plan Area
A70 - Limited Agricultural
RR - Rural Residential
Fallbrook
CAM DE NOG
AVNDA DE NOG
RR
OFFBROOK RD
RR
BROOKE RD
SUNNYCREST LN
WESTVIEW RD
GREEN CANYON RD
MCCORMAC RD
A70
WINTER HAVEN RD
A70
LORENZO DR
HAVENCREST DR
ROYCE LN
WINTERWARM DR
TIOGA TL
JACKSON RD
ALTA VISTA DR
Roads
Site
Parcels
Zoning
N
0
550
1,100
Feet
LUEG GIS
Date: 10/2/2015
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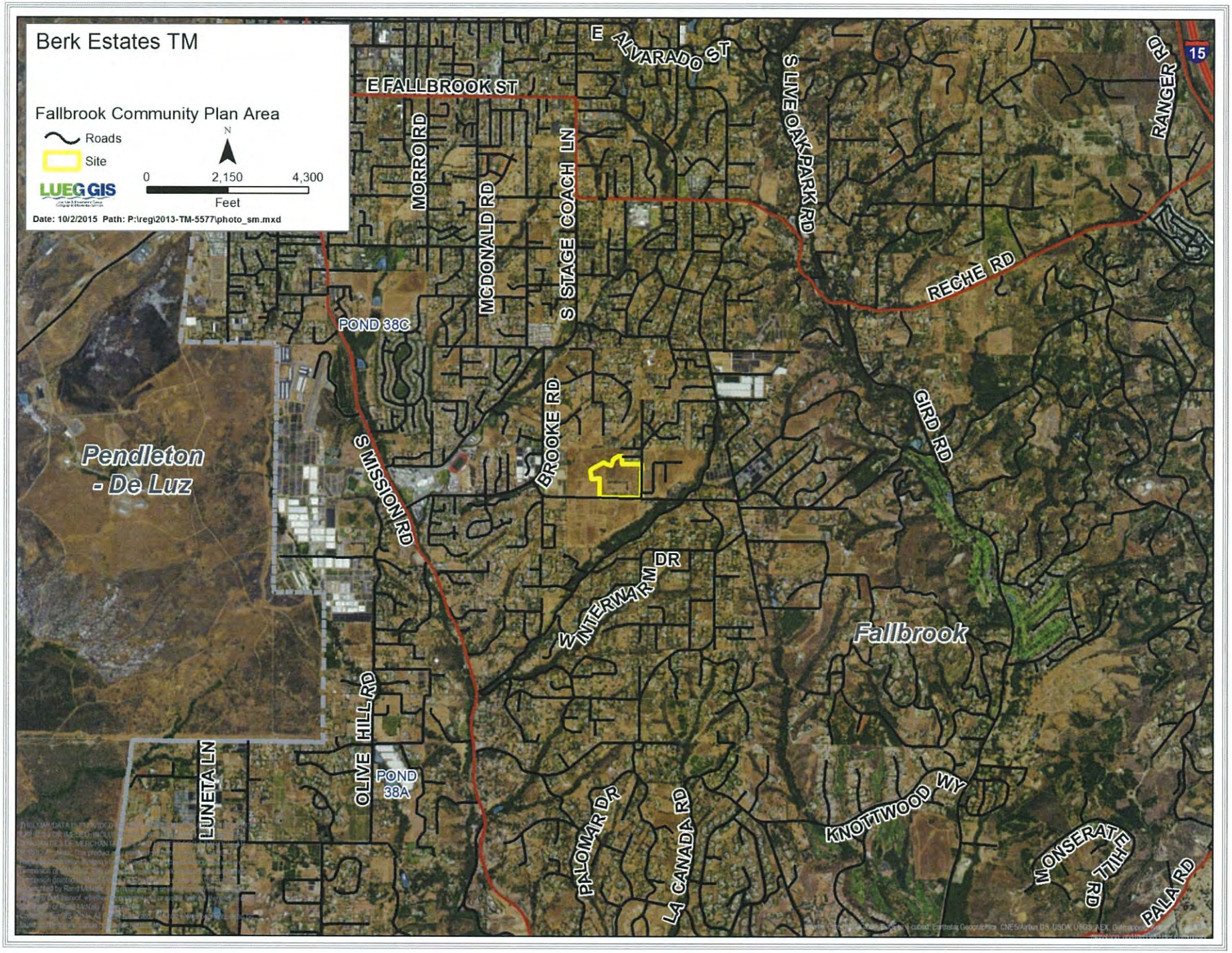
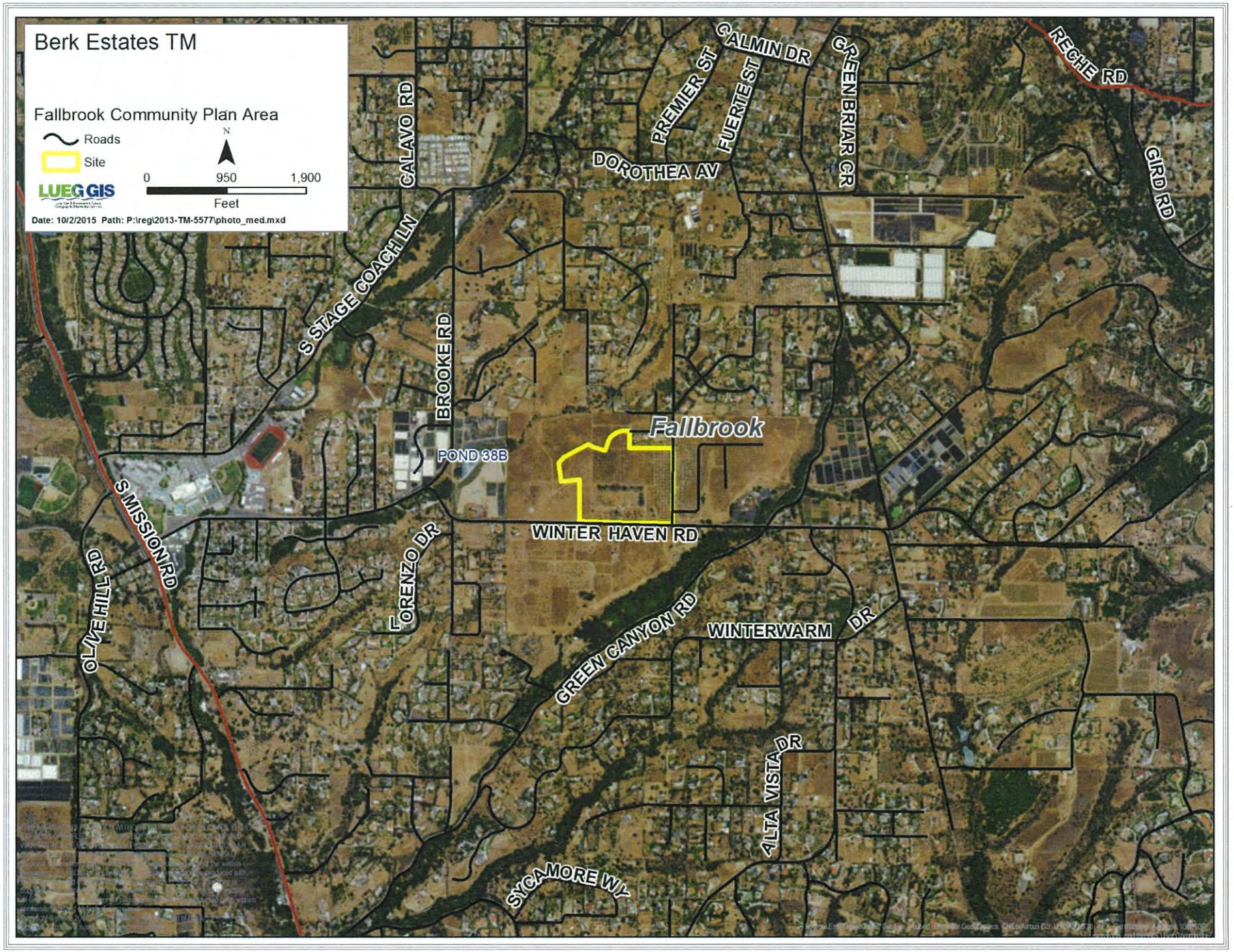
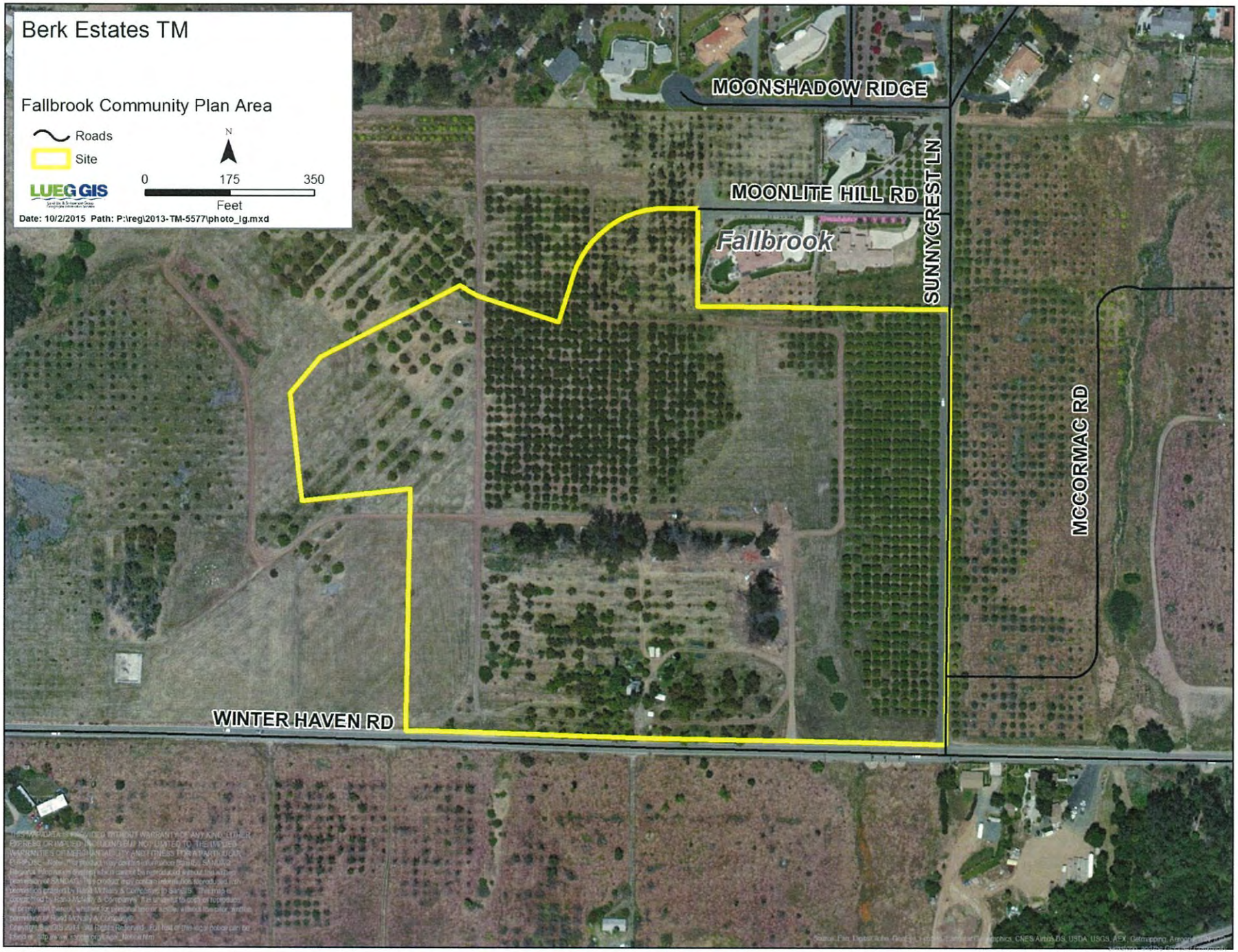

Berk Estates TM
Fallbrook Community Plan Area
Roads
Site
N
0
2,150
4,300
Feet
LUEG GIS
Date: 10/2/2015 Path: P:\reg\2013-TM-5577\photo_sm.mxd
E ALVARADO ST
E FALLBROOK ST
MORRO RD
MCDONALD RD
S STAGE COACH LN
S LIVE OAK PARK RD
RANGER RD
15
RECHE RD
POND 38C
BROOKE RD
GIRD RD
Pendleton - De Luz
S MISSION RD
W INTERWARM DR
Fallbrook
OLIVE HILL RD
POND 38A
LUNETA LN
PALOMAR DR
LA CANADA RD
KNOTTWOOD WY
MONSERATE HILL RD
PALA RD


Berk Estates TM
Fallbrook Community Plan Area
Roads
Site
N
0
950
1,900
Feet
LUEG GIS
Date: 10/2/2015 Path: P:\reg\2013-TM-5577\photo_med.mxd
CALAVO RD
PREMIER ST
FUERTE ST
CALMIN DR
GREEN BRIAR CR
RECHE RD
GIRD RD
DOROTHEA AV
S STAGE COACH LN
BROOKE RD
Fallbrook
POND 38B
S MISSION RD
WINTER HAVEN RD
LORENZO DR
OLIVE HILL RD
GREEN CANYON RD
WINTERWARM DR
ALTA VISTA DR
SYCAMORE WY


Berk Estates TM
Fallbrook Community Plan Area
Roads
Site
N
0
175
350
Feet
LUEG GIS
Date: 10/2/2015 Path: P:\reg\2013-TM-5577\photo_lg.mxd
MOONSHADOW RIDGE
MOONLITE HILL RD
SUNNYCREST LN
Fallbrook
MCCORMAC RD
WINTER HAVEN RD

COUNTY OF SAN DIEGO TRACT NO. 5577

SHEET 1 OF 3 SHEETS

TENTATIVE MAP

SLOPE DENSITY	
LOT NO	LOT SLOPE
1	8%
2	10%
3	9%
4	9%
5	11%
6	10%
7	11%
8	10%
9	12%
10	7%
11	9%
12	14%
13	11%
14	13%
15	10%
16	10%
17	10%
18	8%
19	12%
20	10%
21	12%

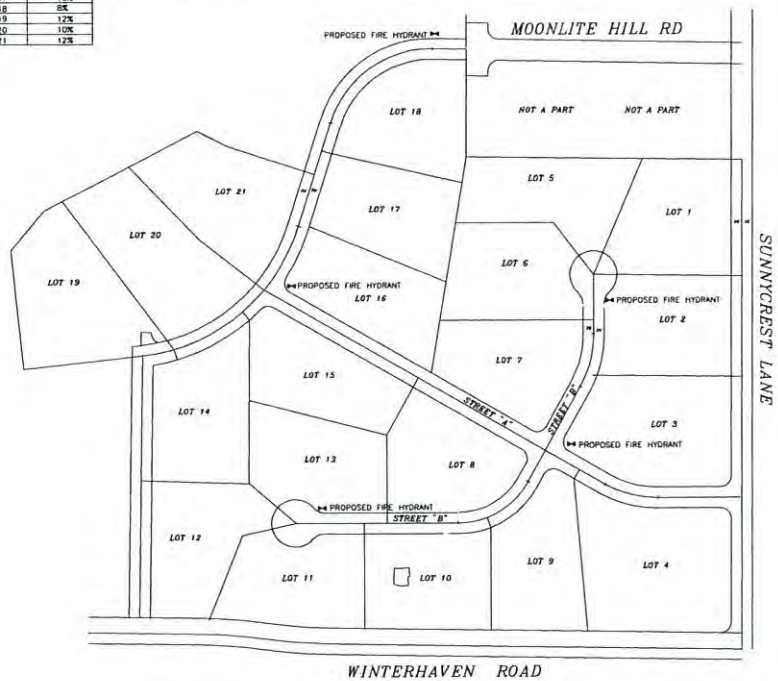
SOLAR NOTE

"ALL LOTS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100 SQUARE OF SOLAR ACCESS FOR THE FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION"

LAWRENCE PAXTON, PLS 4447 DATE

LEGAL DESCRIPTION

A PORTION OF LOT 17 & 18 IN THE SUBDIVISION OF TRACT "D" OF THE PARTITION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 821



SCALE 1"=100'

THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY.

OWNER/SUBDIVIDER

JEFFERY S. BERK
22451 ATOMO
MISSION VIEJO, CA. 92691
PHONE (949) 468-6448

JEFFERY S. BERK, TRUSTEE

DATE:

NANCY B. BERK
574 COMBES AVE
THOUSAND OAKS, CA 91360
PHONE (805) 320-8355

NANCY B. BERK, TRUSTEE

DATE

EXISTING ZONING

APN 106-280-22
TRA= 75006

USE REGULATIONS	A-70	
NEIGHBORHOOD REGS	L	
DENSITY	–	
LOT SIZE	1 AC	
BUILDING TYPE	C	
MAX FIR AREA	–	
FIR AREA RATIO	–	
HEIGHT	G	
COVERAGE	–	
SETBACK	C	
OPEN SPACE	–	
SPECIAL AREA REGS	C	

SUPPLEMENTAL INFORMATION

1. EXISTING ZONING: A-70
2. COMMUNITY PLANNING: FALLBROOK
3. GENERAL PLAN DESIGNATION: SEMI-RURAL RESIDENTIAL (SR-1) 1 DU/AC
4. REGIONAL CATEGORY: SEMI-RURAL
5. WATER: FALLBROOK PUBLIC UTILITY DISTRICT
6. SEWER/SEPTIC: SUBSURFACE DISPOSAL (SEPTIC)
7. FIRE PROTECTION: FALLBROOK FIRE PROTECTION DISTRICT
8. SCHOOL DISTRICT: FALLBROOK HIGH SCHOOL AND FALLBROOK ELEMENTARY SCHOOL
9. STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARDS.
10. NUMBER OF LOTS: 21
11. NUMBER OF DWELLING UNITS: 21
12. NUMBER OF ACRES: 26.48
13. MINIMUM LOT SIZE: 1 AC NET
14. FEES TO BE PAID IN LIEU OF DEDICATION FOR PARK LAND.
15. NO SPECIAL ASSESSMENT ACT PROCEEDINGS ARE PROPOSED.
16. POTABLE WATER LINES ON OR NEAR THIS PROPERTY ARE AS SHOWN
17. GROUND WATER WILL NOT BE USED FOR DOMESTIC USE
18. ALL BUILDINGS TO REMAIN.
19. THE DEVELOPER SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN THE COUNTY STANDARDS.
20. TOPOGRAPHY: PHOTO GEODETIC DATED 1-07-1998
21. NO 100 YEAR FLOOD PLANS EXIST ON THE SITE.
22. ALL CUT SLOPES: 1 1/2 1
23. ALL FILL SLOPES 2 1
24. NO LOT GRADING IS PROPOSED.

PAXTON SURVEYING & ENGINEERING
P.O. BOX 1461
ESCONDIDO, CA 92033-1461
(760) 294-4871

LAWRENCE PAXTON, PLS 4447 DATE

SEA BRIGHT CO
4322 SEA BRIGHT PLACE
CARLSBAD, CA 92008
(760) 720-0098

ROBERT O. SUKUP, RCE 28302 DATE

KEY MAP

1. AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED DEC. 24, 1913 IN BOOK 631 PAGE 346 OF DEEDS.
2. AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED IN BOOK 715 PAGE 291 OF DEEDS.
3. A RIGHT-OF WAY FOR PUBLIC ROAD PURPOSES GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED IN BOOK 1156 PAGE 259 OF OFFICIAL RECORDS
4. AN EASEMENT 20' WIDE FOR ROAD AND UTILITY PURPOSES PER DOC. REC OCT 24, 2001 AS DOC NO 2001-0771251 OF O.R.
5. AN EASEMENT 20' WIDE FOR ROAD AND UTILITY PURPOSES PER DOC. REC OCT 24, 2001 AS DOC NO 2001-0771250 OF O.R.
6. AN EASEMENT FOR UTILITY PURPOSES PER DOC. REC MAY 23, 2003 AS DOC NO. 2003-0609582 OF O.R.
7. AN EASEMENT FOR UTILITY PURPOSES PER DOC. REC JULY 15, 2003 AS DOC. NO. 2003-0838831 OF O.R.
8. AN EASEMENT FOR UTILITY PURPOSES TO SDG&E PER DOC. REC DEC. 11, 2003 AS DOC NO. 2003-1464211 OF O.R.
9. AN EASEMENT FOR UTILITY PURPOSES TO SDG&E PER DOC. REC MAY 26, 2004 AS DOC NO. 2004-0486801 OF O.R.
10. AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC DEC 27, 2005 AS DOC NO. 2005-1104247 OF O.R.
11. AN EASEMENT FOR ROAD AND UTILITY MPURPOSES PER DOC. REC JAN 17, 2007 AS DOC NO. 2007-0032564 OF O.R.
12. AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC APRIL 10, 2013 AS DOC NO. 2013-0224187 OF O.R.
13. AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC. REC APRIL 10, 2013 AS DOC NO. 2013-0224188 OF O.R.

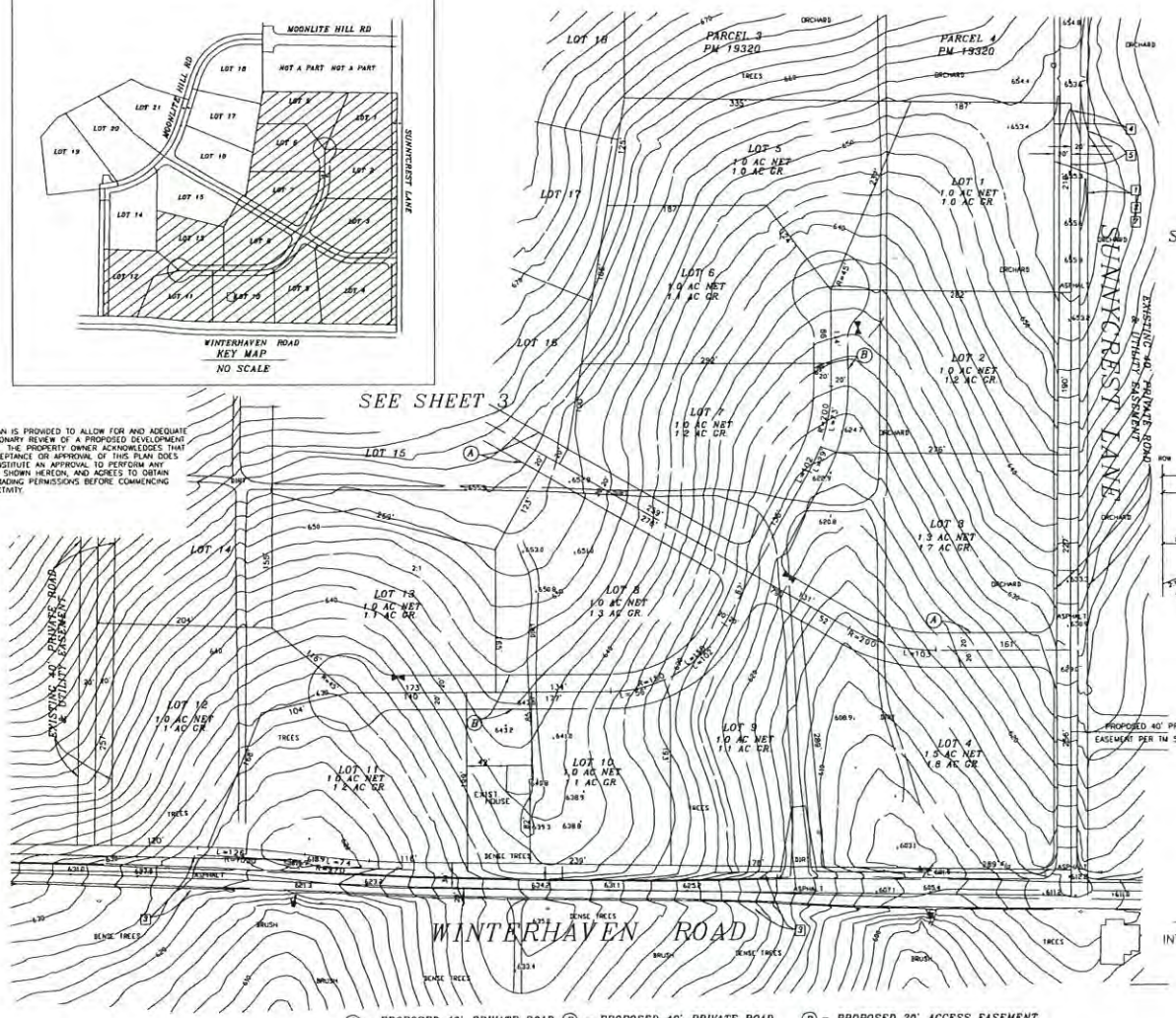
\\SERVER\SC2004\1484\SUBGRADING_10-23-14

COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

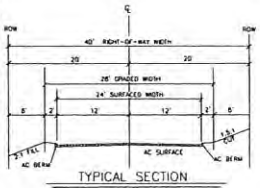
SHEET 2 OF 3 SHEETS

THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY.

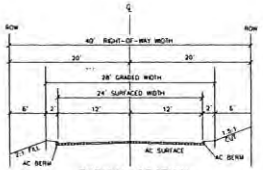


LEGEND

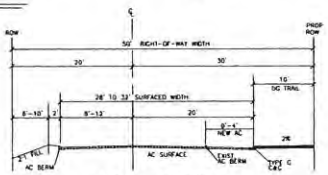
- EXISTING CONTOUR
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA
- RESERVE LEACHFIELD AREA
- TIGHT LINE
- SEPTIC TANK
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- BIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



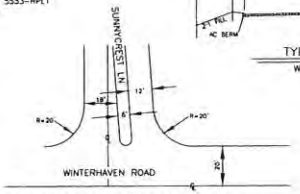
TYPICAL SECTION
PRIVATE ROAD EASEMENT
STREET "A" & "B"
NO SCALE



TYPICAL SECTION
SUNNYCREST LN
AND MOONLITE HILL RD
NO SCALE



TYPICAL SECTION
WINTERHAVEN ROAD
NO SCALE



INTERSECTION OF SUNNYCREAST LANE
AND WINTERHAVEN RD
NO SCALE

Ⓐ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

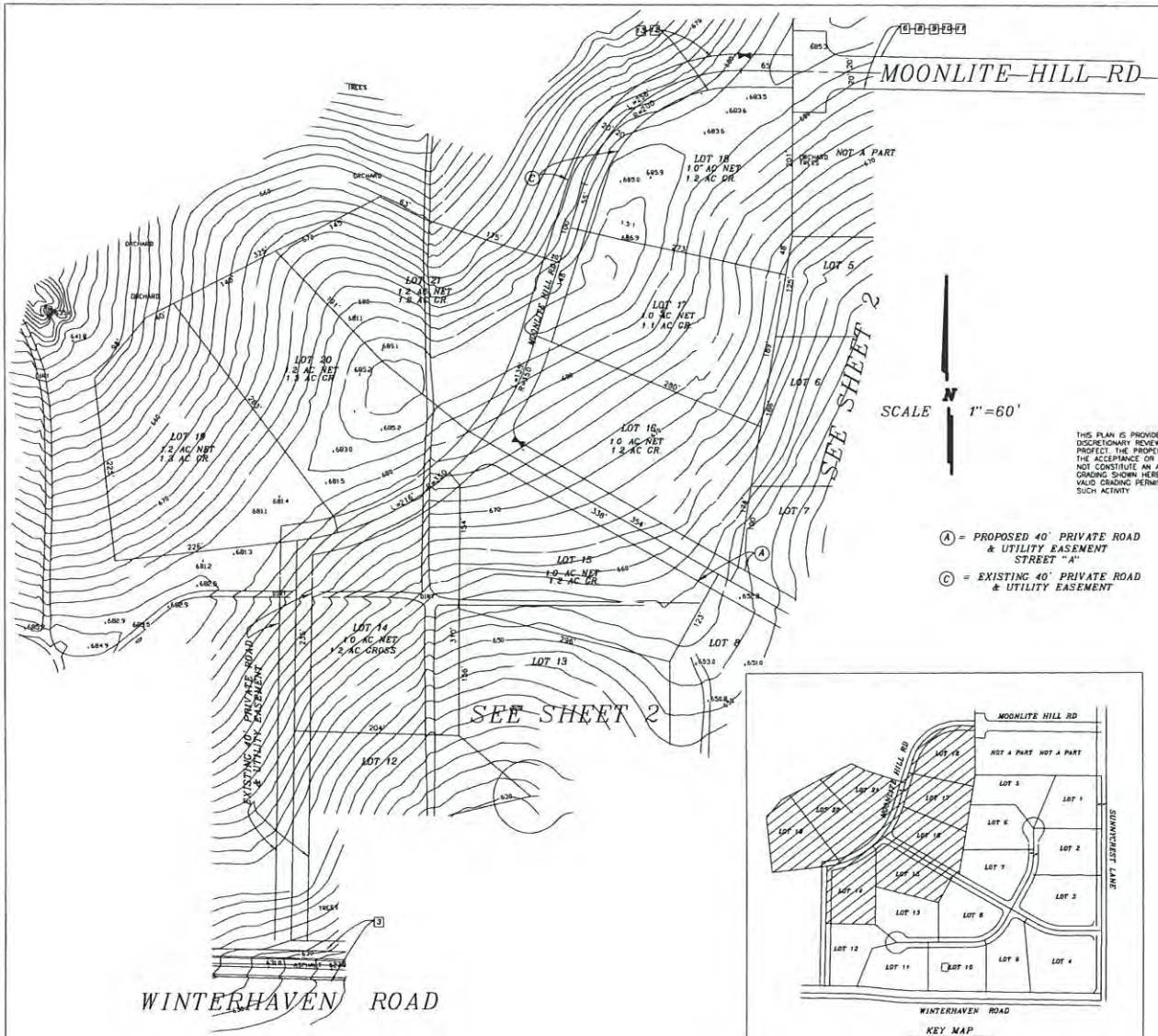
Ⓑ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "B"

Ⓓ = PROPOSED 20' ACCESS EASEMENT TO DETENTION BASIN

COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 3 OF 3 SHEETS



THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY

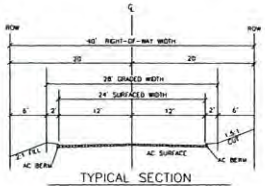
(A) = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

(C) = EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

KEY MAP

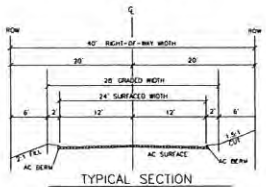
LEGEND

- EXISTING CONTOUR — 1500
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA — P
- RESERVE LEACHFIELD AREA — R
- TIGHT LINE
- SEPTIC TANK — ST
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- BIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



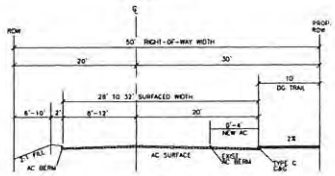
TYPICAL SECTION

SUNNYCREST LN AND MOONLITE HILL RD. NO SCALE



TYPICAL SECTION

PRIVATE ROAD EASEMENT STREET "A" & "B" NO SCALE



TYPICAL SECTION

WINTERHAVEN ROAD NO SCALE

COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 1 OF 3 SHEETS
PRELIMINARY GRADING PLAN

SLOPE DENSITY	
LOT NO.	LOT SLOPE
1	8%
2	10%
3	9%
4	9%
5	11%
6	10%
7	11%
8	10%
9	12%
10	7%
11	6%
12	14%
13	11%
14	13%
15	10%
16	10%
17	10%
18	8%
19	12%
20	10%
21	12%

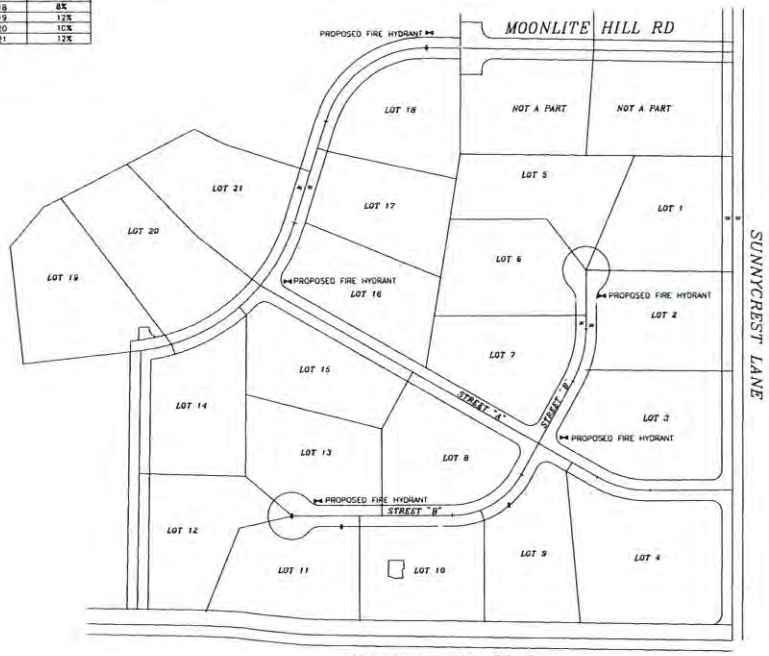
SOLAR NOTE

"ALL LOTS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100 SQUARE OF SOLAR ACCESS FOR THE FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION"

LAWRENCE PAXTON, PLS 4447 DATE

LEGAL DESCRIPTION

A PORTION OF LOT 17 & 18 IN THE SUBDIVISION OF TRACT "D" OF THE PARTITION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 821



WINTERHAVEN ROAD
KEY MAP

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N

SCALE 1"=100'

APPROXIMATE EARTHWORK
AS SHOWN ON THIS MAP
SUBJECT TO FUTURE REVISIONS

LOT NO	VOLUME CUT	VOLUME FILL
1	400	400
2	1120	520
3	1480	580
4	590	425
5	320	745
6	680	905
7	900	340
8	1400	520
9	520	640
10	765	0
11	930	230
12	675	710
13	320	520
14	2960	460
15	1440	230
16	1680	800
17	1525	1150
18	780	110
19	1510	1290
20	2270	1805
21	500	2085

TOTAL CUT = 22,885
TOTAL FILL = 14,485

THE ABOVE QUANTIES REPRESENT MAXIMIZATION OF THE PADS AS SHOWN FOR FUTURE INDIVIDUAL LOT GRADING. WHEN THE INFRASTRUCTURE PLANS ARE PREPARED, IT IS ANTICIPATED SEVERAL OF THE MAJOR UNBALANCED PADS (LE 14,21 etc) WILL BE INCLUDED TO CREATE A MORE BALANCED PROJECT

OWNER/SUBDIVIDER

JEFFERY S. BERK
23451 ATOMO
MISSION VIEJO, CA 92691
PHONE (949) 468-6448

NANCY B. BERK
574 COMBES AVE
THOUSAND OAKS, CA 91360
PHONE (805) 320-8355

JEFFERY S. BERK, TRUSTEE DATE

NANCY B. BERK, TRUSTEE DATE

EXISTING ZONING

APN 106-280-22
TRA= 75006

USE REGULATIONS	A-70	
NEIGHBORHOOD REGS	L	
DENSITY	–	
LOT SIZE	1 AC	
BUILDING TYPE	C	
MAX FIR AREA	–	
FIR AREA RATIO	–	
HEIGHT	G	
COVERAGE	–	
SETBACK	C	
OPEN SPACE	–	
SPECIAL AREA REGS	C	

SUPPLEMENTAL INFORMATION

1. EXISTING ZONING: A-70
2. COMMUNITY PLANNING: FALLBROOK
3. GENERAL PLAN DESIGNATION: SEMI-RURAL RESIDENTIAL (SR-1) 1 DU/AC
4. REGIONAL CATEGORY: SEMI-RURAL
5. WATER: FALLBROOK PUBLIC UTILITY DISTRICT
6. SEWER/SEPTIC: SUBSURFACE DISPOSAL (SEPTIC)
7. FIRE PROTECTION: FALLBROOK FIRE PROTECTION DISTRICT
8. SCHOOL DISTRICT: FALLBROOK HIGH SCHOOL AND FALLBROOK ELEMENTARY SCHOOL
9. STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARDS.
10. NUMBER OF LOTS: 21
11. NUMBER OF DWELLING UNITS: 21
12. NUMBER OF ACRES: 26.48
13. MINIMUM LOT SIZE: 1 AC NET
14. FEES TO BE PAID IN LIEU OF DEDICATION FOR PARK LAND.
15. NO SPECIAL ASSESSMENT ACT PROCEEDINGS ARE PROPOSED.
16. POTABLE WATER LINES ON OR NEAR THIS PROPERTY ARE AS SHOWN.
17. GROUND WATER WILL NOT BE USED FOR DOMESTIC USE
18. ALL BUILDINGS TO REMAIN.
19. THE DEVELOPER SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN THE COUNTY STANDARDS.
20. TOPOGRAPHY: PHOTO GEODETIC DATED 1-07-1998
21. NO 100 YEAR FLOOD PLANS EXIST ON THE SITE
22. ALL CUT SLOPES: 1 1/2 : 1
23. ALL FILL SLOPES 2 : 1
24. NO LOT GRADING IS PROPOSED

PAXTON SURVEYING & ENGINEERING
P.O. BOX 1461
ESCONDIDO, CA 92033-1461
(760) 294-4871

SEA BRIGHT CO.
4322 SEA BRIGHT PLACE
CARLSBAD, CA 92008
(760) 720-0098

LAWRENCE PAXTON, PLS 4447 DATE

ROBERT D. SUKUP, RCE 28302 DATE

VICINITY MAP
NO SCALE

1 AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED DEC. 24, 1913 IN BOOK 631 PAGE 346 OF DEEDS

2 AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED IN BOOK 715 PAGE 291 OF DEEDS.

3 A RIGHT-OF WAY FOR PUBLIC ROAD PURPOSES GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED IN BOOK 1156 PAGE 259 OF OFFICIAL RECORDS

4 AN EASEMENT 20' WIDE FOR ROAD AND UTILITY PURPOSES PER DOC REC OCT 24, 2001 AS DOC NO 2001-0771251 OF O.R.

5 AN EASEMENT 20' WIDE FOR ROAD AND UTILITY PURPOSES PER DOC REC OCT 24, 2001 AS DOC NO 2001-0771250 OF O.R.

6 AN EASEMENT FOR UTILITY PURPOSES PER DOC REC MAY 23, 2003 AS DOC NO. 2003-0609582 OF O.R.

7 AN EASEMENT FOR UTILITY PURPOSES PER DOC REC JULY 15, 2003 AS DOC NO 2003-0838831 OF O.R.

8 AN EASEMENT FOR UTILITY PURPOSES TO SDG&E PER DOC REC DEC. 11, 2003 AS DOC NO. 2003-1464211 OF O.R.

9 AN EASEMENT FOR UTILITY PURPOSES TO SDG&E PER DOC REC MAY 26, 2004 AS DOC NO. 2004-0486801 OF O.R.

10 AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC DEC 27, 2005 AS DOC NO. 2005-1104247 OF O.R.

11 AN EASEMENT FOR ROAD AND UTILITY MPURPOSES PER DOC REC JAN 17, 2007 AS DOC NO. 2007-0032564 OF O.R.

12 AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC APRIL 10, 2013 AS DOC NO 2013-0224187 OF O.R.

13 AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC APRIL 10, 2013 AS DOC NO 2013-0224188 OF O.R.

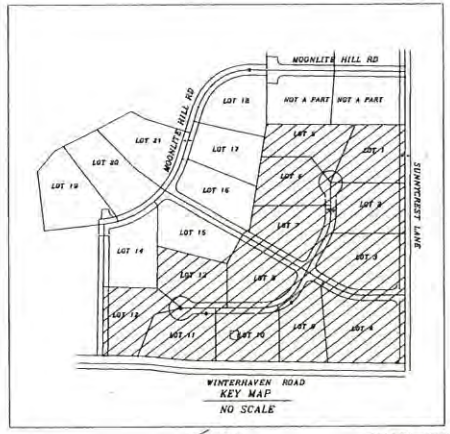
\\SERVER\SC2004\148\SUBGRADING_10-23-14

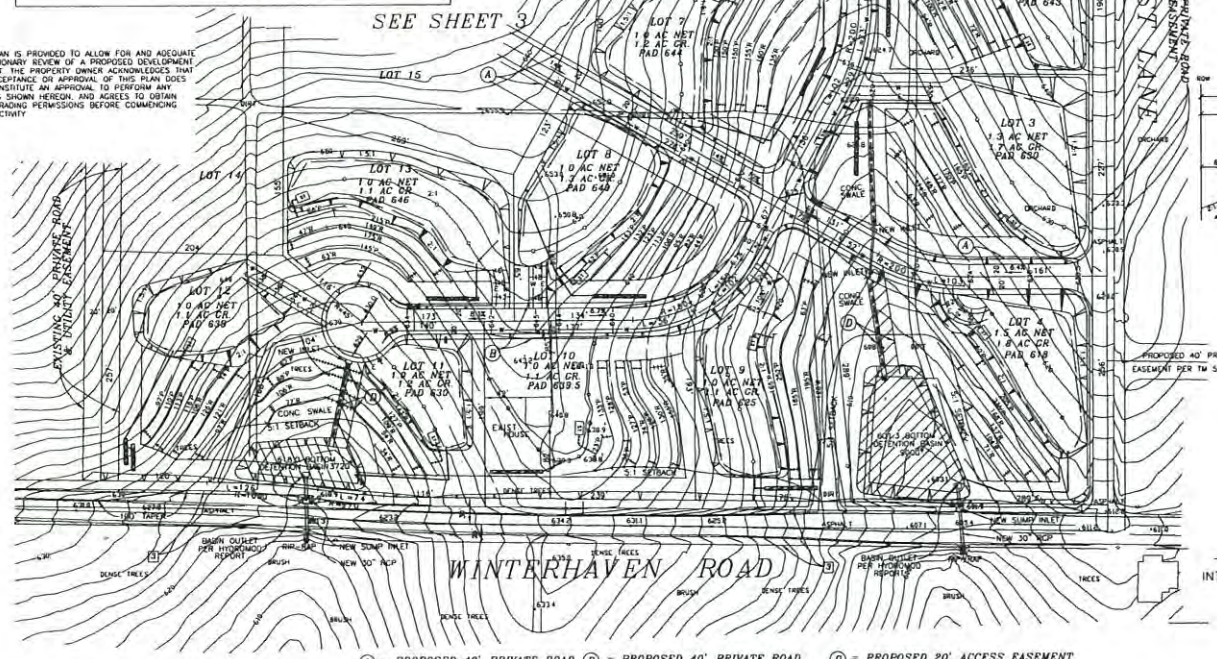
COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 2 OF 3 SHEETS

PRELIMINARY GRADING PLAN

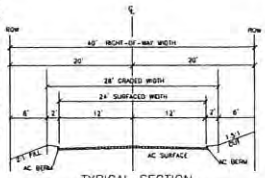




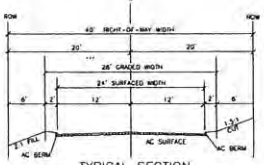
THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY

LEGEND

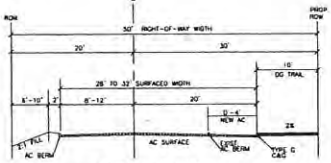
- EXISTING CONTOUR — 1500
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA — P
- RESERVE LEACHFIELD AREA — R
- TIGHT LINE
- SEPTIC TANK — ST
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- BIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



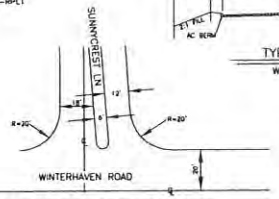
TYPICAL SECTION
PRIVATE ROAD EASEMENT
STREET "A" & "B"
NO SCALE



TYPICAL SECTION
SUNNYCREST LN
AND MOONLITE HILL RD
NO SCALE



TYPICAL SECTION
WINTERHAVEN ROAD
NO SCALE



INTERSECTION OF SUNNYCREAST LANE
AND WINTERHAVEN RD
NO SCALE

Ⓐ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

Ⓑ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "B"

Ⓓ = PROPOSED 20' ACCESS EASEMENT TO DETENTION BASIN

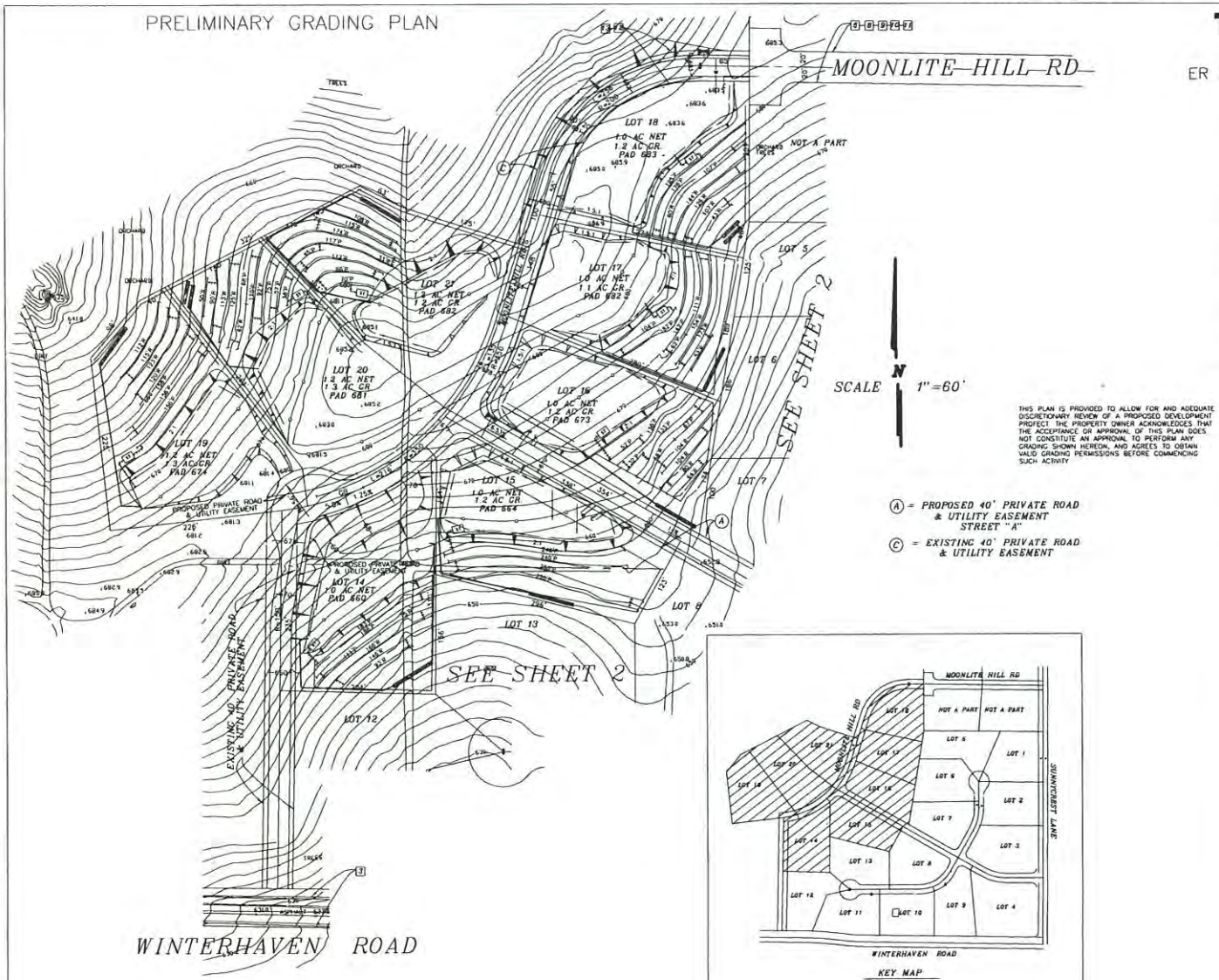
COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 3 OF 3 SHEETS

ER LOG NO PDS2013-ER-13-02-003

PRELIMINARY GRADING PLAN



THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY

KEY MAP

LEGEND

- EXISTING CONTOUR —1500—
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA — P
- RESERVE LEACHFIELD AREA — R
- TIGHT LINE
- SEPTIC TANK — ST
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
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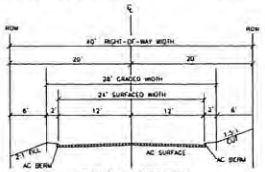
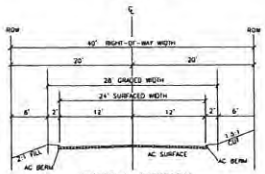


TYPICAL SECTION

SUNNYCREST LN AND MOONLITE HILL RD

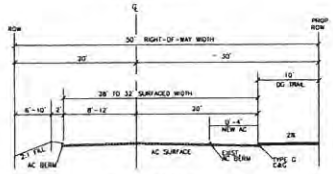
NO SCALE



TYPICAL SECTION

PRIVATE ROAD EASEMENT STREET "A" & "B"

NO SCALE



TYPICAL SECTION

WINTERHAVEN ROAD

NO SCALE

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
Berk Estates 21-Lot Major Subdivision (PDS2013-TM-5577)

October 15, 2015

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The project will obtain its water supply from the Fallbrook Public Utilities District Water District which obtains water from surface reservoirs and/or imported sources. The

project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

	YES	NO	NOT APPLICABLE/EXEMPT
The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	☒	☐	☐
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	☐	☐	☒
The Steep Slope Section (Section 86.604(e))?	☒	☐	☐
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	☒	☐	☐
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	☒	☐	☐

Discussion:

Wetland and Wetland Buffers:
The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:
The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

Steep Slopes:
The average slope for the property is less than a 15 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:
Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site based on the biology report, County GIS, and aerial photos. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:
The property has been surveyed by a County of San Diego certified archaeologist/historian (or County of San Diego staff archaeologist/ historian) and it has been determined there is one (or more) archaeological/historical site(s). Testing and other investigation determined the archaeological/historical site does not meet the definition of significant site. It does not need to be preserved under the Resource Protection Ordinance.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES	NO	NOT APPLICABLE
☒	☐	☐

Discussion:

The project is compliance with the WPO. The Storm Water Management Plan (SWMP) provided for this project has been reviewed and is in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES	NO	NOT APPLICABLE
☒	☐	☐

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout.

County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - WATER
ZONING DIVISION

W

Please type or use pen

Jeffery S. Berk & Nancy B. Berk — 949-468-6448
Owner's Name — Phone

22451 Atomo
Owner's Mailing Address — Street

Mission Viejo — CA — 92691
City — State — Zip

ORG_____
ACCT_____
ACT_____
TASK_____
DATE_____
AMT $_____

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION — **TO BE COMPLETED BY APPLICANT**

A. ☒ Major Subdivision (TM) ☐ Specific Plan or Specific Plan Amendment
☐ Minor Subdivision (TPM) ☐ Certificate of Compliance:_____
☐ Boundary Adjustment
☐ Rezone (Reclassification) from_____ to _____ zone.
☐ Major Use Permit (MUP), purpose:_____
☐ Time Extension...Case No._____
☐ Expired Map...Case No._____
☐ Other_____

B. ☒ Residential . . . . . Total number of dwelling units 21
☐ Commercial. . . . . Gross floor area_____
☐ Industrial . . . . . Gross floor area_____
☐ Other . . . . . Gross floor area_____

C. ☐ Total Project acreage 26 Total number of lots 21

D. Is the project proposing the use of groundwater? ☐ Yes ☒ No
Is the project proposing the use of reclaimed water? ☐ Yes ☒ No

Assessor's Parcel Number(s)
(Add extra if necessary)

106-280-22	

Thomas Guide Page 1028 Grid A-7

1650 Winterhaven Rd. Fallbrook, CA 92028
Project address — Street

Fallbrook Planning Group — 92028
Community Planning Area/Subregion — Zip

Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: [signature] Date: July 1, 2013

Address: P.O. Box 1461 Escondido, CA 92033-1461 Phone: 760-294-4871

(On completion of above, present to the district that provides water protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY — **TO BE COMPLETED BY DISTRICT**

District Name: Fallbrook PUD Service area_____

A. ☒ Project is in the district.
☐ Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.
☐ Project is not in the district and is not within its Sphere of Influence boundary.
☐ The project is not located entirely within the district and a potential boundary issue exists with the _____ District.

B. ☒ Facilities to serve the project ☒ ARE ☐ ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached_____. (Number of sheets)
☐ Project will not be served for the following reason(s):_____

C. ☐ **District conditions are attached. Number of sheets attached:**_____
☐ **District has specific water reclamation conditions which are attached. Number of sheets attached:**_____
☐ **District will submit conditions at a later date.**

D. ☒ **How far will the pipeline(s) have to be extended to serve the project?** 2,900 ± feet

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: [signature] Print Name Jeff M Marchand

Print Title Engineering Tech Phone (760) 728-1125 Date 7-11-13

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT
On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
Planning & Development Services – Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123

SDC PDS RCVD 11-06-13

TM5577

County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - SCHOOL
ZONING DIVISION

Please type or use pen
(Two forms are needed if project is to be served by separate school districts)

Jeffery S. Berk & Nancy B. Berk — 949-468-6448
Owner's Name — Phone

22451 Atomo
Owner's Mailing Address — Street

Mission Viejo — CA — 92691
City — State — Zip

ORG_____
ACCT_____
ACT_____
TASK_____
DATE_____

Sc

ELEMENTARY_____
HIGH SCHOOL_____
UNIFIED_____

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION — TO BE COMPLETED BY APPLICANT

A. **LEGISLATIVE ACT**
- ☐ Rezones changing Use Regulations or Development Regulations
- ☐ General Plan Amendment
- ☐ Specific Plan
- ☐ Specific Plan Amendment

B. **DEVELOPMENT PROJECT**
- ☐ Rezones changing Special Area or Neighborhood Regulations
- ☒ Major Subdivision (TM)
- ☐ Minor Subdivision (TPM)
- ☐ Boundary Adjustment
- ☐ Major Use Permit (MUP), purpose:_____
- ☐ Time Extension...Case No._____
- ☐ Expired Map...Case No._____
- ☐ Other_____

C. ☒ Residential . . . . . Total number of dwelling units 21
- ☐ Commercial . . . . . Gross floor area_____
- ☐ Industrial . . . . . Gross floor area_____
- ☐ Other . . . . . Gross floor area_____

D. ☐ Total Project acreage 26 Total number lots 21

Assessor's Parcel Number(s)
(Add extra if necessary)

106-280-22	

Thomas Guide Page 1028 Grid A-7

1650 Winterhaven Rd. Fallbrook, CA 92028
Project address — Street

Fallbrook Planning Group — 92028
Community Planning Area/Subregion — Zip

Applicant's Signature: _____ Date: July 1, 2013

Address: P.O. Box 1461 Escondido, CA 92033-1461 Phone: 760-294-4871

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY — TO BE COMPLETED BY DISTRICT

District Name: Fallbrook Union Elementary School District

If not in a unified district, which elementary or high school district must also fill out a form?

Indicate the location and distance of proposed schools of attendance.

Elementary: Live Oak School, 1978 Reche Rd., Fallbrook miles: 2.2

Junior/Middle: Potter Jr. High School, 1743 Reche Rd., Fallbrook miles: 2.4

High school:_____ miles: _____

- ☐ This project will result in the overcrowding of the ☐ elementary ☐ junior/school ☐ high school. ***(Check)***
- ☒ Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.
- ☒ Project is located entirely within the district and is eligible for service.
- ☐ The project is not located entirely within the district and a potential boundary issue may exist with the _____ school district.

Authorized Signature — Raymond Proctor *Print Name*

Associate Superintendent of Business Services — (760) 731-5445
Print Title — *Phone* 7-9-13

On completion of Section 2 by the district, applicant is to submit this form with application to:
Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123

PDS-399SC (Rev. 09/21/2012)

SDC PDS RCVD 11-06-13

TM5577

County of San Diego, Planning & Development Services

PROJECT FACILITY AVAILABILITY - SCHOOL

ZONING DIVISION

Sc

Please type or use pen
(Two forms are needed if project is to be served by separate school districts)

Jeffery S. Berk & Nancy B. Berk — 949-468-6448
Owner's Name — Phone

22451 Atomo
Owner's Mailing Address — Street

Mission Viejo — CA — 92691
City — State — Zip

ORG_____
ACCT_____
ACT_____
TASK_____
DATE_____

ELEMENTARY_____
HIGH SCHOOL_____
UNIFIED_____

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION — TO BE COMPLETED BY APPLICANT

A. **LEGISLATIVE ACT**
- ☐ Rezones changing Use Regulations or Development Regulations
- ☐ General Plan Amendment
- ☐ Specific Plan
- ☐ Specific Plan Amendment

B. **DEVELOPMENT PROJECT**
- ☐ Rezones changing Special Area or Neighborhood Regulations
- ☒ Major Subdivision (TM)
- ☐ Minor Subdivision (TPM)
- ☐ Boundary Adjustment
- ☐ Major Use Permit (MUP), purpose:_____
- ☐ Time Extension...Case No._____
- ☐ Expired Map...Case No._____
- ☐ Other_____

C. ☒ Residential . . . . . Total number of dwelling units 21
- ☐ Commercial . . . . . Gross floor area_____
- ☐ Industrial . . . . . Gross floor area_____
- ☐ Other . . . . . Gross floor area_____

D. ☐ Total Project acreage 26 Total number lots 21

Assessor's Parcel Number(s)
(Add extra if necessary)

106-280-22	

Thomas Guide Page 1028 Grid A-7

1650 Winterhaven Rd. Fallbrook, CA 92028
Project address — Street

Fallbrook Planning Group — 92028
Community Planning Area/Subregion — Zip

Applicant's Signature: [signature] Date: July 1, 2013

Address: P.O. Box 1461 Escondido, CA 92033-1461 Phone: 760-294-4871

(On completion of above, present to the district that provides school protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY — TO BE COMPLETED BY DISTRICT

District Name: Fallbrook Union High

If not in a unified district, which elementary or high school district must also fill out a form? Fallbrook Elementary

Indicate the location and distance of proposed schools of attendance.

Elementary:_____ miles:_____

Junior/Middle:_____ miles:_____

High school:_____ miles: 1

- ☐ This project will result in the overcrowding of the ☐ elementary ☐ junior/school ☐ high school. ***(Check)***
- ☑ Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.
- ☑ Project is located entirely within the district and is eligible for service.
- ☐ The project is not located entirely within the district and a potential boundary issue may exist with the _____ school district.

Wilson Hatcher — Wilson H. Hatcher
Authorized Signature — *Print Name*

Chief Business Officer — 760-723-6332 x6195
Print Title — *Phone*

On completion of Section 2 by the district, applicant is to submit this form with application to:
Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123

SDC PDS RCVD 11-06-13

PDS-399SC (Rev. 09/21/2012)

TM5577

County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - FIRE
ZONING DIVISION

Please type or use pen

Jeffery S. Berk & Nancy B. Berk 949-468-6448
Owner's Name Phone

22451 Atomo
Owner's Mailing Address Street

Mission Viejo CA 92691
City State Zip

ORG_____
ACCT_____
ACT_____
TASK_____
DATE_____ AMT $_____

F

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION **TO BE COMPLETED BY APPLICANT**

A. ☒ Major Subdivision (TM) ☐ Specific Plan or Specific Plan Amendment
☐ Minor Subdivision (TPM) ☐ Certificate of Compliance:_____
☐ Boundary Adjustment
☐ Rezone (Reclassification) from_____to_____zone.
☐ Major Use Permit (MUP), purpose:_____
☐ Time Extension...Case No._____
☐ Expired Map...Case No._____
☐ Other_____

B. ☒ Residential ..... Total number of dwelling units 21
☐ Commercial ..... Gross floor area_____
☐ Industrial ..... Gross floor area_____
☐ Other ..... Gross floor area_____

C. Total Project acreage 26 Total lots 21 Smallest proposed lot 1.0 ac

Assessor's Parcel Number(s)
(Add extra if necessary)

106-280-22	

Thomas Guide. Page 1028 Grid A-7

1650 Winterhaven Rd. Fallbrook, CA 92028
Project address Street

Fallbrook Planning Group 92028
Community Planning Area/Subregion Zip

OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: [signature] Date: July 1, 2013

Address: P.O. Box 1461 Escondido, CA 92033-1461 Phone: 760-294-4871

(On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

SECTION 2: FACILITY AVAILABILITY **TO BE COMPLETED BY DISTRICT**

District Name: North County Fire Protection District .8 miles

Indicate the location and distance of the primary fire station that will serve the proposed project:
2180 Winterwarm Fallbrook CA 92028

A. ☒ Project is in the District and eligible for service.
☐ Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.
☐ Project is not in the District and not within its Sphere of Influence boundary.
☐ Project is not located entirely within the District and a potential boundary issue exists with the _____ District.

B. ☒ Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is 2 min minutes.
☐ Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.

C. ☐ District conditions are attached. Number of sheets attached: 1
☐ District will submit conditions at a later date.

SECTION 3. FUELBREAK REQUIREMENTS

Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by Planning & Development Services.

☐ Within the proposed project 100 ft feet of clearing will be required around all structures.
☐ The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Patty Koch	Patty Koch FPS	760 723-2040	7-17-13
Authorized Signature	*Print Name and Title*	*Phone*	*Date*

On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
Planning & Development Services – Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123

PDS-399F (Rev. 09/21/2012)

SDC PDS RCVD 11-06-13

TM5577

NORTH COUNTY FIRE PROTECTION DISTRICT

330 S. Main Avenue • Fallbrook, California 92028-2938 • (760) 723-2005 • Fax (760) 723-2072 • www.ncfireprotectiondistrict.org

BOARD OF DIRECTORS

RUTH HARRIS
WAYNE HOOPER
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wmetcalf@ncfire.org
ROBERT H. JAMES – Counsel
LOREN A. STEPHEN-PORTER – Board Secretary
lstephen@ncfire.org

July 16, 2013

County of San Diego
5510 Overland Ave Ste. 110
San Diego, Ca. 92123

Re: 106-280-22

Please review the following comments pertaining to fire protection for this proposed development.

Access Roads:

- Shall meet standards as set forth by the County of San Diego Standards for Public and Private Roads.
- Fire apparatus access roads shall have an unobstructed improved width of not less than 24ft, except for single –family residential driveways serving no more than two single-family dwellings, which shall have a minimum of 16ft. unobstructed improved width.
- All dead-end fire access roads in excess of 150 ft. in length shall be provided with approved provisions for turning around emergency apparatus. A Cul-de-sac shall be provided in residential areas where the access roadway serves more than two structures.

Water Supply: Without a detailed map that clearly shows access roads and driveways, this agency can only provide the following general information. Fire hydrants shall be located at intersections, at the beginning radius of cul-de-sacs and at the following intervals:

• Parcels 2 ½ acres and larger	Every 1,000 feet
• Parcels ½ acres to 2 ½ acres	Every 500 feet
• Parcels less than ½ acres	Every 350 feet

Combustible Vegetation Clearance:

- Provide 100 feet of combustible vegetation clearance (fire buffer easement) around all structures.
- Building setbacks to be sufficient so that open space easements will not encroach on fire buffer easement and off-site clearance is not required.
- A short form Fire Protection Plan will be required for this proposed development.

Should have any questions please contact me at 760 723-2040

Sincerely,

Patty Koch

Patty Koch
Fire Prevention Specialist

Attachment B – Resolution Approving TM 5577 (PDS2013-TM-5577)

November 13, 2015

RESOLUTION OF SAN DIEGO COUNTY)
CONDITIONALLY APPROVING)
TENTATIVE MAP NO. 5577 (PDS2013-TM-5577))

WHEREAS, Tentative Map No. 5577 (Attached Herein as Exhibit A) proposing the division of property located at 1650 Winterhaven Road and generally described as:

A portion of Lots 17 & 18 in the subdivision of Tract "D" of the Partition of Rancho Monserate, in the County of San Diego, State of California, according the Map thereof No. 821.

was filed with the County of San Diego, pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance, on November 6, 2013; and

WHEREAS, on November 13, 2015, the Planning Commission of the County of San Diego pursuant to Section 81.306 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present, at said hearing; and

WHEREAS, the Planning Commission of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, DETERMINED, AND ORDERED, that based on the findings, said Tentative Map is hereby approved subject to the following conditions:

MAP EXPIRATION: The approval of this Tentative Map Expires Thirty-Six (36) Months after the date of the approval of this Resolution at 4:00 P.M. Unless, prior to that date, an application for a Time Extension has been filed as provided by Section 81.313 of the County Subdivision Ordinance.

STANDARD CONDITIONS: The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk, as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only the following exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized. **The following Standard Subdivision Conditions are hereby waived:**

(1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of

high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source) pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].

(2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.

(3) Standard Condition 19(e): Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.

(4) Standard Condition 21(a-d): Said condition pertains to sewer service. This project will be developed with private subsurface sewage dispolsal.

(5) Standard Condition 23.3: Said condition applies for projects within the California Department of Forestry and Fire Protection. This project is serviced by Fallbrook Fire District.

(6) Standard Condition 24: Said condition applies to projects that are outside a fire protection district. This project is serviced by Fallbrook Fire District.

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

SUMMARY OF CONDITIONS		
Approval of Map		
Item #	Condition Title	Resolution Page #
30	ROADS#1–Public Road Improvements	4
31	ROADS#2–Private Road Improvements	5
32	ROADS#3–Pavement Cut Policy	6
33	ROADS#4–Sight Distance	7
34	ROADS#5–Private Road Maintenance Agreement	8
35	ROADS#6–Private Road Easement	8
36	ROADS#7–Road Dedication (On-Site Only)	9
37	ROADS#8–Centerline Location	9
38	ROADS#9–Relinquish Access	10
39	ROADS#10–Vehicular Access Restriction	10
40	STRMWTR#1–Stormwater Facilities Maintenance Agreement	10
41	STRMWTR#2–Erosion Control	11
42	GEN#1–Grading Plan Conformance	12
43	GEN#2–Grading Plan Conformance	12
44	BIO#2–Off-Site Mitigation	13

45	AGR#1–Agricultural Preservation	14
46	HAZ#1–Structure Removal	16
47	HAZ#2–Lead Survey	16
48	HAZ#3–Asbestos Survey	17
49	CULT#1-Archaeological Monitoring	18
50	FIRE#2–Fire Hydrant Installation	19
51	DEH#1–Final Map Review	19
52	DEH#2–Improvement/Grading Plan Review	20
53	CULT#1cultural Resources Report	20
Grading and Improvement Plan		
Item #	Condition Title	Resolution Page #
54	BIOGP#1–Breeding Season Avoidance	21
55	BIOGP#2-Burrowing Owl Survey	22
56	NOIGP#1-Temporary Construction Noise	25
57	HAZGP#1–Structure Removal	25
58	HAZGP#2–Lead Survey	26
59	HAZGP#3–Asbestos Survey	27
60	DEHGp#1–Improvement/Grading Plan Review	27
61	DEHGp#1–Well Destruction	28
62	CultGp#1 Archaelogical Monitoring – Preconstruction Meeting	28
63	CultGp#2 Archaeological Monitoring – During Construction	29
64	CultGp#3 Archaeological Monitoring – Rough Grading	31
65	CultGP#4 Archaeological Monitoring – Final Grading	31

PRELIMINARY GRADING PLAN: The approval of this Tentative Map here by adopts the Preliminary Grading and Improvement Plan dated June 26, 2015, consisting of three sheets (Attached Herein as Exhibit B) pursuant to Section 81.305 of the County Subdivision Ordinance. In accordance with the Section 87.207 of the County Grading Ordinance, Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to County of San Diego Grading Ordinance (Sec 87.701 et. al.)

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

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

(ROADS)

30. ROADS#1–PUBLIC ROAD IMPROVEMENTS
INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.404 and the Community Trails Master Plan Winterhaven Road shall be improved. **DESCRIPTION OF REQUIREMENT:**

a. Improve or agree to improve and provide security for Winterhaven Road, to the project side of Winterhaven Road along the project frontage in accordance with Public Road Standards for a Residential Collector, to a graded width of thirty feet (30') from centerline and to an improved width of twenty feet (20') from centerline with asphalt concrete pavement over approved base with asphalt concrete dike, and ten foot (10') disintegrated granite (DG) pathway, with face of dike at twenty feet (20') from centerline. As necessary, provide transition, tapers, traffic striping to match existing pavement.

b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

c. Process and obtain approval of Improvement Plans to improve Winterhaven Road.

d. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.408.

e. Upon approval of the plans, pay all applicable inspection fees with [*PDS, PDCI*].

f. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

g. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the North County Fire Protection District and the [*PDS, LDR*].

TIMING: Prior to the approval of the final map the plans, agreements, and securities shall be approved. **MONITORING:** The [*PDS, LDR*] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [*PDS, LDR*] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

31. ROADS#2–PRIVATE ROAD IMPROVEMENTS

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

a. **Sunnycrest Lane** shall be improved to a graded width of twenty eight feet (28') and to an improved width of twenty four feet (24') with asphalt concrete pavement over approved base with asphalt concrete dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply. Note: The shift in horizontal alignment and 6' median shown in the Traffic Study dated April 2, 2014 by Urban Systems Associates will be installed to the satisfaction of the North County Fire Protection District and the Director of Planning and Development Services.

b. **Moonlight Hill Road,** from the northeast corner of Lot 18 to Winterhaven Road, shall be improved to a graded width of twenty eight feet (28') and to an improved width of twenty four feet (24') with asphalt concrete pavement over approved base. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply.

c. **Street 'A',** from Sunnycrest Lane to the intersection with Moonlight Hill Road, shall be improved to a graded width of twenty eight feet (28') and to an improved width of twenty four feet (24') with asphalt concrete pavement over approved base. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred (100) to seven hundred fifty (750) trips shall apply.

d. **Street 'B'** shall be improved to a graded width of twenty eight feet (28') and to an improved width of twenty four feet (24') with asphalt concrete pavement over approved base. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred (100) trips or less shall apply.

e. **Street 'B'** shall terminate at the most easterly corner of Lot 12 and the most southerly corner of Lots 1 and 5 with a cul-de-sac graded to a radius of thirty eight feet (38') and surfaced to a radius of thirty six feet (36') with asphalt concrete pavement over approved base.

f. **Moonlight Hill Road** shall have a street knuckle in accordance with County of San Diego Design Standard DS-15 at the northwest corner of Lot 14 to the satisfaction of the Director of PDS and the North County Fire Protection District.

g. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

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

h. Process and obtain approval of Improvement Plans to improve Sunnycrest Lane, Moonlight Hill Road, Private Street 'A', and Private Street 'B'.

i. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sec. 81.408.

j. Upon approval of the plans, pay all applicable inspection fees with [*DPW, PDCI*].

k. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to the approval of the Final Map, the plans, agreements, and securities shall be approved. **MONITORING:** The [*PDS, LDR*] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [*PDS, LDR*] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

32. ROADS#3–PAVEMENT CUT POLICY

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three

years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [*PDS, LDR*] for review. **TIMING:** Prior to the approval improvement plans and the approval of the map the letters shall be submitted for approval. **MONITORING:** The *[PDS, LDR]* shall review the signed letters.

33. ROADS#4–SIGHT DISTANCE

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

"I,_____(C____or LS____) certify that there is _____feet of unobstructed intersectional sight distance looking east (westbound traffic) from Sunnycrest Lane along Winterhaven Road and_____of unobstructed intersectional sight distance looking west (eastbound traffic) from Sunnycrest Lane along Winterhaven Road measured in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of_____as described in Table 5 based on a speed of_____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification.

"I,_____(C____or LS____) certify that there is _____feet of unobstructed intersectional sight distance looking east (westbound traffic) from Moonlight Hill Road along Winterhaven Road and_____of unobstructed intersectional sight distance looking west (eastbound traffic) from Moonlight Hill Road along Winterhaven Road measured in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of_____as described in Table 5 based on a speed of_____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification.

I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."

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

34. ROADS#5–PRIVATE ROAD MAINTENANCE AGREEMENT

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

a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of PDS.

b. The Director of PDS shall be notified as to the final disposition of title (ownership) to Sunnycrest Lane, Moonlight Hill Road, Private Street 'A', and Private Street 'B' and place a note on the Final Map as to the final title status of said roads.

c. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

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

35 ROADS#6–PRIVATE ROAD EASEMENT

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

1. The Map shall show twenty-foot (20') radius returns at the intersection of the road easements on-site.

2. The Map shall show a minimum forty-foot (40') wide private road easement along Private Street 'A', Private Street 'B', Moonlight Hill Road, and Sunnycrest Lane.

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

36. ROADS#7–ROAD DEDICATION (ON-SITE ONLY)

INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.402, road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:** Dedicate on the Final Map to the County of San Diego an easement for road purposes that provides thirty feet along the project frontage in accordance with County of San Diego Public Road Standards to a right-of-way width of thirty feet (30') together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Planning and Development Services.

The dedication shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Planning and Development Services. **DOCUMENTATION:** The applicant shall dedicate the easement on the Final Map and show it as accepted. **TIMING:** Prior to the approval of the Final Map the onsite dedication shall be provided for roads with the recordation of the unit the road is within, abuts or provides access to. **MONITORING:** The [*PDS, LDR*] shall verify that the dedication is indicated on the Final Map and accepted by the County.

37. ROADS#8–CENTERLINE LOCATION

INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.402 & 81.805, the centerline of Winterhaven Road shall be shown on the subdivision map. **DESCRIPTION OF REQUIREMENT:** The desired location of the centerline for Winterhaven Road shall be determined, which is classified as a Residential Collector. The following shall be shown on the Final Map:

a. The centerline location as approved by the Department of Planning and Development Services.

b. The following shall be shown on the Final Map as "nontitle" information:

   1. The width of the right-of-way which is thirty feet (30') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."

   2. A building line, per Ordinance, from the centerline of the road, identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."

3. Show the ultimate slopes and drainage facilities on the Final Map. A profile and cross-sections sufficient to verify these limits shall be submitted to the County of San Diego Department of Planning and Development Services for review and approval.

DOCUMENTATION: The applicant shall indicate the centerlines on the Final Map as indicated above. **TIMING:** Prior to the approval of the Final Map the centerline shall be indicated on the map. **MONITORING:** The [*PDS, LDR*] shall verify that the centerline is indicated on the Final Map.

38. ROADS#9–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the Mobility Element of the General Plan, access shall be relinquished. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto Winterhaven Road. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Two access points (Sunnycrest Lane and Moonlight Hill Road) are permitted along the project frontage of Winterhaven Road. **DOCUMENTATION:** The applicant shall prepare the pages of the Final Map and present them for review to [*PDS, LDR*]. **TIMING:** With the approval of the Final Map, the access shall be relinquished. **MONITORING:** The [*PDS, LDR*] shall prepare and process the relinquishment of access with the Final Map.

39. ROADS#10–VEHICULAR ACCESS RESTRICTION

INTENT: In order to promote orderly development and to comply with the Mobility Element of the General Plan, and to comply with County Subdivision Ordinance 81.401(g) access shall be restricted onto Sunnycrest Lane and Moonlight Hill Road. **DESCRIPTION OF REQUIREMENT:** A one-foot (1') wide strip shall be offered for dedication along the easterly boundary of the subdivision (outside the private road easement for Sunnycrest Lane), and the westerly boundary of Lots 12 and 14, which will not be used for access. The one-foot (1') wide strip shall be made a portion of the subject lots and designated as "Vehicular Access Restriction". Only one access point (Street 'A') is permitted along the project frontage of Sunnycrest Lane. **DOCUMENTATION:** The applicant shall show the one-foot (1') wide strip on the Final Map for review to *[PDS, LDR].* **TIMING:** Prior to the approval of the Final Map, the access shall be restricted. **MONITORING:** The *[PDS, LDR]* shall prepare and process the restriction of access with the Final Map.

(STORMWATER)

40. STRMWTR#1–STORMWATER FACILITIES MAINTENANCE AGREEMENT

INTENT: In order to promote orderly development and to comply with the County Flood Damage Prevention Ordinance (Title 8, Division 11), County Watershed Protection Ordinance (WPO) No.10096, County Code Section 67.801

et. seq., the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

a. The private storm drain system shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of Planning and Development Services.

b. Establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of PDS.

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

41. STRMWTR#2–EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Pollution Protection Plan (SWPPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipaters, and silt control measure.

a. An agreement and instrument of credit shall be provided pursuant to Subdivision Ordinance 81.408, for an amount equal to the cost of this work as determined or approved by the *[PDS, LDR],* in accordance with the County of San Diego Grading Ordinance Section 87.304(e). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to PDS authorizing the use of this deposit for emergency measures.

b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [*PDS, LDR*]. **TIMING:** Prior to approval of the map for all phases, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **MONITORING:** The *[PDS, LDR]* shall ensure that the agreement and the securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. *[DPW, PDCI]* shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

(GENERAL)

42. GEN#1–GRADING PLAN CONFORMANCE

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

43. GEN#2–GRADING PLAN CONFORMANCE

INTENT: In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan, the condition notes shall be implemented on the Grading and Improvement Plans and made conditions of the permit issuance. **DESCRIPTION OF REQUIREMENT:** The grading and or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the notes shown on the Preliminary Grading Plan and all of the following mitigation measures: breeding season avoidance, open space fencing and signage, cultural resource monitoring. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project, including all of the condition notes. **TIMING:** Prior to the approval of the Final Map and prior to the approval of any plan and issuance of any permit, the notes and items shall be placed on the plans as required. **MONITORING:** The *[DPW, ESU]* shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental

mitigation notes shall be made conditions of the issuance of said grading or construction permit.

(BIOLOGY)

44. BIO#2–OFF-SITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to non-native grassland, which is a sensitive biological resource pursuant to CEQA, mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of up to 8.2 acres of non-native grassland or agriculture that actively serves as raptor foraging habitat within the Purchase of Agricultural Conservation Easement (PACE) program or at another location approved by the Director of PDS as indicated below. If it is proved that the preserved agricultural lands required by condition AGR#1 actively serve as raptor foraging habitat, in a similar manner as Non-Native Grasslands (NNG), then the applicant's fulfillment of condition AGR#1 shall fulfill the non-native grassland mitigation requirement. However, if it is not proved that these agricultural lands can actively serve as raptor foraging habitat, the applicant shall mitigate for non-native grassland in addition to the agricultural mitigation requirement, by one of the below methods.

a. **Option 1:** If separate NNG mitigation is required and the applicant decides to complete all of the mitigation off-site through the purchase of Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The amount of mitigation credit shall be 8.2 acres and the habitat shall be NNG. The evidence of purchase shall include the following information to be provided by the mitigation bank:

   1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.

   2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.

   3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

   4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

b. **Option 2:** If separate NNG mitigation is required and habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the

conservation of 8.2 acres of NNG located in the Northern Foothills or adjacent ecoregion, as indicated below:

1. The type of habitat and the location of the proposed mitigation, should be pre-approved by *[PDS, PCC]* before purchase or entering into any agreement for purchase.

2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.

3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.

4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.

5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

TIMING: Prior to the approval of the Final Map, and prior to approval of any Grading or Improvement Plan, and prior to issuance of any Grading or Construction Permit. **MONITORING:** The *[PDS, PCC]* shall review the documents provided for the satisfaction of this condition.

(AGRICULTURE)

45. AGR#1–AGRICULTURAL PRESERVATION [PDS, FEE X 2]
INTENT: In order to protect agricultural resources pursuant to the Agricultural Resource Guidelines for Determining Significance, Agricultural Preservation land reservation shall be purchased or reserved. **DESCRIPTION OF REQUIREMENT:** The applicant shall reserve Agricultural Preservation land, by undertaking one of the following Options:

a. **Option 1:** At time of Final Map, if it is proved that the proposed off-site PACE Program agricultural lands actively serve as raptor foraging habitat and in a manner similar to Non-Native Grasslands (NNG), the applicant shall preserve 9.6 acres of agricultural resources, as defined by the County Agricultural California Environmental Quality Act (CEQA) Guidelines (a preservation ratio of 0.5:1), by purchasing land within the PACE Program, as agricultural mitigation lands. However, if it is not proved that these proposed PACE Program agricultural lands can actively serve as raptor foraging habitat, the mitigation ratio shall be 1:1 and the applicant shall preserve 19.2 acres of agricultural resources, by purchasing land within the PACE Program. **DOCUMENTATION:** The applicant shall purchase the off-site mitigation through the PACE Program, as described in this condition and provide evidence of such purchase to *[PDS, PCC]* for review and approval by the Director of PDS. If the mitigation ratio is proposed as 0.5:1, the applicant shall provide to *[PDS, PCC]* written evidence prepared by a County-listed biologist that the preserved agricultural lands actively serve as raptor foraging habitat; such evidence shall contain sufficient information that is satisfactory to the Director of PDS;

OR,

b. **Option 2:** At time of the Final Map, as an alternative to using the PACE Program, the applicant shall purchase 9.6 acres of off-site agricultural lands that contain Prime Farmland and / or Farmland of Statewide Significance Soils, if it is proved that the off-site preserved agricultural lands actively serve as raptor foraging habitat (a mitigation ratio of 0.5:1). However, if it is not proved that these off-site agricultural resources can actively serve as raptor foraging habitat, the mitigation ratio shall be 1:1 and the applicant shall purchase 19.2 acres of off-site agricultural resources that contain Prime Farmland and / or Farmland of Statewide Significance Soils. **DOCUMENTATION:** The applicant shall purchase the off-site mitigation, as described in this condition, and provide a deed, an agricultural easement, or other written evidence that the off-site agricultural lands reservation is accomplished. This evidence shall be submitted to *[PDS, PCC]* for review and approval, by the Director of PDS. If the mitigation ratio is proposed as 0.5:1, the applicant shall provide to *[PDS, PCC]* written evidence prepared by a County-listed biologist that the preserved agricultural lands actively serve as raptor foraging habitat; such evidence shall contain sufficient information that is satisfactory to the Director of PDS;

TIMING: Prior to the approval of the Final Map, and prior to approval of any Grading or Improvement Plan, and prior to issuance of any Grading or Construction Permit. **MONITORING:** The *[PDS, PCC]* shall review the documents provided for the satisfaction of this condition.

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

(HAZARDS)

46. HAZ#1–STRUCTURE REMOVAL [PDS, FEE]
INTENT: In order to comply with the Tentative Map for a residential subdivision, the structures on site shall be removed or demolished. **DESCRIPTION OF REQUIREMENT:** The single family residence and accessory buildings located on-site, as shown on the approved TM 5577, shall be removed or demolished. A Demolition Permit shall be obtained from *[PDS BD]*. Compliance with Conditions 47 and 48 to determine the presence or absence of Lead Based Paints and/or Asbestos shall be completed before the County can issue a Demolition Permit. **DOCUMENTATION:** The applicant shall submit to the [*PDS, PCC*] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structures. **TIMING:** Prior to obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [*PDS, PCC*] County shall review the statement and, photos, and any additional evidence for compliance with this condition.

47. HAZ#2–LEAD SURVEY [PDS, FEE X 2]
INTENT: In order to avoid hazards associated with Lead Based Paint (LBP) and to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structures on site shall be surveyed for the presence of Lead Based Paint (LBP) because the structures were built prior to 1960. **DESCRIPTION OF REQUIREMENT:** A survey shall be performed before the removal or demolition of the single family residence and accessory structures located on-site as shown on the approved TM 5577. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of lead based paint (LBP) located in the structures. The following conditions only apply if lead containing materials are found present:

a. All lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).

b. All lead containing materials scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California Department of Health Services (DHS) certified lead inspector/risk assessor to the [*PDS, PCC*], which certifies that there was no presence of Lead Based Paint Material, or that there was LBD present and all lead containing materials have been remediated pursuant to code sections referenced above. **TIMING:** Prior to obtaining any building (including demolition permit), grading, or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [*PDS, PCC*] County DEH HAZ MAT shall review the report and any additional evidence for compliance with this condition.

48. HAZ#3–ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs), and to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structures on site shall be surveyed for the presence of ACMs because the structures were built prior to 1960. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of Asbestos Containing Materials (ACMs) of the single family dwelling and accessory structures located on-site as shown on the approved TM 5577:

a. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.

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

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

(CULTURAL)

49. CULT#1 ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]
INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter acceptance shall include a cost estimate for the monitoring work and reporting.

b. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Monitoring for the project.

c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to the *[PDS, PCC]*. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of the final map and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **MONITORING:** The *[PDS, PCC]* shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to *[PDS, LDR]*, for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

(FIRE)

50. FIRE#1–FIRE HYDRANT INSTALLATION

INTENT: In order to ensure that the proposed subdivision has the required water, sewer, and fire protection services, and to comply with County Subdivision Ordinance Sections 81.404, the services shall be provided to the subdivision. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for constructing fire hydrant(s), together with an adequate water supply in accordance with the specifications of the North County Fire Protection District and San Diego County standards at intersections and prior to the radius of knuckle, and every 850 feet as follows: lots 6, 16, 11, 18, and potentially an additional off-site hydrant to the satisfaction of the North County FPD.

a. On paved roads, a "blue dot" marker shall be installed in the pavement to indicate the location of the fire hydrant(s). Design of water supply, type, and location of fire hydrant(s) must be submitted to the North County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

b. The subdivider shall complete or enter into a written agreement with the County with the appropriate security as provided in Subdivision Ordinance section 81.408 to complete the required improvements.

DOCUMENTATION: The applicant shall prepare improvement plans to show the fire hydrant(s) as specified above. **TIMING:** Prior to the approval of the Final Map, the improvements shall be completed or deferred as indicated above. Processing the securities can take up to 2 months, so the applicant should initiate the process at least two months before the anticipated map approval date. **MONITORING:** The *[PDS, LDR]* shall review the plans for consistency with the condition and County Standards. Upon approval of the plans *[PDS, LDR]* shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW and/or PDS.

(HEALTH)

51. DEH#1–FINAL MAP REVIEW

INTENT: Ensure the lot design, location and lot numbers are the same as the approved Tentative Map. **DESCRIPTION OF REQUIREMENT:** Prior to its approval by the Board of Supervisors, the Final Map shall be reviewed by the Department of Environmental Health to ensure the lot design, location and lot numbers are the same as the approved Tentative Map. **DOCUMENTATION:** PDS shall submit the Final Map to [DEH, LWQ] for review. **TIMING:** Prior to the approval of the Final Map. **MONITORING:** [*DEH, LWQ*] shall approve the Final Map if it matches the Tentative Map.

52. DEH#2–IMPROVEMENT/GRADING PLAN REVIEW
INTENT: Ensure the proposed grading and improvements do not impact the septic systems. **DESCRIPTION OF REQUIREMENT:** The Department of Environmental Health shall review all subdivision improvement and/or grading plans. Plans should include the location of proposed water lines and drainage control systems through or along proposed lots. **DOCUMENTATION:** PDS shall submit the improvement and grading plans to [DEH, LWQ] for review. **TIMING:** Prior to the approval of the Final Map. **MONITORING:** [*DEH, LWQ*] shall approve the improvement and/or grading plans if they are acceptable.

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

(CULTURAL)

53. CULT#1 CULTURAL RESOURCES REPORT [PDS, FEE X2]
INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

a. DPR Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been curated and/or repatriated as follows:

(1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of

appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

(2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

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

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

GRADING/IMPROVEMENT PLAN NOTES:

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

(BIOLOGY)

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

54. BIO GP#1–BREEDING SEASON AVOIDANCE [PDS, FEE X2]
INTENT: In order to avoid impacts to nesting and breeding birds and raptors, which is a sensitive biological resource pursuant to CEQA, State Fish and Game Code, and the MBTA, breeding season avoidance shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT**: There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of nesting habitat

(non-raptors) or within 500 feet of nesting raptor habitat during the raptor/ migratory bird breeding season. The breeding season is defined as occurring between January 15 and August 31. The Director of PDS [PDS, PCC] may waive this condition upon receipt of a pre-construction survey conducted within one week prior to the planned start of grading demonstrating that no nesting or breeding birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No grading shall occur until concurrence is received from the County. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County. **MONITORING:** The [*DPW, PDCI*] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

55. BIO GP#2. BURROWING OWL SURVEY: [DPW] [GRADING PERMIT]
Intent: In order to mitigate for potential impacts to the burrowing owl that could occur during brushing, grading, and clearing activities. **Description of Requirement:** Prior to grading, a pre-construction survey shall be conducted to identify any active burrows in accordance with Section 3.0 of the County's adopted Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County. Weed removal (by whacking, bush hogging, or mowing) shall be conducted as part of the pre-construction survey, under the guidance of a qualified biological monitor, to make all potential burrows more visible and to avoid injuring owls by burrow collapse. As a component of this survey, cameras shall be used to verify whether burrows are occupied by burrowing owls.

a. If burrowing owls are not detected during pre-grading surveys, based on Section 3.4.1.1 of the Burrowing Owl Strategy, the following shall be required:

1) Following the initial pre-grading survey, the site must be monitored for new burrows each week until grading is complete.

2) If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site occasionally for roosting or foraging, they should be allowed to do so with no changes in the grading or grading schedule.

3) If burrowing owls were not found on the site during the pre-grading survey but are found to be using the site repeatedly for roosting or

foraging, the County's mitigation monitor should be notified and the portion of the site that has not been graded should be searched for burrows. If no burrow is found, only notification of the County's mitigation monitor is needed. If an active burrow is found, the procedures in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.

4) If a burrowing owl begins using a burrow on the site at any time after the initial pre-grading survey grading begins, procedures described in section 3.4.1.2 of the Burrowing Owl Strategy must be followed.

5) Any actions other than these require the approval of the County, USFWS and CDFG.

6) Burrowing owls may not be injured or killed.

b. If owls are present, based on Section 3.4.1.2 of the Burrowing Owl Strategy, the following shall be required:

1) If one or more burrowing owls are using burrows on or within 300 feet of the proposed grading, the County Mitigation Monitoring Coordinator should be contacted. The County Mitigation Monitoring Coordinator will contact the USFWS and CDFG regarding the eviction of the owls and collapse of the burrows, and will enlist the help of a County staff biologist to continue with the coordination with the wildlife agencies and a qualified burrowing owl biologist regarding the burrowing owls. No grading shall occur within 300 feet of an active burrow.

2) If the owl is using a burrow on the site and it is not the breeding season, the owl may be evicted as described in section 4.5.4 of the Burrowing Owl Strategy after a qualified burrowing owl biologist has ensured, by using a fiber optic camera or other appropriate device that no eggs or young are in the burrow. Eviction requires written concurrence from the USFWS and CDFG prior to implementation.

3) If a burrow is being used and it is the breeding season, grading shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls can be evicted. Eviction requires written concurrence from the USFWS and CDFG prior to implementation.

4) Grading closer than 300 feet may occur with concurrence from the USFWS, CDFG, and County Mitigation Monitoring Coordinator. This distance will depend on the burrow's location in relation to the site's topography and other physical and biological considerations.

5) Burrowing owls may not be injured or killed.

6) Burrowing owls are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Therefore, measures should be taken to discourage colonization or recolonization at the construction site by burrowing owls. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

Documentation: The results of the pre-construction survey must be immediately provided to the County Mitigation Monitoring Coordinator, CDFG, and USFWS prior to grading, and must be provided in writing. A written and signed pre-construction survey report must follow within 14 days of the survey or burrowing owl eviction and include maps of the project site and burrowing owl locations on aerial photos in the format described in the County's mapping guidelines. If owls are determined to be present within the burrows, the applicant shall submit wildlife agency concurrence for eviction, a written report of the passive relocation measures undertaken to preclude direct impacts to burrowing owl individuals, and the Project biologist shall certify that all owls have vacated any occupied burrows. **Timing:** A pre-construction survey shall occur no more than 30 days prior to commencement of brushing, grading, or clearing activities to determine the presence or absence of burrowing owls. Survey results must be reported immediately in writing, and concurrence must be obtained prior to any eviction/passive relocation. The written report must follow within 14 days of the survey or burrowing owl eviction. **Monitoring:** The [DPW, PDCI] shall not allow any grading unless a concurrence from the [PDS, PCC] is received. The PDS shall review the pre-construction survey results, along with evidence of any passive relocation measures, to ensure compliance with these requirements.

(NOISE)

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

56. NOI GP#1. TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].
INTENT: In order to minimize temporary construction noise for grading operations associated with the project subdivision. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

a. Turn off equipment when not in use.

b. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.

c. Use equipment with effective mufflers

d. Minimize the use of back up alarm.

e. Equipment staging areas should be placed at locations away from noise sensitive receivers.

DOCUMENTATION: The applicant shall comply with the temporary construction noise measures of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [*DPW, PDCI*] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [*DPW, PDCI*] shall contact the [*PDS, PCC*] if the applicant fails to comply with this condition.

(HAZARDS)

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

57. HAZ GP#1–STRUCTURE REMOVAL [PDS, FEE]
INTENT: In order to comply with the Tentative Map for a residential subdivision, the structures on site shall be removed or demolished. **DESCRIPTION OF REQUIREMENT:** The single family residence and accessory buildings located on-site as shown on the approved TM Plot Plan shall be removed or demolished. A Demolition Permit shall be obtained from *[PDS BD].* Compliance with conditions 58 and 59 to determine the presence or absence of Lead Based Paints and/or Asbestos shall be completed before the County can issue a Demolition Permit. **DOCUMENTATION:** The applicant shall submit to the [*PDS,*

PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structures. **TIMING:** Prior to obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [*PDS, PCC*] County shall review the statement and, photos, and any additional evidence for compliance with this condition.

58 HAZ GP#2–LEAD SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Lead Based Paint (LBP) and to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structures on site shall be surveyed for the presence of Lead Based Paint (LBP) because the structures were built prior to 1960. **DESCRIPTION OF REQUIREMENT:** A survey shall be performed before the removal or demolition of the single family residence and accessory structures located on-site as shown on the approved TM Plot Plan. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of lead based paint (LBP) located in the structures. The following conditions only apply if lead containing materials are found present:

a. All lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).

b. All lead containing materials scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California Department of Health Services (DHS) certified lead inspector/risk assessor to the [*PDS, PCC*], which certifies that there was no presence of Lead Based Paint Material, or that there was LBD present and all lead containing materials have been remediated pursuant to code sections referenced above. **TIMING:** Prior to obtaining any building (including demolition permit), grading, or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [*PDS, PCC*] County DEH HAZ MAT shall review the report and any additional evidence for compliance with this condition.

59. HAZ GP#3–ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs), and to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structures on site shall be surveyed for the presence of ACMs because the structures were built prior to 1960. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of Asbestos Containing Materials (ACMs) of the single family dwelling and accessory structures located on-site as shown on the approved TM Plot Plan:

a. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.

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

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

(HEALTH)

60. DEH GP#1–IMPROVEMENT/GRADING PLAN REVIEW

INTENT: Ensure the proposed grading and improvements do not impact the septic systems. **DESCRIPTION OF REQUIREMENT:** The Department of Environmental Health shall review all subdivision improvement and/or grading plans. Plans should include the location of proposed water lines and drainage control systems through or along proposed lots. **DOCUMENTATION:** PDS shall submit the improvement and grading plans to [DEH, LWQ] for review. **TIMING:** Prior to the approval of the Final Map. **MONITORING:** [*DEH, LWQ*] shall approve the improvement and/or grading plans if they are acceptable.

(HEALTH)

GRADING PERMIT: *(Prior to issuance of any Grading or Construction Permits)*

61 DEH GP#2–WELL DESTRUCTION

INTENT: In order to ensure that the water well located on the property is removed, and to comply with the County Regulatory Code Section 67.431, the well shall be properly destroyed. **DESCRIPTION OF REQUIREMENT:** The water well on lot 20 shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the *[DEH, LWQ]* and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to *[DEH, LWQ]* upon completion of the well destruction. **TIMING:** Prior to grading permit issuance, the applicant shall destroy the well. **MONITORING:** Upon submittal of the well destruction logs, [*DEH, LWQ*] shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.

(*CULTURAL RESOURCES*)

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

62. CULT GP#1 ARCHAELOGICAL MONITORING – PRECONSTRUCTION MEETING [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist, Luiseno Native American Monitor, and *[PDS, PCC]*, shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The *[DPW, PDCI]* shall invite the *[PDS, PCC]* to the preconstruction conference to coordinate the Archaeological Monitoring

requirements of this condition. The *[PDS, PCC]* shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

(CULTURAL RESOURCES)

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

63. CULT GP#2 ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist or the Luiseno Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist and the San Luis Rey Band of Mission Indians. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American Monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program to mitigate impacts to significant cultural resources shall be prepared by the Project Archaeologist in coordination with the Luiseno Native American

Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

c. If any human remains are discovered, the Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

d. The Project Archaeologist and Luiseno Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.

e. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The *[DPW, PDCI]* shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The *[DPW, PDCI]* shall contact the *[PDS, PCC]* if the Project Archeologist or applicant fails to comply with this condition.

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

(***CULTURAL RESOURCES***)

64. CULT GP#3 ARCHAEOLOGICAL MONITORING – ROUGH GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Luiseno Native American Monitor must be included in the Negative Monitoring Report.

b. If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to the *[PDS, PCC]* for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** The *[PDS, PCC]* shall review the report or field monitoring memo for compliance with the project MMRP, and inform *[DPW, PDCI]* that the requirement is completed.

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

(***CULTURAL RESOURCES***)

65. CULT GP#4 ARCHAEOLOGICAL MONITORING – FINAL GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for

Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

a. Department of Parks and Recreation Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all cultural materials have been curated and/or repatriated as follows:

(1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

(2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been

completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

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

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

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

http://www.sdcounty.ca.gov/PDS/docs/LID-Handbook.pdf.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of Section 87.201 of the County Code.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223.The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the *[PDS, LD Counter]* and provide a copy of the receipt to the *[PDS, BD]* at time of permit issuance.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: Fish and Wildlife Fees County Administrative Fees have been paid in the amount of $50.00 for the review of the CEQA Section 15183 Findings, Receipt number dated .

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of issuance of the Final Notice of Decision.

NOTICE: The project will be required to pay Planning & Development Services Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of

the first submittal for Condition Satisfaction to PDS, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the 21 PDS conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the **[PDS, FEE]** designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

IT IS FURTHER RESOLVED, THEREFORE, that the Planning Commission of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map 5577, all of which are herein incorporated by reference:

1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the Semi-Rural-1 (SR-1) Land Use Designation of the Fallbrook Community Plan because it proposes a Single Family use type at a density of 0.79 dwelling units per acre and complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
2. The Tentative Map is consistent with The Zoning Ordinance because it proposes a single family residential use type with a minimum net lot size of one acre, in the Limited Agriculture (A-70) Use Regulation;

3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the Fallbrook Community Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;

4. The site is physically suitable for the single family residential type of development because it contains zero to 15 percent slopes; grading is consistent with the type of development proposed at 22,885 cubic yards of cut and 14,485 cubic yards of fill, which is the minimal grading needed to construct this subdivision; all lots will comply with the Zoning Ordinance requirements for building setbacks; the house lots are served by the Fallbrook Public Utilities District with imported water; the house lots will be served by individual, on-site sewer disposal systems that comply with County health laws; and the house pads do not impact sensitive resources;

5. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;

6. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure

fish or wildlife, or their habitat, based upon the findings of the CEQA Section 15183 Findings, dated May 4, 2015;

7. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

8. The division and development of the property in the manner set forth on the approved Tentative Map 5577 will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

9. Because adequate facilities and services have been assured and adequate environmental review and documentation have been prepared, the regional housing opportunities afforded by the subdivision outweigh the impacts upon the public service needs of County residents and fiscal and environmental resources; and

10. Determinations and findings pursuant to the California Environmental Quality Act, the Resource Protection Ordinance, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Planning Commission.

MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts.

Section 21081.6(a)(1) states, in part:

> *The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.*

Section 21081(b) further states:

> *A public agency shall provide [that] the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.*

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into

the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.
Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.
Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.
Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.
Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

40-41 and 44-65

MAP PROCESSING REQUIREMENTS: The Final Map shall comply with the following processing requirements, pursuant to the Sections 81.801 through 81.814 of the Subdivision Ordinance and the Subdivision Final Map Processing Manual.

☐ The Final map shall show an accurate and detailed vicinity map.

☐ The Basis of Bearings for the Final Map shall comply with Section 81.507 of the Subdivision Ordinance.

☐ Prior to the approval of the Final Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.

☐ The following notes shall appear on the Final Map:

- ☐ All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.

- ☐ At the time of recordation of the Final Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.

☐ The public and private easement roads serving this project shall be named. The responsible party shall contact the Street Address Section of Planning & Development Services (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.

☐ Certification by the Department of Environmental Health with respect to water supply and sewage disposal shall be shown on the Final Map.

☐ The Zoning regulations require that each parcel shall contain a minimum net area of one acre and the SR-1 Land Use Designation of the Fallbrook Community Plan, and each parcel shall contain a minimum gross area of between one and 1.8 acres. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on Tentative Map 5577 is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

☐ Cause the centerline of Winterhaven Road to be surveyed and monumented, if required during the Final Mapping / Improvement Plan review. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade.

NOTICE: Time Extension requests cannot be processed without updated project information including new Department of Environmental Health certification of septic systems. Since Department of Environmental Health review may take several months, applicants anticipating the need for Time Extensions for their projects are advised to submit applications for septic certification to the Department of Environmental Health several months prior to the expiration of their Tentative Maps.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA

Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.310 of the Subdivision Ordinance and as provided in Section 66452.5 of the Government Code. An appeal shall be filed with the appellant body and/or the Board of Supervisors within TEN CALENDAR DAYS of the date of this Resolution AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of the Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the appeal board has sustained the determination of this advisory body. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

ON MOTION of Commissioner _____, seconded by Commissioner _____, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 13 day of November 2015, in Planning & Development Services Conference Center Hearing Room, 5520 Overland Avenue, SanDiego, California, by the following vote:

AYES:

NOES:

ABSENT:

DPL/WP 001-TM (06/29/09)

cc: Jeff Berk and Nancy Berk, 22451 Atomo, Mission Viejo, CA 92691
Larry Paxton, Paxton Surveying, PO Box 1461, Escondido, CA 92033

email cc:
Ed Sinsay, Planning & Development Services, Land Development
Mindy Fogg, Planning Manager, Planning & Development Services
Ernie Bartley, Civil Engineer, Planning & Development Services, Land Development
Scott Rosecrans, County Department of Health

COUNTY OF SAN DIEGO TRACT NO. 5577

SHEET 1 OF 3 SHEETS

TENTATIVE MAP

SLOPE DENSITY	
LOT NO.	LOT SLOPE
1	6%
2	10%
3	9%
4	9%
5	11%
6	10%
7	11%
8	10%
9	12%
10	7%
11	9%
12	14%
13	11%
14	13%
15	10%
16	10%
17	10%
18	8%
19	12%
20	10%
21	12%

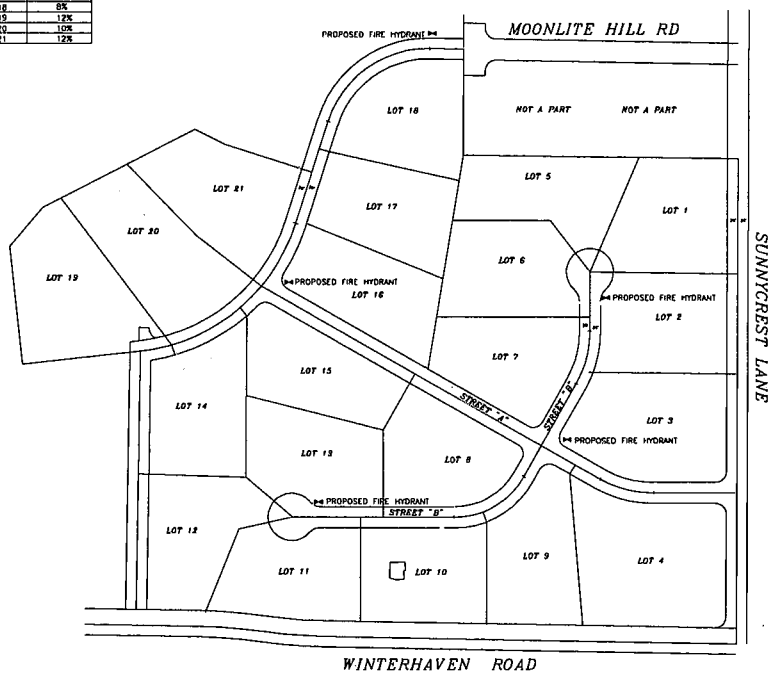
SOLAR NOTE

"ALL LOTS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100 SQUARE OF SOLAR ACCESS FOR THE FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION"

LAWRENCE PAXTON, PLS 4447 DATE

LEGAL DESCRIPTION

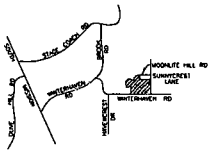
A PORTION OF LOT 17 & 18 IN THE SUBDIVISION OF TRACT "D" OF THE PARTITION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 821



SCALE 1"=100'

THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY.

KEY MAP



1. AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED DEC. 24, 1913 IN BOOK 631 PAGE 346 OF DEEDS.
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8. AN EASEMENT FOR UTILITY PURPOSES TO SDG&E PER DOC. REC. DEC. 11, 2003 AS DOC NO. 2003-1484211 OF O.R.
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12. AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC. APRIL 10, 2013 AS DOC NO. 2013-0224187 OF O.R.
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OWNER/SUBDIVIDER

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574 COMBES AVE
THOUSAND OAKS, CA 91360
PHONE (805) 320-8355

NANCY B. BERK, TRUSTEE

DATE:

EXISTING ZONING

APN 108-260-22
TRA= 75006

USE REGULATIONS	A-70	
NEIGHBORHOOD REGS	L	
DENSITY	–	
LOT SIZE	1 AC	
BUILDING TYPE	C	
MAX FIR AREA	–	
FIR AREA RATIO	–	
HEIGHT	G	
COVERAGE	–	
SETBACK	C	
OPEN SPACE	–	
SPECIAL AREA REGS	C	

SUPPLEMENTAL INFORMATION

1. EXISTING ZONING: A-70
2. COMMUNITY PLANNING: FALLBROOK
3. GENERAL PLAN DESIGNATION: SEMI-RURAL RESIDENTIAL (SR-1) 1 DU/AC
4. REGIONAL CATEGORY: SEMI-RURAL
5. WATER: FALLBROOK PUBLIC UTILITY DISTRICT
6. SEWER/SEPTIC: SUBSURFACE DISPOSAL (SEPTIC)
7. FIRE PROTECTION: FALLBROOK FIRE PROTECTION DISTRICT
8. SCHOOL DISTRICT: FALLBROOK HIGH SCHOOL AND FALLBROOK ELEMENTARY SCHOOL
9. STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARDS.
10. NUMBER OF LOTS: 21
11. NUMBER OF DWELLING UNITS: 21
12. NUMBER OF ACRES: 26.46
13. MINIMUM LOT SIZE: 1 AC NET
14. FEES TO BE PAID IN LIEU OF DEDICATION FOR PARK LAND.
15. NO SPECIAL ASSESSMENT ACT PROCEEDINGS ARE PROPOSED.
16. POTABLE WATER LINES ON OR NEAR THIS PROPERTY ARE AS SHOWN.
17. GROUND WATER WILL NOT BE USED FOR DOMESTIC USE.
18. ALL BUILDINGS TO REMAIN.
19. THE DEVELOPER SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN THE COUNTY STANDARDS.
20. TOPOGRAPHY: PHOTO GEODETIC DATED 1-07-1998
21. NO 100 YEAR FLOOD PLANS EXIST ON THE SITE.
22. ALL CUT SLOPES: 1 1/2 : 1
23. ALL FILL SLOPES 2 : 1
24. NO LOT GRADING IS PROPOSED.

PAXTON SURVEYING & ENGINEERING
P.O. BOX 1461
ESCONDIDO, CA 92033-1461
(760) 294-4871

LAWRENCE PAXTON, PLS 4447 DATE

SEA BRIGHT CO.
4322 SEA BRIGHT PLACE
CARLSBAD, CA 92008
(760) 720-0098

ROBERT O. SUKUP, RCE 28302 DATE

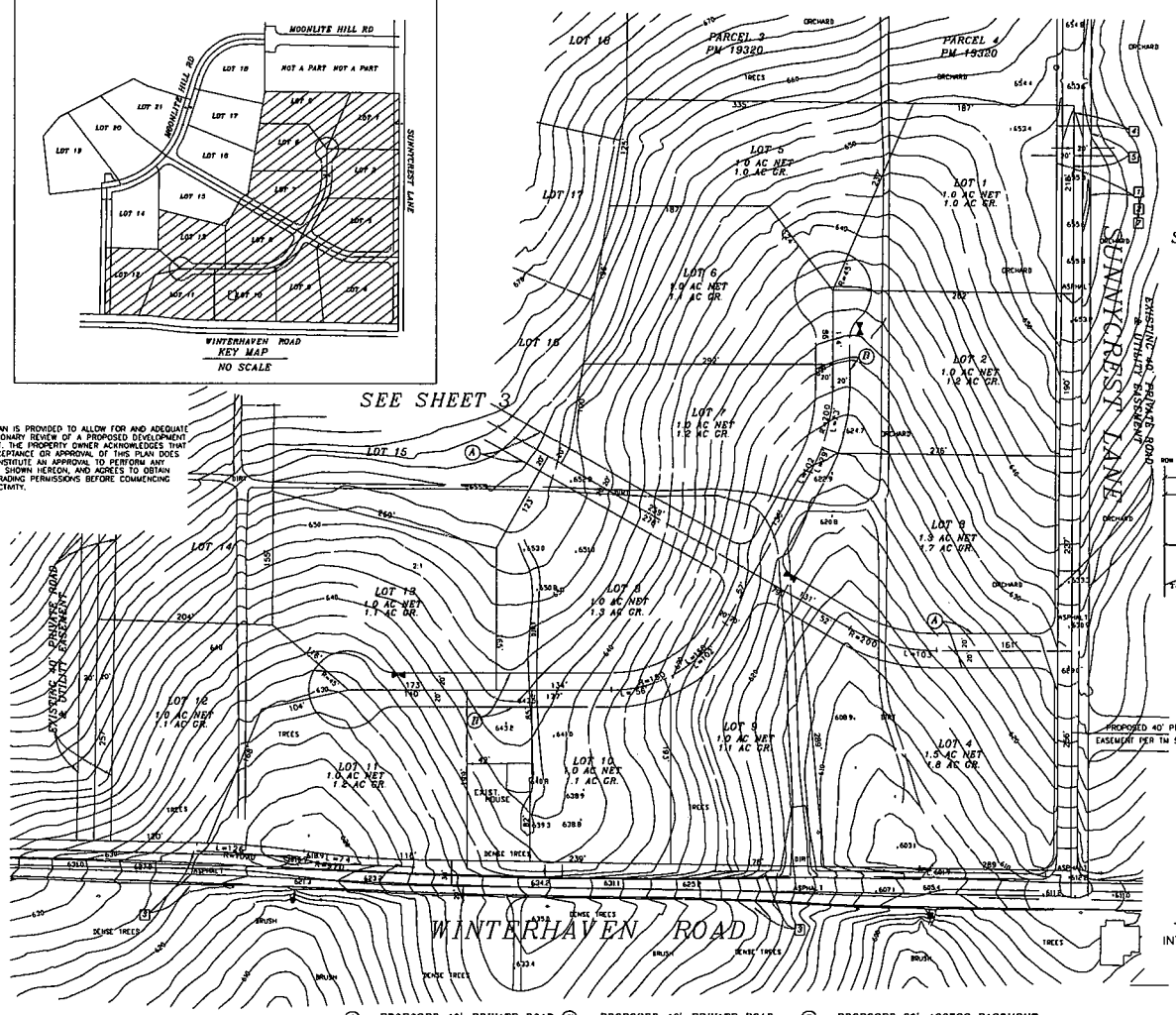
\\SERVER\SC2004\1484\SUBGRADING_10-23-14

COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

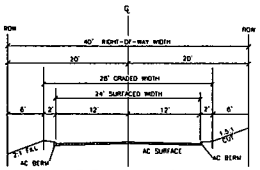
SHEET 2 OF 3 SHEETS

THIS PLAN IS PROVIDED TO ALLOW FOR AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT THE ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY.

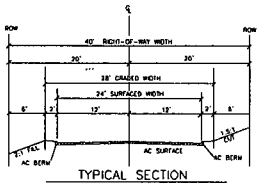


LEGEND

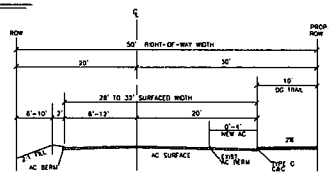
- EXISTING CONTOUR —1500—
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA — P
- RESERVE LEACHFIELD AREA — R
- TIGHT LINE
- SEPTIC TANK — ST
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- BIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



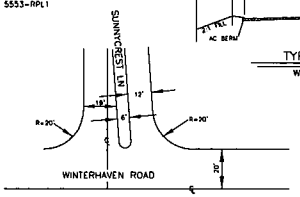
TYPICAL SECTION
PRIVATE ROAD EASEMENT
STREET "A" & "B"
NO SCALE



TYPICAL SECTION
SUNNYCREST LN
AND MOONLITE HILL RD
NO SCALE



TYPICAL SECTION
WINTERHAVEN ROAD
NO SCALE



INTERSECTION OF SUNNYCREAST LANE
AND WINTERHAVEN RD.
NO SCALE

Ⓐ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

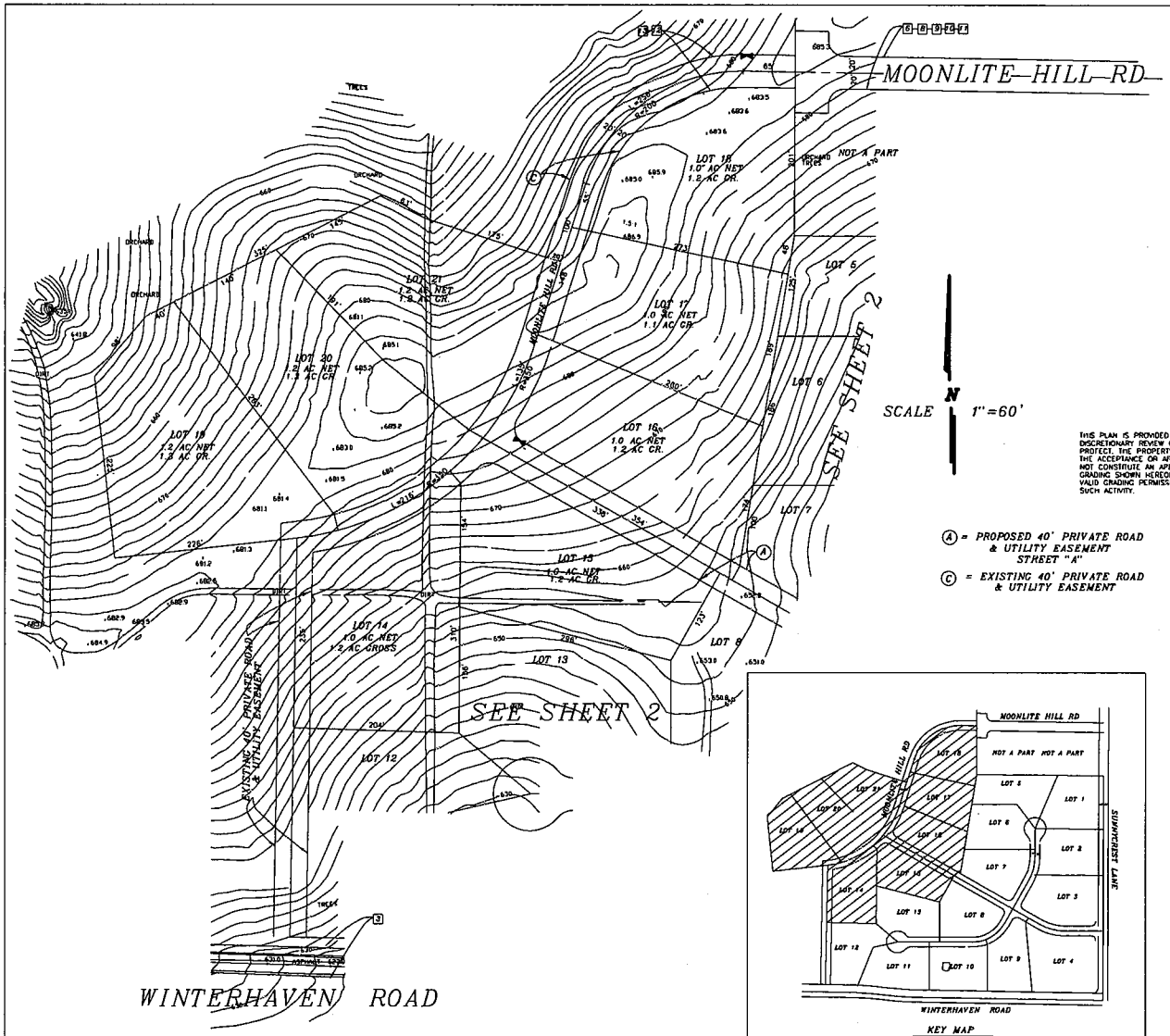
Ⓑ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "B"

Ⓓ = PROPOSED 20' ACCESS EASEMENT TO DETENTION BASIN

COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 3 OF 3 SHEETS



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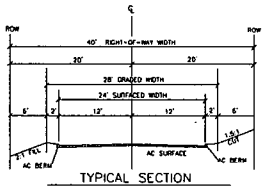
(A) = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

(C) = EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

KEY MAP

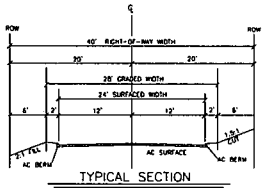
LEGEND

- EXISTING CONTOUR —1500—
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA — P
- RESERVE LEACHFIELD AREA — R
- TIGHT LINE
- SEPTIC TANK — ST
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- BIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



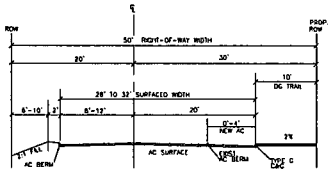
TYPICAL SECTION

SUNNYCREST LN AND MOONLITE HILL RD NO SCALE



TYPICAL SECTION

PRIVATE ROAD EASEMENT STREET "A" & "B" NO SCALE



TYPICAL SECTION

WINTERHAVEN ROAD NO SCALE

COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 1 OF 3 SHEETS
PRELIMINARY GRADING PLAN

SLOPE DENSITY	
LOT NO.	LOT SLOPE
1	8%
2	10%
3	9%
4	9%
5	11%
6	10%
7	11%
8	10%
9	12%
10	7%
11	9%
12	14%
13	11%
14	13%
15	10%
16	10%
17	10%
18	8%
19	12%
20	10%
21	12%

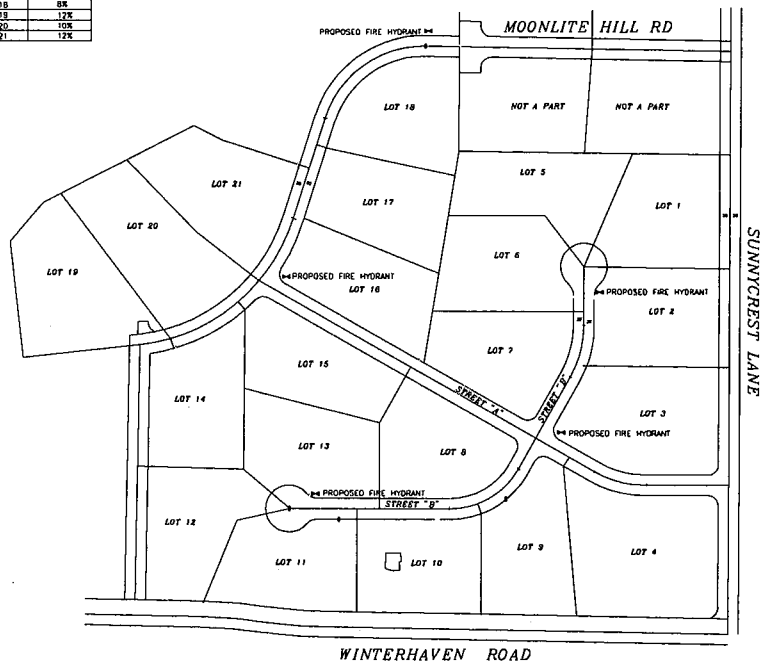
SOLAR NOTE

"ALL LOTS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100 SQUARE OF SOLAR ACCESS FOR THE FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION"

LAWRENCE PAXTON, PLS 4447 DATE

LEGAL DESCRIPTION

A PORTION OF LOT 17 & 18 IN THE SUBDIVISION OF TRACT "D" OF THE PARTITION OF RANCHO MONSERATE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 821



KEY MAP

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SCALE 1"=100' N

APPROXIMATE EARTHWORK AS SHOWN ON THIS MAP SUBJECT TO FUTURE REVISIONS

LOT NO.	VOLUME CUT	VOLUME FILL
1	400	400
2	1120	360
3	1480	880
4	530	420
5	230	745
6	680	905
7	800	340
8	1400	520
9	520	640
10	765	0
11	350	320
12	675	710
13	520	520
14	2960	480
15	1440	280
16	1680	900
17	1580	1160
18	780	110
19	1510	1890
20	2270	1805
21	500	2085

TOTAL CUT = 22,885
TOTAL FILL = 14,485

THE ABOVE QUANTIES REPRESENT MAXIMIZATION OF THE PADS AS SHOWN FOR FUTURE INDIVIDUAL LOT GRADING. WHEN THE INFRASTRUCTURE PLANS ARE PREPARED, IT IS ANTICIPATED SEVERAL OF THE MAJOR UNBALANCED PADS (LE 14,21 etc) WILL BE INCLUDED TO CREATE A MORE BALANCED PROJECT.

OWNER/SUBDIVIDER

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JEFFERY S. BERK, TRUSTEE

DATE:

NANCY B. BERK
574 COMBES AVE
THOUSAND OAKS, CA 91360
PHONE (805) 320-8355

NANCY B. BERK, TRUSTEE

DATE:

EXISTING ZONING

APN 106-280-22
TRA= 75006

USE REGULATIONS	A-70	
NEIGHBORHOOD REGS	L	
DENSITY	–	
LOT SIZE	1 AC	
BUILDING TYPE	C	
MAX FIR AREA	–	
FIR AREA RATIO	–	
HEIGHT	G	
COVERAGE	–	
SETBACK	C	
OPEN SPACE	–	
SPECIAL AREA REGS	C	

SUPPLEMENTAL INFORMATION

1. EXISTING ZONING: A-70
2. COMMUNITY PLANNING: FALLBROOK
3. GENERAL PLAN DESIGNATION: SEMI-RURAL RESIDENTIAL (SR-1) 1 DU/AC
4. REGIONAL CATEGORY: SEMI-RURAL
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6. SEWER/SEPTIC: SUBSURFACE DISPOSAL (SEPTIC)
7. FIRE PROTECTION: FALLBROOK FIRE PROTECTION DISTRICT
8. SCHOOL DISTRICT: FALLBROOK HIGH SCHOOL AND FALLBROOK ELEMENTARY SCHOOL
9. STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARDS.
10. NUMBER OF LOTS: 21
11. NUMBER OF DWELLING UNITS: 21
12. NUMBER OF ACRES: 28.48
13. MINIMUM LOT SIZE: 1 AC NET
14. FEES TO BE PAID IN LIEU OF DEDICATION FOR PARK LAND.
15. NO SPECIAL ASSESSMENT ACT PROCEEDINGS ARE PROPOSED.
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20. TOPOGRAPHY: PHOTO GEODETIC DATED 1-07-1998
21. NO 100 YEAR FLOOD PLANS EXIST ON THE SITE.
22. ALL CUT SLOPES: 1 1/2 : 1
23. ALL FILL SLOPES 2 : 1
24. NO LOT GRADING IS PROPOSED.

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LAWRENCE PAXTON, PLS 4447 DATE

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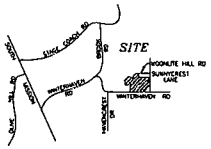
ROBERT O. SUKUP, RCE 26302 DATE



VICINITY MAP
NO SCALE

[1] AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED DEC. 24, 1913 IN BOOK 631 PAGE 346 OF DEEDS

[2] AN EASEMENT FOR ROAD PURPOSES PER DOCUMENT RECORDED IN BOOK 715 PAGE 291 OF DEEDS.

[3] A RIGHT-OF WAY FOR PUBLIC ROAD PURPOSES GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED IN BOOK 1156 PAGE 259 OF OFFICIAL RECORDS

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[9] AN EASEMENT FOR UTILITY PURPOSES TO SDG&E PER DOC. REC. MAY 28, 2004 AS DOC NO. 2004-0486801 OF O.R.

[12] AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC. DEC 27, 2005 AS DOC NO. 2005-1104247 OF O.R.

[17] AN EASEMENT FOR ROAD AND UTILITY MPURPOSES PER DOC. REC. JAN 17, 2007 AS DOC NO. 2007-0032564 OF O.R.

[22] AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC. APRIL 10, 2013 AS DOC NO. 2013-0224187 OF O.R.

[23] AN EASEMENT FOR ROAD AND UTILITY PURPOSES PER DOC REC APRIL 10, 2013 AS DOC NO. 2013-0224188 OF O.R.

\\SERVER\SC2004\1484\SUBGRADING_10-23-14

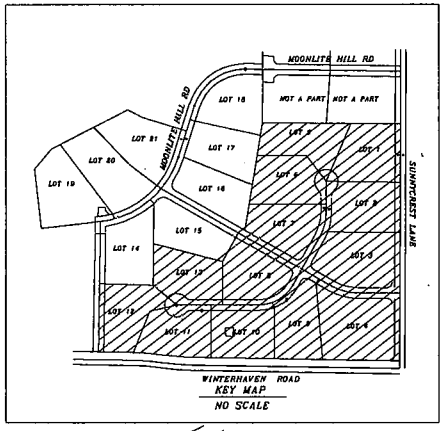
1 - 86
Exhibit B

COUNTY OF SAN DIEGO TRACT NO. 5577

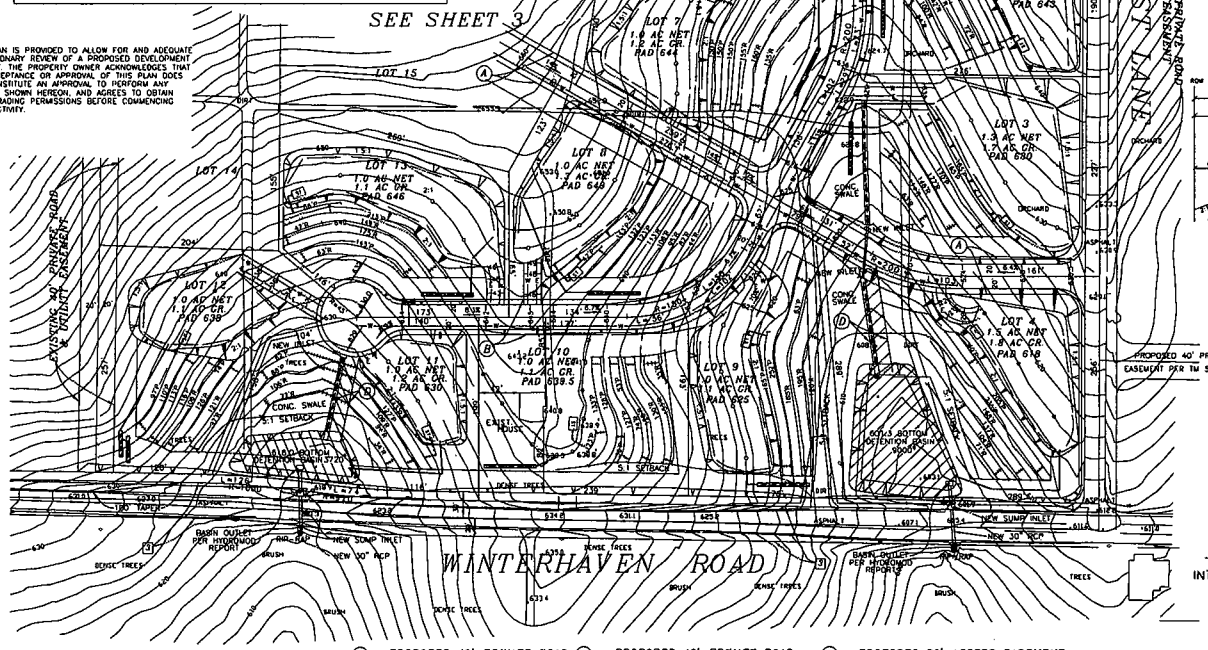
TENTATIVE MAP

SHEET 2 OF 3 SHEETS

PRELIMINARY GRADING PLAN



KEY MAP
NO SCALE



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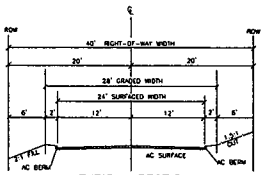
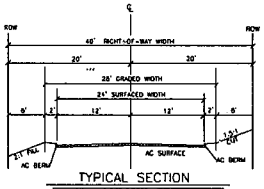
SCALE 1"=60'

LEGEND

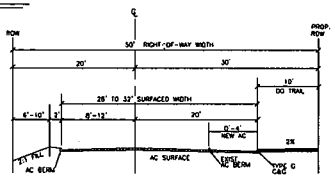
- EXISTING CONTOUR
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA
- RESERVE LEACHFIELD AREA
- TIGHT LINE
- SEPTIC TANK
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- DIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



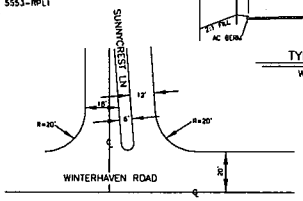
TYPICAL SECTION
PRIVATE ROAD EASEMENT
STREET "A" & "B"
NO SCALE



TYPICAL SECTION
SUNNYCREST LN
AND MOONLITE HILL RD
NO SCALE



TYPICAL SECTION
WINTERHAVEN ROAD
NO SCALE



INTERSECTION OF SUNNYCREAST LANE
AND WINTERHAVEN RD.
NO SCALE

Ⓐ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

Ⓑ = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "B"

Ⓓ = PROPOSED 20' ACCESS EASEMENT TO DETENTION BASIN

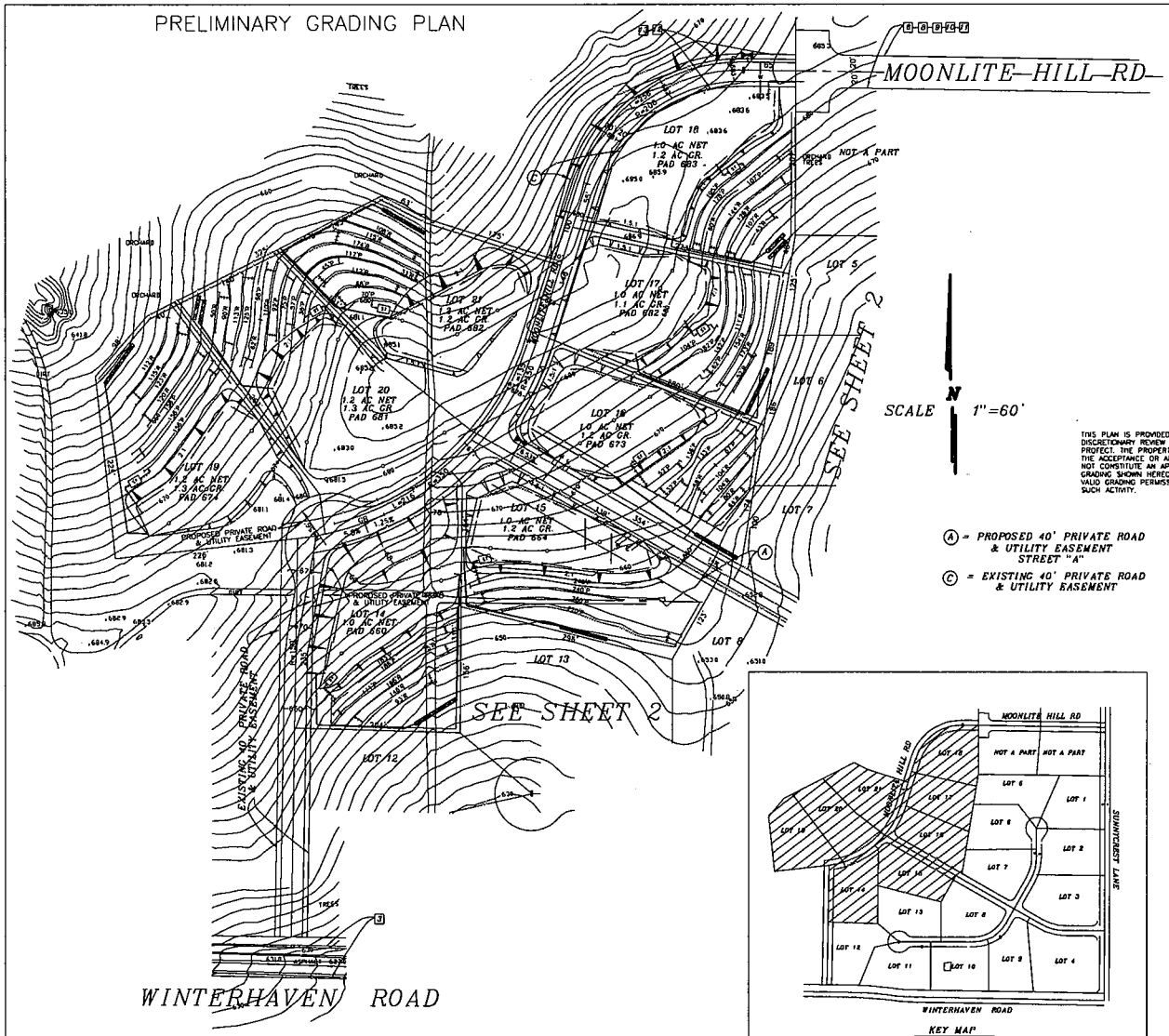
COUNTY OF SAN DIEGO TRACT NO. 5577

TENTATIVE MAP

SHEET 3 OF 3 SHEETS

ER LOG NO PDS2013-ER-13-02-003

PRELIMINARY GRADING PLAN



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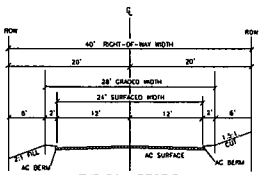
(A) = PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT STREET "A"

(C) = EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

KEY MAP

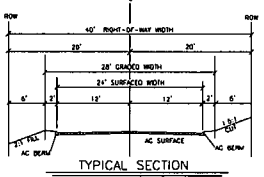
LEGEND

- EXISTING CONTOUR —1600—
- PROPERTY LINE
- PERCOLATION TEST HOLE
- DEEP HOLE
- PRIMARY LEACHFIELD AREA (P)
- RESERVE LEACHFIELD AREA (R)
- TIGHT LINE
- SEPTIC TANK (ST)
- PROPOSED DAYLIGHT LINE
- FILL SLOPE 2:1
- CUT SLOPE 1.5:1 MAX
- BIO SWALE
- DRAINAGE EASEMENT AND BIO- DETENTION BASIN
- CONCRETE DRAINAGE SWALE
- NEW RCP PIPE
- NEW CATCH BASIN
- PROPOSED FIRE HYDRANT



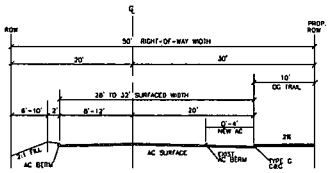
TYPICAL SECTION

SUNNYCREST LN AND MOONLITE HILL RD NO SCALE



TYPICAL SECTION

PRIVATE ROAD EASEMENT STREET "A" & "B" NO SCALE



TYPICAL SECTION

WINTERHAVEN ROAD NO SCALE

Attachment C – Environmental Findings

ENVIRONMENTAL FINDINGS
PDS2013-TM-5577
BERK ESTATES

PLANNING COMMISSION HEARING
November 13, 2015

1. In accordance with State CEQA Guidelines Section 15183, find the project is exempt from further environmental review for the reasons stated in the Notice of Exemption dated November 13, 2015, because the project is consistent with the General Plan for which an environmental impact report dated August 2011 on file with Planning & Development Services as Environmental Review Number 02-ZA-001 (GPU EIR) was certified, there are no project specific effects which are peculiar to the project or its site, there are no project impacts which the GPU EIR failed to analyze as significant effects, there are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate, there is no substantial new information which results in more severe impacts than anticipated by the GPU EIR, and that the application of uniformly applied development standards and policies, in addition to feasible mitigation measures included as project conditions would substantially mitigate the effects of the project, as explained in the Section 15183 Statement of Reasons, dated May 4, 2015.

2. In accordance with State CEQA Guidelines section 15183(e)2, find that feasible mitigation measures identified in the General Plan Update EIR will be undertaken.

3. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).

4. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

Attachment D – Environmental Documentation

County of San Diego

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Statement of Reasons for Exemption from Additional Environmental Review and §15183 Checklist
Pursuant to CEQA Guidelines §15183

Date:	May 4, 2015
Project Title:	Berk Major Subdivision (21 Lots); APN: 106-280-22
Record ID:	PDS2013-TM-5577, LOG NO. PDS2013-ER-13-02-003
Plan Area:	Fallbrook
GP Designation:	Semi-Rural (SR) / Semi-Rural 1 (SR-1)
Density:	1 DU/AC
Zoning:	Limited Agriculture (A70)
Min. Lot Size:	1 AC
Special Area Reg.:	C - Airport Land Use Compatibility Plan Area
Lot Size:	1+ AC
Applicant:	Jeffery Berk and Nancy Berk (949) 468-6448
Staff Contact:	Dennis Campbell - (858) 505-6380 dennis.campbell@sdcounty.ca.gov

Project Description
The project is a major subdivision to divide a 26.5-acre property into 21 lots. The project site is located at the northwest intersection of Winterhaven Road and Sunnycrest Lane, in the Fallbrook Plan Area. Access to the site would be provided at both Winterhaven Road a public road, and Sunnycrest Lane a private road, via internal private roads connecting Winterhaven Road and the existing Moonlight Hill Road. Water and Sewer would be provided by the Fallbrook Public Utilities District and individual on-site septic systems. Earthwork will consist of 22,885 cut and 14,485 fill.

The project site is subject to the SR General Plan Regional Category, Land Use Designation SR-1. Zoning for the site is the A70 District. The project is consistent with density and lot size requirements of the General Plan and Zoning Ordinance.

Overview
California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to

those effects that are: (1) peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects, in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent; or (2) potentially significant off-site impacts and cumulative impacts, which were not discussed in the prior EIR prepared for the general plan, community plan, or zoning action; or (3) previously identified significant effects, which as a result of substantial new information that was not known, at the time the EIR was certified, are determined to have a more severe adverse impact than discussed, in the prior EIR. Section 15183(c) further specifies that if an impact: is not peculiar to the parcel or to the proposed project; or has been addressed as a significant effect in the prior EIR; or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

General Plan Update Program EIR

The County of San Diego General Plan Update (GPU) establishes a blueprint for future land development in the unincorporated County that meets community desires and balances the environmental protection goals with the need for housing, agriculture, infrastructure, and economic vitality. The GPU applies to all of the unincorporated portions of San Diego County and directs population growth and plans for infrastructure needs, development, and resource protection. The GPU included adoption of new General Plan elements, which set the goals and policies that guide future development. It also included a corresponding Land Use Map, a County Road Network map, updates to Community and Subregional Plans, an Implementation Plan, and other implementing policies and ordinances. The GPU focuses population growth in the western areas of the County where infrastructure and services are available in order to reduce the potential for growth in the eastern areas. The objectives of this population distribution strategy are to: 1) facilitate efficient, orderly growth by containing development within areas potentially served by the San Diego County Water Authority (SDCWA) or other existing infrastructure; 2) protect natural resources through the reduction of population capacity in sensitive areas; and 3) retain or enhance the character of communities within the unincorporated County. The SDCWA service area covers approximately the western one third of the unincorporated County. The SDWCA boundary generally represents where water and wastewater infrastructure currently exist. This area is more developed than the eastern areas of the unincorporated County, and would accommodate more growth under the GPU.

The GPU EIR was certified in conjunction with adoption of the GPU on August 3, 2011. The GPU EIR comprehensively evaluated environmental impacts that would result from: Plan implementation, including information related to existing site conditions; analyses of the types and magnitude of project-level and cumulative environmental impacts; and feasible mitigation measures that could reduce or avoid environmental impacts.

Summary of Findings

The Berk Major Subdivision (PDS2013-TM-5577) is consistent with the analysis performed for the GPU EIR. Further, the GPU EIR adequately anticipated and described the impacts of the proposed project, identified applicable mitigation measures necessary to reduce project specific impacts, and the project implements these mitigation measures (see http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00_-_Mitigation_Measures_2011.pdf for complete list of GPU Mitigation Measures).

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

In accordance with CEQA Guidelines §15183, the project qualifies for an exemption because the following findings can be made:

1. **The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**
   The project would subdivide a 26.5-acre property into 21 lots, which is consistent with the SR-1 development density established by the General Plan and the certified GPU EIR.

2. **There are no project specific effects, which are peculiar to the project or its site, and which the GPU EIR failed to analyze as significant effects.**
   The subject property is no different than other properties in the surrounding area, and there are no project specific effects which are peculiar to the project or its site. The project site is located in an area developed with similarly sized, estate residential lots with associated accessory uses. The property does not support any peculiar environmental features, and the project would not result in any peculiar effects.

   In addition, as explained further in the §15183 Checklist below, all project impacts were adequately analyzed by the GPU EIR. The project could result in potentially significant impacts to Agriculture, Biology, Stormwater Management, Drainage/Hydrology, Hydromodification, Noise, Hazards (Structure Removal and Phase I and Limited Phase II Environmental Site Assessment), Traffic, Fire Protection, and Air Quality (Temporary Construction Effects), resources. However, applicable mitigation measures specified within the GPU EIR have been made conditions of approval for this project.

3. **There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.**
   The proposed project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the General Plan. The GPU EIR considered the incremental impacts of the proposed project, and as explained further in the Section 15183 Exemption Checklist below, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

4. **There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.**
   As explained in the §15183 exemption checklist below, no new information has been identified, which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.

5. **The project will undertake feasible mitigation measures specified in the GPU EIR.** As explained in the §15183 exemption checklist below, the project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation measures will be undertaken through project design, compliance with regulations and ordinances, or through the project's conditions of approval.

Signature	**June 25, 2015** Date
Dennis Campbell Printed Name	**Project Manager** Title

CEQA Guidelines §15183 Exemption Checklist

Overview
This checklist provides an analysis of potential environmental impacts resulting from the proposed project. Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the project would result in a potentially significant impact triggering additional review under Guidelines section 15183.

- Items checked "Significant Project Impact" indicates that the project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant, unmitigated impact.

- Items checked "Impact not identified by GPU EIR" indicates the project would result in a project specific significant impact (peculiar off-site or cumulative that was not identified in the GPU EIR.

- Items checked "Substantial New Information" indicates that there is new information which leads to a determination that a project impact is more severe than what had been anticipated by the GPU EIR.

A project does not qualify for a §15183 exemption if it is determined that it would result in: 1) a peculiar impact that was not identified as a significant impact under the GPU EIR; 2) a more severe impact due to new information; or 3) a potentially significant off-site impact or cumulative impact not discussed in the GPU EIR.

A summary of staff's analysis of each potential environmental effect is provided below the checklist for each subject area. A list of references, significance guidelines, and technical studies used to support the analysis is attached in Appendix A. Appendix B contains a list of GPU EIR mitigation measures.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
1. AESTHETICS – Would the Project:			
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐

Discussion

1(a) The project would be visible from public roads and trails; however, the site is not located within a viewshed of a scenic vista.

1(b) The property is not within the viewshed of a County or State scenic highway. The project site also does not support any significant scenic resources that would be lost or modified through development of the property.

1(c) The project would be consistent with existing community character. The project is located at Green Canyon Road and Sunny Crest Lane, in the Community of Fallbrook, in an area characterized by single family dwellings and the project design is a single family subdivision that complies with the SR-1 General Plan Land Use designation and the A70 Zoning District. The addition of 21 new residential lots would not substantially degrade the visual quality of the site or its surroundings. This is because the surrounding land uses are single family dwellings in an established neighborhood.

1(d) Although the subject property is located within the Dark Skies Zone "B" and not within the 10 mile radius of the Palomar Observatory, the proposed project's residential lighting would be required to conform with the County's Light Pollution Code to prevent spillover onto adjacent properties and minimize impacts to dark skies.

Conclusion

As discussed above, the project would not result in any significant impacts to aesthetics; therefore, the project would not result in an impact that was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
2. Agriculture/Forestry Resources – Would the Project:			
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency,	☒	☐	☐

or other agricultural resources, to a non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☒	☐	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?	☐	☐	☐
d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?	☐	☐	☐
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?	☒	☐	☐

Discussion

2(a) The project and surrounding properties support Farmland of Local Importance, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project's agricultural impacts were evaluated in compliance with the County of San Diego Guidelines for Determining Significance for Agricultural Resources and Report Format and Content Guidelines (Guidelines). As required by the Guidelines, the County Local Agricultural Resources Assessment (LARA) Model was used to analyze the significance of the project's agricultural impacts. The Agricultural Analysis, dated June 5, 2014, shows that the project will impact 19.2 acres of on-site agricultural resources, as that term is defined in the Guidelines. Further, the agricultural lands could support raptor foraging, a biological benefit in non-native grasslands and agricultural lands. Based on this dual use of agricultural lands and with proper biological substantiation via a biological resources study, the project mitigation measure requires a one-half-to-one (1/2:1) agricultural mitigation measure. If the biological study does not provide evidence that the mitigation lands also serve as raptor foraging, the mitigation measure would be one-to-one (1:1). The project proponent would be conditioned to either participate in the adopted agricultural credit purchasing program or obtain a private off-site agricultural easement at either the 1/2:1 or 1:1 mitigation ratio, with the above-described biological study. The total mitigation, based on the choice of mitigation measures would be either 9.6 (1/2:1 ratio) or 19.2 (1:1 ratio) acres.

2(b) The project site is not located within or adjacent to a Williamson Act Contract, but is adjacent to agriculturally zoned land. However, the project site is surrounded by single family development, with the exception of the property south of Green Canyon Road that is agricultural. With the exception of several smaller parcels currently used as agricultural production, the overall development pattern in this neighborhood is residential semi-rural development and is not agricultural in nature. Other agricultural uses in the area are those that are incidental to the primary single family residential uses.

2(c) There are no timberland production zones on or near the property.

2(d) The project site is not located near any forest lands.

2(e) The project site is not located near any important farmlands or active agricultural production areas.

Conclusion
As discussed above, the project would result in mitigated potentially significant impacts to agricultural resources; therefore, the project design requires mitigation to either reserve agricultural lands off-site via participation in the PACE Program or obtaining private off-site agricultural easements on private lands that meet the requirements of the County's LARA Model. The total mitigation, based on the choice of mitigation measures discussed above would be either 9.6 (1/2:1 ratio) or 19.2 (1:1 ratio) acres. Agricultural impacts were adequately analyzed and addressed in the GPU EIR, and the project impacts are those addressed and evaluated within that GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
3. Air Quality – Would the Project:			
a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?	☐	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐

Discussion
3(a) The project proposes development that was anticipated and considered by SANDAG growth projections used in development of the RAQS and SIP. As such, the project would not conflict with either the RAQS or the SIP. In addition, the operational emissions from the project are below screening levels, and will not violate any ambient air quality standards.

3(b) Grading operations associated with the construction of the project would be subject to the Grading Ordinance, which requires the implementation of dust control measures. Emissions from the construction phase would be minimal, temporary and localized,

resulting in pollutant emissions below the screening level criteria established by County air quality guidelines for determining significance. In addition, the vehicle trips generated from the project will result in 252 Average Daily Trips (ADTs). According to the Bay Area Air Quality Management District CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans, projects that generate less than 2,000 ADT are below the screening-level criteria established by the guidelines for criteria pollutants.

3(c) The project would contribute PM10, NOx, and VOCs emissions from construction/grading activities; however, the incremental increase would not exceed established screening thresholds (see question 3(b above)).

3(d) The project will introduce 21 additional residential homes, which are considered new sensitive receptors; however, the project site is not located within a quarter-mile of any identified point source of significant emissions. Similarly, the project does not propose uses or activities that would result in exposure of these sensitive receptors to significant pollutant concentrations, and will not place sensitive receptors near any carbon monoxide hotspots.

3(e) The project could produce objectionable odors during construction and operation; however, these substances, if present at all, would only be in trace amounts (less that 1 $\mu g/m^3$).

Conclusion
As discussed above, the project would not result in any significant impacts to air quality; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
4. Biological Resources – Would the Project:			
Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐
e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?	☐	☐	☐

Discussion

4(a) Biological resources on the project site were evaluated in a Biological Resources Letter Report prepared by William Everett, dated February 24, 2014. The site contains 16.4 acres of non-native grassland, 8.3 acres of disturbed habitat, and 4.5 acres of developed habitat. Sensitive wildlife species identified on site were turkey vulture, red-shouldered hawk, and Cooper's hawk. No sensitive plant species were identified onsite. The site is located outside of the adopted MSCP, within the Draft North County MSCP, and is not designated as a Pre-approved Mitigation Area (PAMA).

The project would impact 16.4 acres of non-native grassland. The impact to non-native grassland would also impact foraging habitat for the raptors discussed above, as well as the turkey vulture. As considered by the GPU EIR, project impacts to sensitive habitat and/or species will be mitigated through ordinance compliance and through implementation of the following mitigation measures: Off-site purchase of 8.2 acres of non-native grassland or agriculture that actively serves as raptor foraging habitat within the PACE program or at another location approved by the Director of Planning & Development Services, and breeding season avoidance to prevent brushing, clearing, and/or grading between January 15 and August 31. In addition, to prevent any impacts to burrowing owls that could potentially use the site, burrowing owl surveys will be conducted prior to grading. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7.

4(b) Based on the Biological Resources report, no RPO wetlands were found onsite. There are no impacts to ACOE and CDFG jurisdictional areas. The following sensitive habitat was identified on the site: non-native grassland. As detailed in response a) above, direct and indirect impacts to sensitive natural communities identified in the RPO, NCCP, Fish and Wildlife Code, and Endangered Species Act are mitigated through implementation of offsite habitat purchases. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7.

As considered by the GPU EIR, project impacts to non-native grassland will be mitigated through ordinance compliance and through implementation of the following mitigation measures: Off-site purchase of 8.2 acres of non-native grassland or agriculture that actively serves as raptor foraging habitat within the PACE program or at another location, approved by the Director of Planning & Development Services. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7.

4(c) The proposed project site does not contain any wetlands as defined by Section 404 of the Clean Water Act; therefore, no impacts will occur.

4(d) Based on a GIS analysis, the County's Comprehensive Matrix of Sensitive Species, site photos, a site visit by County staff, and a Biological Resources Report, it was determined that the site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site would not assist in local wildlife movement, as it lacks connecting vegetation and visual continuity with other potential habitat areas, in the general project vicinity. The nearest wildlife corridor is Green Canyon Creek located off site to the southeast.

4(e) The project is not subject to the BMO or MSCP and would not interfere with the Draft North County MSCP because it is not within a planned preserve nor a PAMA. The project is consistent with the Resource Protection Ordinance (RPO) because no RPO wetlands or sensitive habitat lands would be impacted and off-site mitigation will be required to compensate for the loss of significant habitat.

Conclusion
The project could result in potentially significant impacts to biological resources; however, further environmental analysis is not required because:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts, which were not discussed within the GPU EIR.
3. No substantial new information has been identified, which results in an impact that is more severe than anticipated, by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR will be applied to the project.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
5. Cultural Resources – Would the Project:			
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☐	☐
c) Directly or indirectly destroy a unique geologic feature?	☐	☐	☐
d) Directly or indirectly destroy a unique paleontological resource or site?	☐	☐	☐
e) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐

Discussion
5(a) Based on an analysis of records and a survey of the property by County approved archaeologist, Brian F. Smith, it has been determined that the 1940s

era historic residence (1650 Winter Haven Road) is not historically significant pursuant to CEQA. As such, impacts to the structure would not be significant. The results of the survey and evaluation are provided in the cultural resources report titled, "A Cultural Resources Survey of the Berk Subdivision Project" (October 16, 2014) prepared by Brian F. Smith.

5(b) No archaeological resources were found on the property during the archaeological survey. The Native American Heritage Commission (NAHC) failed to identify Native American cultural resources within the area of potential effect and in close proximity to the project site. Tribes identified by the NAHC were contacted and three responses (Pala, Pechanga, Rincon) were received. Pala identified that the project is outside of their traditional territory and identified that they may recommend archaeological monitoring based upon the results of the study. Pechanga identified that the project is within their traditional territory. They identified that resources are in close proximity to the project site and requested entitlement notification, copies of studies, notification, government-to-government consultation, and archaeological monitoring. Rincon identified that the project is outside of their traditional territory and had no comments related to the project.

Although no resources were identified during site surveys, the potential exists for subsurface deposits because of vegetative cover which limited ground visibility during the survey.

As considered by the GPU EIR, potential impacts to cultural resources will be mitigated through ordinance compliance and through implementation of the following mitigation measures: grading monitoring under the supervision of a County-approved archaeologist and a Native American monitor and conformance with the County's Cultural Resource Guidelines if resources are encountered. The GPU EIR identified these mitigation measures as Cul-2.5.

5(e) Based on an analysis of records and archaeological surveys of the property, it has been determined that the project site does not include a formal cemetery or any archaeological resources that might contain interred human remains.

Conclusion

The project could result in potentially significant impacts to cultural resources; however, further environmental analysis is not required because:

1. No peculiar impacts to the project or its site have been identified.

2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.

3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.

4. Feasible mitigation measures contained within the GPU EIR will be applied to the project.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
6. Geology and Soils – Would the Project:			
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, and/or landslides?	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐

Discussion

6(a)(i) The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault.

6(a)(ii) To ensure the structural integrity of all buildings and structures, the project must conform to the Seismic Requirements as outlined within the California Building Code. Compliance with the California Building Code and the County Building Code will ensure that the project will not result in a significant impact.

6(a)(iii) The project site is not within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. In addition, the site is not underlain by poor artificial fill or located within a floodplain.

6(a)(iv) The site is located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. However, the project will not result in a significant impact because compliance with the Building Code and implementation of standard engineering techniques will ensure structural safety.

6(b) According to the Soil Survey of San Diego County, the soils on-site are identified as Fallbrook sandy loam (5-9% slopes) and Bonsall sandy loam (2-9% slopes) that have a

soil erodibility rating of zero. However, the project will not result in substantial soil erosion or the loss of topsoil because the project will be required to comply with the Watershed Protection Ordinance (WPO) and Grading Ordinance which will ensure that the project would not result in any unprotected erodible soils, will not alter existing drainage patters, and will not develop steep slopes. Additionally, the project will be required to implement Best Management Practices (BMPs) to prevent fugitive sediment.

6(c) The project is not located on or near geological formations that are unstable or would potentially become unstable as a result of the project.

6(d) The project is underlain by Fallbrook sandy loam (5-9% slopes) and Bonsall sandy loam (2-9% slopes), which is considered to be an expansive soil as defined within Table 18-I-B of the Uniform Building Code (1994). However, the project will not result in a significant impact because compliance with the Building Code and implementation of standard engineering techniques will ensure structural safety.

6(e) The project will rely on public water and septic tanks for wastewater disposal systems These on-site septic systems are accepted by the Department of Health and will not cause significant impact because of compliance with all Health Codes, and implementation of standard on-site wastewater engineering techniques will ensure soil structural integrity.

Conclusion
As discussed above, the project would not result in any significant impacts to/from geology/soils; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
7. Greenhouse Gas Emissions – Would the Project:			
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐

Discussion
7(a) The project would produce GHG emissions through construction activities, vehicle trips, and residential fuel combustion. However, the project falls below the screening criteria that were developed to identify project types and sizes that would have less-than-cumulatively considerable GHG emissions. Table 3 of the Guidelines for Determining Significance for Climate Change: (http://www.sdcounty.ca.gov/pds/advance/Guidelines_for_Determining_Significance_Climate_Change.pdf) identify the various project types and sizes that would fall below the screening criteria. The project is a 21 single family Tentative Map generating 252 ADT, and would therefore, fall below the screening criteria. For projects of this size, it is presumed that the construction and operational GHG emissions would not exceed 2,500

MT CO2e per year, and there would be a less-than cumulatively considerable impact. This assumes that the project does not involve unusually extensive construction and does not involve operational characteristics that would generate unusually high GHG emissions.

Conclusion
As discussed above, the project would not result in any significant impacts to greenhouse gas emissions; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
8. Hazards and Hazardous Materials – Would the Project:			
a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐
b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐
c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐
e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐
g)Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐

h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?	☐	☐	☐

Discussion

8(a) The project will not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity. In addition, the project does not propose to demolish any existing structures onsite which could produce a hazard related to the release of asbestos, lead based paint or other hazardous materials.

8(b) The project is not located within one-quarter mile of an existing or proposed school.

8(c) Based on a site visit and a comprehensive review of regulatory databases (see attached Hazards/Hazardous Materials references), the project site has not been subject to a release of hazardous substances. Additionally, the project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash), and is not on or within 1,000 feet of a Formerly Used Defense Site.

8(d) The site is located within Airport Influence Area 2 (AIA2) of the MCAS Pendleton ALUCP. There are no overflight, noise, or safety compatibility issues with either ALUCP. The project site is also located outside of any overflight agreement area, so an overflight agreement will not be a requirement. Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

8(e) The proposed project is not within one mile of a private airstrip.

8(f)(i) OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN: The project will not interfere with this plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

8(f)(ii) SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN: The property is not within the San Onofre emergency planning zone.

8(f)(iii) OIL SPILL CONTINGENCY ELEMENT: The project is not located along the coastal zone.

8(f)(iv) EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN: The project would not alter major water or energy supply infrastructure which could interfere with the plan.

8f)(v) DAM EVACUATION PLAN: The project is not located within a dam inundation zone.

6(g) The proposed project is adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code, as described in the approved Fire Protection Letter Report, prepared for the project by Lawrence Paxton, (February 4, 2015). Also, a Fire Service Availability Letter dated July 13, 2013, has been received from the North County Fire Protection District, which indicates the expected emergency travel time to the project site to be two minutes, which is within the five-minute maximum travel time allowed by the County Public Facilities Element.

6(h) The project does not involve or support uses that would allow water to stand for a period of 72 hours or more (e.g. artificial lakes, agricultural ponds). Also, the project does not involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Moreover, based on a site visit conducted by County staff, there are none of these uses on adjacent properties.

Conclusion
As discussed above, the project would not result in any significant impacts to/from hazards/hazardous materials; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
9. Hydrology and Water Quality – Would the Project:			
a) Violate any waste discharge requirements?	☐	☐	☐
b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?	☐	☐	☐
c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	☐	☐	☐
d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐

f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐
g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?	☐	☐	☐
h) Provide substantial additional sources of polluted runoff?	☐	☐	☐
i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?	☐	☐	☐
j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐
k) Expose people or structures to a significant risk of loss, injury or death involving flooding?	☐	☐	☐
l) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	☐	☐	☐
m) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐

Discussion

9(a) The project will require a NPDES General Permit for Discharges of Storm Water Associated with Construction Activities. The project applicant has provided a Stormwater Management Plan (SWMP) which demonstrates that the project will comply with all requirements of the WPO. The project will be required to implement site design measures, source control BM

Ps, and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable. These measures will enable the project to meet waste discharge requirements as required by the San Diego Municipal Permit, as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

9(b) The project lies in the Bonsall (903.12) hydrologic subarea, within the San Luis Rey hydrologic unit. The project is not in proximity to any waterbody listed on the Clean Water Act Section 303(d) list. However, the project will comply with the WPO and implement site design measures, source control BMPs, and treatment control BMPs to prevent a significant increase of pollutants to receiving waters.

9(c) As stated in responses 9(a) and 9(b) above, implementation of BMPs and compliance with required ordinances will ensure that project impacts are less than significant.

9(d) The project is a Tentative Map for residences which will involve temporary grading operations. The project will not use any groundwater as it relates to grading activities. In addition, the project does not involve operations that would interfere substantially with groundwater recharge.

9(e) As outlined in the project's SWMP, the project will implement source control and/or treatment control BMP's to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff.

9(f) The project will not significantly alter established drainage patterns or significantly increase the amount of runoff for the following reasons: The project will not alter the natural drainage patterns and will have facilities to mitigate any increase in flowrate associated with the development.

9(g) The project does not propose to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems.

9(h) The project has the potential to generate pollutants; however, site design measures, source control BMPs, and treatment control BMPs will be employed such that potential pollutants will be reduced to the maximum extent practicable.

9(i) No housing will be placed within a FEMA mapped floodplain or County-mapped floodplain or drainage with a watershed greater than 25 acres.

9(j) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows

9(k) The project does not propose to expose people or structures to a significant risk of loss, injury or death involving any flooding.

9(l) The project site lies outside a mapped dam inundation area for a major dam/reservoir within San Diego County. In addition, the project is not located immediately downstream of a minor dam that could potentially flood the property.

9(m)(i) SEICHE: The project site is not located along the shoreline of a lake or reservoir.

9(m)(ii) TSUNAMI: The project site is not located in a tsunami hazard zone.

9(m)(iii) MUDFLOW: Mudflow is type of landslide. See response to question 6(a)(iv).

Conclusion
As discussed above, the project would not result in any significant impacts to/from hydrology/water quality; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
10. Land Use and Planning – Would the Project:			
a) Physically divide an established community?	☐	☐	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐

Discussion

10(a) The project does not propose the introduction of new infrastructure, such as major roadways, water supply systems, or utilities to the area.

10(b) The project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including policies of the General Plan and Community Plan.

Conclusion

As discussed above, the project would not result in any significant impacts to land use/planning; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
11. Mineral Resources – Would the Project:			
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐

11(a) The project site has been classified by the California Department of Conservation – Division of Mines and Geology as Mineral Resource Zone (MRZ-1). However, the project site is surrounded by suburban development, which is incompatible to future extraction of mineral resources on the project site. A future mining operation at the project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, the project will not result in the loss of a known mineral resource because the resource has already been lost due to incompatible land uses.

11(b) The project site is not located in an Extractive Use Zone (S-82), nor does it have an Impact Sensitive Land Use Designation (24) with an Extractive Land Use Overlay (25).

Conclusion
As discussed above, the project would not result in any significant impacts to mineral resources; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
12. Noise – Would the Project:			
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐

Discussion

12(a) The area surrounding the project site consists of suburban residential development. The project will not expose people to potentially significant noise levels that exceed the allowable limits of the General Plan, Noise Ordinance, or other applicable standards for the following reasons:

General Plan – Noise Element: Policy 4b addresses noise sensitive areas and requires projects to comply with a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Projects which could produce noise in excess of 60 dB(A) are required to incorporate design measures or mitigation as necessary to comply with the Noise Element. Based on a review of the County's noise contour maps, the project is not expected to expose existing or planned noise sensitive areas to noise in excess of 60 dB(A).

Noise Ordinance – Section 36-404: Non-transportation noise generated by the project is not expected to exceed the standards of the Noise Ordinance at or beyond the project's

property line. The site is zoned Limited Agriculture (A-70) that has a one-hour average sound limit of 60 dBA daytime and 40 dBA nighttime. The adjacent properties are zoned A-70. The project does not involve any noise producing equipment that would exceed applicable noise levels at the adjoining property line.

Noise Ordinance – Section 36-410: The project will not generate construction noise in excess of Noise Ordinance standards. Construction operations will occur only during permitted hours of operation. Also, it is not anticipated that the project will operate construction equipment in excess of an average sound level of 75dB between the hours of 7 AM and 7 PM.

12(b) The project proposes residential uses, which are sensitive to low ambient vibration. However, the residences would be setback more than 600 feet from any public road or transit Right-of-Way with projected noise contours of 65 dB or more; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses. A setback of 600 feet ensures that the operations do not have any chance of being impacted by groundborne vibration or groundborne noise levels (Harris, Miller Miller and Hanson Inc., Transit Noise and Vibration Impact Assessment 1995).

12(c) As indicated in the response listed under Section 12(a), the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of any applicable noise standards. Also, the project is not expected to expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels.

12(d) The project does not involve any operational uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity. Also, general construction noise is not expected to exceed the construction noise limits of the Noise Ordinance. Construction operations will occur only during permitted hours of operation. Also, the project will not operate construction equipment in excess of 75 dB for more than an 8 hours during a 24 hour period.

12(e) The project is located within the eastern limit of an Airport Land Use Compatibility Plan (ALUCP) for airports or within 2 miles of a public airport or public use airport. However, there are no overflight, noise, or safety compatibility issues with either ALUCP. The project site is also located outside of any overflight agreement area, so an overflight agreement will not be a requirement. Therefore, the project will not constitute a safety or noise hazard for people residing or working in the project area.

12(f) The project is not located within a one-mile vicinity of a private airstrip.

Conclusion

As discussed above, the project would not result in any significant impacts to/from noise; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
13. Population and Housing – Would the Project:			
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐

Discussion

13(a) The project will not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area.

13(b) The project will not displace existing housing.

13(c) The proposed project will not displace a substantial number of people since the site is currently vacant.

Conclusion

As discussed above, the project would not result in any significant impacts to populations/housing; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
14. Public Services – Would the Project:			
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios for fire protection, police protection, schools, parks, or other public facilities?	☐	☐	☐

Discussion

14(a) Based on the project's service availability forms, the project would not result in the need for significantly altered services or facilities.

Conclusion
As discussed above, the project would not result in any significant impacts to public services; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
15. Recreation – Would the Project:			
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐

Discussion

15(a) The project would incrementally increase the use of existing parks and other recreational facilities; however, the project will be required to pay fees for local parks, pursuant to the Park Land Dedication Ordinance.

15(b) The project includes trails and/or pathways. Impacts from these amenities have been considered as part of the overall environmental analysis contained elsewhere in this document.

Conclusion
As discussed above, the project would not result in any significant impacts to recreation; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
16. Transportation and Traffic – Would the Project:			
a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	☐	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards	☐	☐	☐

established by the county congestion management agency for designated roads or highways?			
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐
e) Result in inadequate emergency access?	☐	☐	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐

Discussion

16(a) The project will result in an additional 252 ADT. The project will not conflict with any established performance measures. In addition, the project would not conflict with policies related to non-motorized travel such as mass transit, pedestrian or bicycle facilities.

16(b) The project proposes an additional 252 ADT, therefore the project does not exceed the 2400 trips (or 200 peak hour trips) required for study under the region's Congestion Management Program as developed by SANDAG.

16(c) The proposed project is located outside of an Airport Influence Area and is not located within two miles of a public or public use airport.

16(d) The proposed project will not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create curves, slopes or walls which would impede adequate sight distance on a road.

16(e) The San Diego County Fire Authority and North County Fire Protection District has reviewed the project and have determined that there is adequate emergency fire access.

16(f) The project will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities.

Conclusion

As discussed above, the project would not result in any significant impacts to transportation/traffic; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project	Impact not identified by	Substantial New

	Impact	GPU EIR	Information
17. Utilities and Service Systems – Would the Project:			
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐

Discussion

17(a) The project proposes to discharge domestic waste to on-site wastewater systems (OSWS), also known as septic systems. The individual septic systems (some leach lines and some horizontal seepage pits) would be located on each lot. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH has reviewed the OSWS lay-out for the project pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria." DEH approved the project's OSWS on February 11, 2013. Therefore, the project is consistent with the wastewater treatment requirements of the RWQCB as determined by the authorized, local public agency.

17(b) The project involves new water pipeline extensions. However, these extensions will not result in additional adverse physical effects beyond those already identified in other sections of this environmental analysis.

17(c) The project involves new storm water drainage facilities. However, these facilities will not result in additional adverse physical effects beyond those already identified in other sections of this environmental analysis.

17(d) A Service Availability Letter from the Fallbrook Public Utility District has been provided, which indicates that there is adequate water to serve the project.

17(e) The project will be served by individual on-site septic systems.

17(f) All solid waste facilities, including landfills require solid waste facility permits to operate. There are five permitted active landfills in San Diego County with remaining capacity to adequately serve the project.

17(g) The project will deposit all solid waste at a permitted solid waste facility.

Conclusion
As discussed above, the project would not result in any significant impacts to utilities and service systems; therefore, the project would not result in a utilities or service systems related impact which was not adequately evaluated by the GPU EIR.

Attachments:
Appendix A – References
Appendix B – Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067

Appendix A

The following is a list of project specific technical studies used to support the analysis of each potential environmental effect:

Brian Smith & Associates, Brian Smith (October 16, 2014). Cultural Resources Survey of Berk Subdivision Project
Chagala and Associates, James Chagala (March 12, 2014). Agricultural Analysis
Everett and Associates, William Everett (February 24, 2014). Biological Resources Letter Report
Luis Parra-Rosales (May 15, 2014). SWMM Modeling – Hydromodification Compliance for: Berk Subdivision, County of San Diego, CA
The Sea Bright Company, Robert Sukup (October 28, 2014). Major Stormwater Management Plan
The Sea Bright Company, Robert O. Sukup (October 28, 2014). Preliminary Drainage Report
Paxton Surveying, Lawrence Paxton (February 24, 2015). Fire Protection Letter Report
Urban Systems Associates and Federhart & Associates, James Federhart. (February 24 2015). An Issue Specific Traffic Impact Study
Vinje & Middleton Engineering, Inc., Daniel Weis (April 17, 2014). Phase I Environmental Site Assessment

For a complete list of technical studies, references, and significance guidelines used to support the analysis of the this project, please visit the County's website at:

http://www.sandiegocounty.gov/content/sdc/pds/ceqa_public_review.html .

Appendix B

A Summary of Determinations and Mitigation are found within the project's final conditions of approval.

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2014-AWP-3977-OE

Issued Date: 10/27/2014

Larry Paxton
Jeff Berk
22451 Atomo
Mission Viejo, CA 92691

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building - Berk Sudivision TM 5577
Location:	Fallbrook, CA
Latitude:	33-20-51.00N NAD 83
Longitude:	117-13-38.00W
Heights:	620 feet site elevation (SE)
	30 feet above ground level (AGL)
	650 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 04/27/2016 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-AWP-3977-OE.

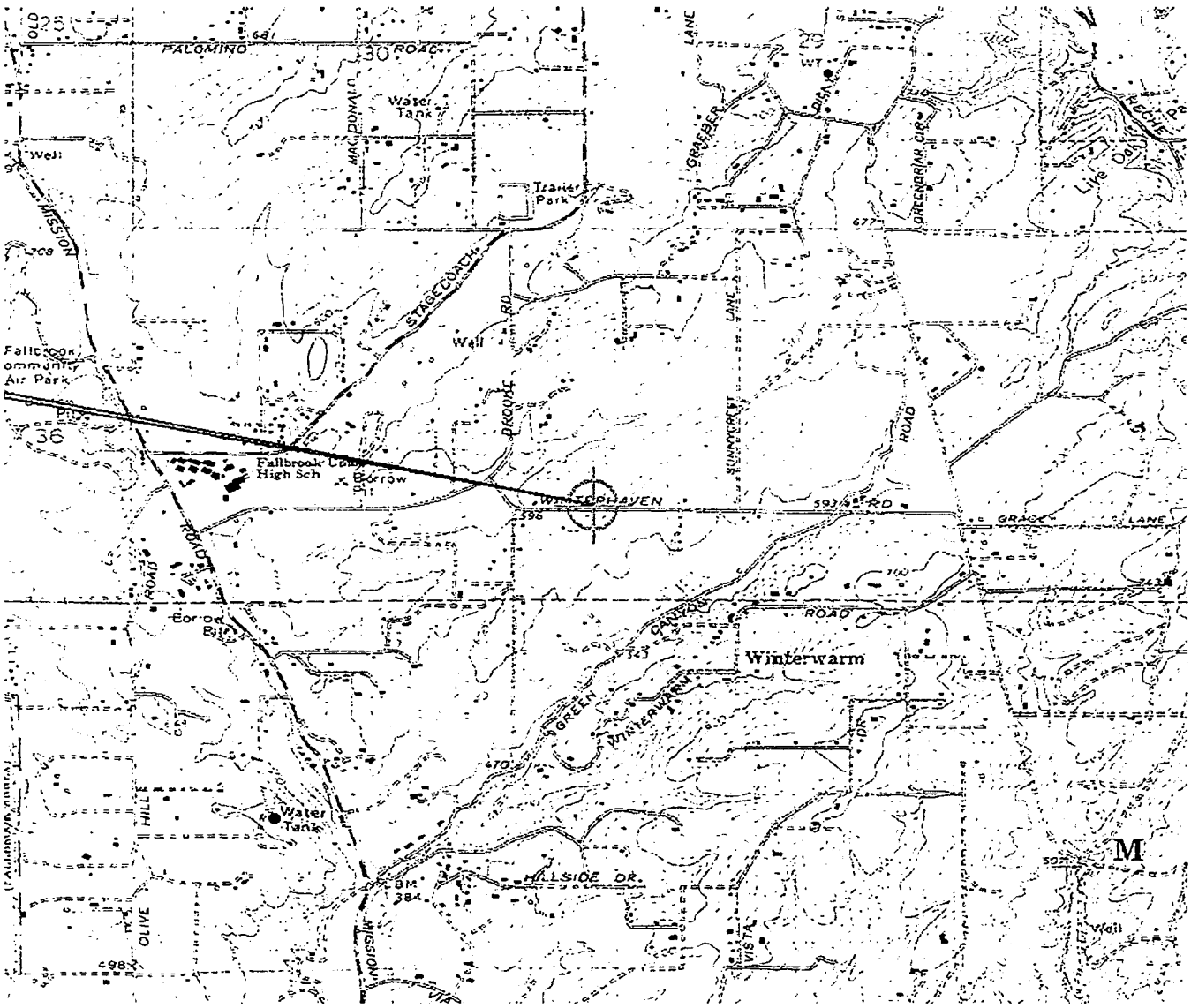
Signature Control No: 220428401-232690532 (EBO)
Karen McDonald
Specialist

Attachment(s)
Case Description
Map(s)

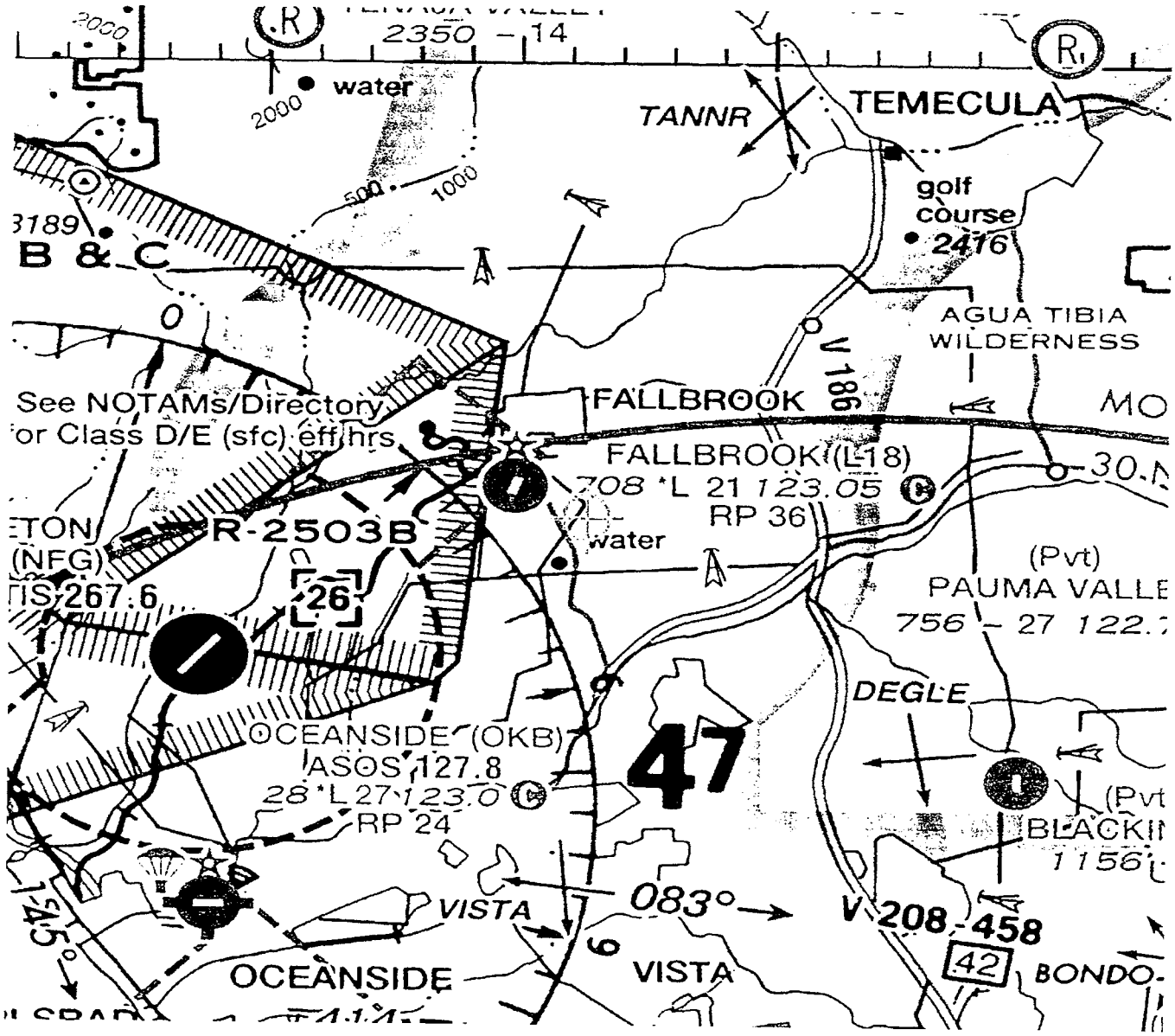
Case Description for ASN 2014-AWP-3977-OE

The project is a proposed 21 lot subdivision that is proposing single family units of one or two story units. The project is not intended to be built out at this time and may be a lot sale.

Verified Map for ASN 2014-AWP-3977-OE



Sectional Map for ASN 2014-AWP-3977-OE



Campbell, Dennis

From: Dan Silver <dsilverla@me.com>
Sent: Tuesday, June 30, 2015 8:26 AM
To: Campbell, Dennis
Cc: Fogg, Mindy; Lacey, Cara
Subject: BERK TENTATIVE MAP; PDS2013-TM-5577

Dear Mr Campbell:

Endangered Habitats League has reviewed the environmental documentation for this project. We have no comments, and thank you for your attention to biological aspects.

Sincerely,
Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

July 27, 2015

Mr. Dennis Campbell
County of San Diego Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123
Dennis.Campbell@sdcounty.ca.gov

Subject: California Department of Fish and Wildlife comments for Berk Tentative Map (PDS2013-TM-5577; ER LOG NO.: PDS2013-ER-13-02-003), Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist (30-day public disclosure period)

Dear Mr. Campbell:

The California Department of Fish and Wildlife (Department) has reviewed the Statement of Reasons for Exemption from Additional Environmental Review and the CEQA 15183 Checklist (dated June 26, 2015) for the Berk Tentative Map (TM 5577). Comments on the 30-day public disclosure are requested by July 27, 2015. The comments provided herein are based on information provided in the findings statement and associated documents (including the Biological Resources Letter Report for the Berk Project prepared by Everett and Associates, dated February 24, 2014), our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code §2050 et seq.) and other sections of the Fish and Game Code. The Department also administers the statewide Natural Community Conservation Planning (NCCP) program (Fish and Game Code 2800, *et seq.*). On March 17, 1998, the Department issued a 2835 Natural Community Conservation Planning (NCCP) permit for the San Diego South County Multiple Species Conservation Program (MSCP). The County and the Wildlife Agencies also entered into a planning agreement in 2008 to address regional conservation needs and future planned development in North and East County MSCP Planning Areas (County of San Diego, 2008 and 2013). The proposed project is located within the County's draft North County (NC-MSCP) planning area, but not within or adjacent to any Pre-Approved Mitigation Area (PAMA) or other conserved lands.

The Berk Project (Project) is a major subdivision for 26.5 acres (APN 106-280-22) located at the northwest intersection of Winterhaven Road and Sunnycrest Lane in the Fallbrook Community Planning Area. The site is bounded on the north by existing single-family dwellings and on all other sides by agricultural properties. The elevation of the site is between 600 and 680 feet. The project site contains an existing single family dwelling, with the remainder of the site having been used previously for agriculture (mainly avocado and citrus). Habitats on site include non-native grassland, orchards/vineyards, eucalyptus woodland, and urban/developed. Access to

the site would be provided at both Winterhaven Road (public) and Sunnycrest Lane (private). Earthwork would consist of 22,885 cubic yards cut and 14,485 cubic yards fill, with a net import of 8,400 cubic yards.

The Department has the following comments that we recommend be addressed prior to the public hearing for this project:

1. *In-Lieu Fee/PACE*: Measure 4(a) of the CEQA 15183 exemption checklist (page 10) indicates that the Project is proposing to use the County's PACE program (agriculture) for off-site mitigation. Please provide a general discussion on this program and how it could be used to help achieve MSCP goals (e.g., included as a preserve build out strategy). The Wildlife Agencies request to be involved in the final review of the off-site mitigation location, including the use of PACE, so that we can understand how it may be used as part of building the preserve for the North County MSCP. Additionally, to ensure long-term viability, we recommend that any off-site mitigation purchased using PACE be located inside (or otherwise adjacent to) the North County MSCP PAMA (preferably within the Fallbrook area), and not consist of isolated lands (i.e., mitigation lands should be connected to existing or planned conserved lands).

2. *Mitigation Location*: Measure 4(e) of the CEQA 15183 exemption checklist (page 11) states that "[t]he project is consistent with the Resource Protection Ordinance (RPO) because no RPO wetlands or sensitive habitat lands would be impacted and off-site mitigation will be required to compensate for the loss of significant habitat." As further discussed below, we recommend that all mitigation for this project occur off site and within the same North County MSCP planning unit (i.e., Fallbrook area) as the impact. When calculating impacts, all brush management areas should be considered impacted (rather than impact neutral) and the acreage factored into the mitigation calculations for the project.

3. *North County MSCP*: The proposed project is located within the County's draft North County (MSCP) planning area, but not within or adjacent to any PAMA or other conserved lands. As described above, the County and the Wildlife Agencies entered into a planning agreement in 2008 for North County MSCP. The Planning Agreement has an interim project review process (Section 6.6) whereby forthcoming development proposals would be evaluated for consistency with the preliminary conservation objectives. These include ensuring development does not compromise successful completion and implementation of these pending plans and that CEQA, CESA, and Endangered Species Act compliance for interim projects will be applied. The CEQA 15183 exemption checklist is limited to citing that the project is consistent with the MSCP, Biological Mitigation Ordinance, and Resource Protection Ordinance because off-site mitigation will be required to compensate for the loss of significant habitat. We recommend that the findings statement include supplemental discussion to address conformance with the interim planning agreement and all relevant conservation objectives as defined within the agreement. We recommend, to the extent practicable, that off-site mitigation for this project occur in the PAMA within the same North County MSCP planning unit (i.e., Fallbrook area) as the impact.

4. *Biological Surveys*: Based on the information provided with the 15183 findings and Everett Associates' biological letter report (dated February 24, 2014), the last surveys were conducted in 2013. The biology letter report should clarify if recent habitat assessments (e.g., within 24 months) for grassland animal species and sensitive plants were conducted.

If not, then we recommend that habitat suitability be assessed for the following species: Stephens' kangaroo rat [*Dipodomys stephensi*/SKR, state-listed (known from Fallbrook Naval Weapons area)] and burrowing owl (*Athene cunicularia*/BUOW, state species of special concern). Based upon the results of the habitat assessment by a qualified biologist familiar with these species, focused surveys may be appropriate to determine if further mitigation is needed for these species. Item 4(a) of the CEQA 15183 exemption checklist also indicates that surveys for burrowing owl would be required prior to grading. We recommend that a habitat assessment for burrowing owl (followed by protocol surveys if necessary) be conducted now and the results incorporated into the environmental documentation (with recommended avoidance/mitigation measures as applicable).

5. *CESA*: Until the County's North County MSCP SAP is completed and permits are issued, the Department considers adverse impacts to a species protected by the CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or
candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project.

The Department appreciates the opportunity to comment on the MSCP findings statement and CEQA 15183 exemption checklist for this Project and to assist the County in further minimizing and mitigating project impacts to biological resources. We would appreciate if you would confirm by e-mail your receipt of our comments and provide the Department notification of the hearing date for this project. If you have any questions, please contact Randy Rodriguez (Senior Scientist-Specialist) of the Department at Randy.Rodriguez@Wildlife.ca.gov or (858) 637-7100.

Sincerely,

Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: David Mayer, CDFW, David.Mayer@wildlife.ca.gov
Doreen Stadtlander, USFWS, Doreen_Stadtlander@fws.gov
Michelle Moreno, USFWS, Michelle_Moreno@fws.gov

REFERENCES:

California Natural Diversity Database, website: http://www.dfg.ca.gov/biogeodata

County of San Diego, 2008. Planning Agreement by and Among the County of San Diego, the California Department of Fish and Game, and the United States Fish and Wildlife Service regarding the North and East County Multiple Species Conservation Program Plans: Natural Community Conservation Program Plans and Habitat Conservation Plans. NCCP Planning Agreement No. 2810-2007-00205. October 29, 2008.

County of San Diego, 2013. North and East County MSCP Planning Agreement and related amendment. PA# 2810-2007-00205. Amendment to County of San Diego, the California Department of Fish and Wildlife and the United States Fish, and Wildlife Service Regarding the North and East County Multiple Species Conservation Program Plans: Natural Community Conservation Plans and Habitat Conservation Plans. November 15, 2013.

County of San Diego, 2015. Statement of Reasons for Exemption from Additional Environmental Review and Section 15183 Checklist for the Berk major Subdivision (Map (PDS2013-TM-5577; ER LOG NO.: PDS2013-ER-13-02-003). May 4, 2015. County of San Diego Planning & Development Services, 5510 Overland Avenue, Suite 310, San Diego, California 92123. Staff contact, Dennis Campbell, Dennis.Campbell@sdcounty.ca.gov.

CEQA Section 15183

Public Disclosure Period

CA Department of Fish and Wildlife Comments
&
PDS Responses

ATTACHMENT D - ENVIRONMENTAL DOCUMENTATION

Berk Tentative Map
PDS2013-TM-5577

CA Department of Fish and Wildlife (CDFW) Comments (Dated July 27, 2015) and PDS Responses:

1. *In-Lieu Fee/PACE:* Measure 4(a) of the CEQA 15183 exemption checklist (page 10) indicates that the Project is proposing to use the County's PACE program (agriculture) for off-site mitigation. Please provide a general discussion on this program and how it could be used to help achieve MSCP goals (e.g., included as a preserve build out strategy). The Wildlife Agencies request to be involved in the final review of the off-site mitigation location, including the use of PACE, so that we can understand how it may be used as part of building the preserve for the North County MSCP. Additionally, to ensure long-term viability, we recommend that any off-site mitigation purchased using PACE be located inside (or otherwise adjacent to) the North County MSCP PAMA (preferably within the Fallbrook area), and not consist of isolated lands (i.e., mitigation lands should be connected to existing or planned conserved lands).

PDS Response: Based on the County Agricultural CEQA Guidelines, this project is an important agricultural property. As such, the proposed subdivision would result in potentially significant direct impacts to agricultural resources. The proposed lot sizes are between one and three acres, with the majority of the lots at a minimum one acre lot size. Since the majority of the lots are less than two acres in size, it is unlikely that the future residents will be able to conduct on-site agricultural activities. Typical mitigation for this impact would be to provide for agricultural preservation off site at a 1:1. The project site also serves as raptor foraging habitat within the Draft North County MSCP Plan area, though it is notably outside of any future pre-approved mitigation areas. The draft Plan acknowledges that agricultural production may function as raptor foraging habitat and suggests a mitigation ratio of 0.5:1, which is consistent with the mitigation ratio for non-native grasslands. Therefore, staff and applicant agreed that the potential impacts to land which qualifies as both agriculture and non-native grassland could be mitigated off site at a 0.5:1 ratio with the preservation of agricultural land that supports raptor foraging. As such, the project has been conditioned to provide mitigation at the 0.5:1 mitigation ratio if the applicant's consulting biologist demonstrates that the mitigation area functions as raptor foraging habitat. If it is not proved that these agricultural lands can actively serve as raptor foraging habitat, the applicant shall mitigate for non-native grassland according to our standard condition, with the purchase of non-native grassland in a mitigation bank or alternate site in the Northern foothills or adjacent ecoregion.

The PACE program was approved for mitigation by the Board of Supervisors on September 17, 2014. The Board letter is available online at http://www.sandiegocounty.gov/content/dam/sdc/pds/advance/PACE/PACEBoardLetter091714.pdf and the PACE Guidelines are online at http://www.sandiegocounty.gov/content/dam/sdc/pds/advance/PACE/PACEGuidlines.pdf. It should be noted that one of the criteria to rank PACE applications is, "Degree by which preservation of the property would contribute to assemblage of the Multiple Species Conservation Plan (MSCP)." This shows that purchase of PACE credits will contribute to building the preserve for the North County MSCP.

2. *Mitigation Location:* Measure 4(e) of the CEQA 15183 exemption checklist (page 11) states that "[t]he project is consistent with the Resource Protection Ordinance (RPO) because no RPO wetlands or sensitive habitat lands would be impacted and off-site mitigation will be required to compensate for the loss of significant habitat." As further discussed below, we recommend that all mitigation for this project occur off site and within the same North County MSCP planning unit (i.e., Fallbrook area) as the impact. When calculating impacts, all brush management areas should be considered impacted (rather than impact neutral) and the acreage factored into the mitigation calculations for the project.

PDS Response: PDS does not require mitigation to be within the same Draft North County Planning Unit. If impacts to non-native grasslands (NNG) are mitigated separately from agriculture, the applicant shall either purchase and preserve land in the Northern Foothills or an adjacent ecoregion, or purchase credits in a mitigation bank approved by CDFW. The site does not include open space easements subject to brush management, and all brush management areas are considered impacted.

3. *North County MSCP:* The proposed project is located within the County's draft North County (MSCP) planning area, but not within or adjacent to any PAMA or other conserved lands. As described above, the County and the Wildlife Agencies entered into a planning agreement in 2008 for North County MSCP. The Planning Agreement has an interim project review process (Section 6.6) whereby forthcoming development proposals would be evaluated for consistency with the preliminary conservation objectives. These include ensuring development does not compromise successful completion and implementation of these pending plans and that CEQA, CESA, and Endangered Species Act compliance for interim projects will be applied. The CEQA 15183 exemption checklist is limited to citing that the project is consistent with the MSCP, Biological Mitigation Ordinance, and Resource Protection Ordinance because off-site mitigation will be required to compensate for the loss of significant habitat. We recommend that the findings statement include supplemental discussion to address conformance with the interim planning agreement and all relevant conservation objectives as defined within the agreement. We recommend, to the extent practicable, that off-site mitigation for this project occur in the PAMA within the same North County MSCP planning unit (i.e., Fallbrook area) as the impact.

PDS Response: As stated in the 15183 checklist, the project would not interfere with the Draft North County MSCP because it is not within a planned preserve nor a PAMA. As discussed above, PDS does not require mitigation to be within the same Draft North County Planning Unit; however, if the mitigation occurs within a mitigation bank, it will be in an area qualifying as PAMA. If the applicant proposes to purchase and preserve a separate parcel, PDS will review the proposed site for its habitat value and connectivity prior to approval, with draft PAMA designation being one of the factors considered.

4. *Biological Surveys:* Based on the information provided with the 15183 findings and Everett Associates' biological letter report (dated February 24, 2014), the last surveys were conducted in 2013. The biology letter report should clarify if recent habitat assessments (e g., within 24 months) for grassland animal species and sensitive plants were conducted. If not, then we recommend that habitat suitability be assessed for the following species: Stephens' kangaroo rat [Dipodomys stephensi/SKR, state-listed (known from Fallbrook Naval Weapons area)] and burrowing owl (Athene

cunicularia/BUOW, state species of special concern). Based upon the results of the habitat assessment by a qualified biologist familiar with these species, focused surveys may be appropriate to determine if further mitigation is needed for these species. Item 4(a) of the CEQA 15183 exemption checklist also indicates that surveys for burrowing owl would be required prior to grading. We recommend that a habitat assessment for burrowing owl (followed by protocol surveys if necessary) be conducted now and the results incorporated into the environmental documentation (with recommended avoidance/mitigation measures as applicable).

PDS Response: Regarding Stephens' kangaroo rat, the species is not likely to occur on-site because appropriate suitable habitat is not present on-site. Specifically, this species is not known outside of the Weapons Station Fallbrook in the vicinity. The closest observation is approximately two miles to the west and there is no known corridor allowing for movement to the site. The site is surrounded by development not ideal for the species and has been historically dominated by tree crops. No observations of the species or scat were detected during field surveys. Therefore, the site is not suitable for SKR, and a protocol survey is not necessary.

Regarding burrowing owl, according to California Natural Diversity Database (CNDDB) and SanBIOS (County of San Diego Biological Geographic Information System Layer for biological observations), there are no burrowing owl observations within 7 miles of the site. The nearest recorded observation was approximately 7.5 miles south of the site in 1988. The site of that observation has since been developed with homes. Therefore, the burrowing owl is not expected to occur on-site, and additional surveys are not required prior to discretionary approval. However, in order to avoid any potential impacts in the unlikely event of future burrowing owl occupation, burrowing owl surveys will be required prior to grading.

5. *CESA:* Until the County's North County MSCP SAP is completed and permits are issued, the Department considers adverse impacts to a species protected by the CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project.

PDS Response: The County agrees that take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law. The Resolution of Approval includes an ordinance compliance notification informing the applicant, "THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO."

County of San Diego, Planning & Development Services
Project Planning Division

Memorandum

TO: Dennis Campbell, Project Manager

FROM: Donna Beddow, Staff Archaeologist

SUBJECT: Response to Comments; Berk Tentative Map; PDS2013-TM-5577

DATE: August 28, 2015

The following are staff's responses to comments received during the public disclosure period for the draft 15183 Findings dated June 26, 2015. The draft 15183 Findings were circulated for public review from June 26, 2015 through July 27, 2015. Comments were received that require changes to the environmental documentation and/or the project.

Response to comments received from the San Luis Rey Band of Mission Indians:

A-1 The comment is introductory in nature and is not at variance with the environmental document. No changes were made to the environmental documentation as a result of this comment.

A-2 The commenter requests that fill soils used for project implementation be clean of cultural resources. The project conditions have been expanded to include the requirement that the use of fill soils, whether from onsite or offsite sources be clean of cultural resources. .Changes were made to the environmental documentation as a result of this comment.

A-3 The commenter requests that a pre-excavation agreement be made a condition of approval so that expectations related to inadvertent discoveries of resources and human remains is understood by all parties. The Archaeological Monitoring condition (CULT#GR-2) identifies all steps that are to be implemented should cultural resources or human remains be identified. As such, no changes were made to the environmental documentation as a result of this comment.

A-4 The comment is conclusionary in nature and is not at variance with the environmental document. No changes were made to the environmental documentation as a result of this comment.

Response to comments received from the Pauma Band of Luiseno Indians:

B-1 The commenter is concerned for the presence of buried resources and inquires whether monitors will be used during the ground disturbance phase. The project is conditioned with an Archaeological Monitoring Program that requires the presence of both an archaeological monitor and Luiseno Native American

monitor. No changes were made to the environmental documentation as a result of this comment.

Response to comments received from the San Diego County Archaeological Society, Inc.:

C-1 The project will be conditioned with an Archaeological Monitoring Program that includes the following requirements:

- Pre-Construction
  - Pre-construction meeting to be attended by the Project Archaeologist and Luiseno Native American monitor to explain the monitoring requirements.

- Construction
  - Monitoring. Both the Project Archaeologist and Luiseno Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Luiseno Native American monitor.
  - If cultural resources are identified:
    - Both the Project Archaeologist and Luiseno Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
    - The Project Archaeologist shall contact the County Archaeologist and the San Luis Rey Band of Mission Indians.
    - The Project Archaeologist in consultation with the County Archaeologist and Luiseno Native American shall determine the significance of discovered resources.
    - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
    - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
    - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Luiseno Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
  - Human Remains.
    - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.

- Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
- If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
- The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
- Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

- Rough Grading
  - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered.

- Final Grading
  - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered.
  - Disposition of Cultural Material.
    - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79 or alternatively have been repatriated to a culturally affiliated Native American tribe.
    - The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

No changes were made to the environmental document as a result of this comment.

C-2 See response to C-1 above.

C-3 The environmental document was prepared pursuant to Section 15183 of CEQA. The Berk subdivision is consistent with zoning, the Fallbrook community plan, and the County's General Plan and there are no project-specific effects which are peculiar to the project or its site. The public disclosure provided for the review of CEQA Section 15183 environmental documents is a courtesy notification and is not a requirement of CEQA. No changes were made to the environmental document as a result of this comment.

C-4 Comment noted.

Response to comments received from the Pala Tribal Historic Preservation Office (PTHPOT):

D-1 The comment is introductory in nature and is not at variance with the environmental document. No changes were made to the environmental documentation as a result of this comment.

D-2 The PTHPOT will be notified of the project hearing as the project progresses. Archaeological monitoring has been made a condition of approval. See comment C-1 for details.

D-3 The comment is conclusionary in nature and is not at variance with the environmental document. No changes were made to the environmental documentation as a result of this comment.

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081
760-724-8505 • FAX 760-724-2172
www.slrmissionindians.org

July 24, 2015

Dennis Campbell
Project Manager
Planning & Development Services
County of San Diego
5510 Overland Ave., Ste. 110
San Diego, CA 92123

VIA ELECTRONIC MAIL
Dennis.Campbell@sdcounty.ca.gov

RE: COMMENTS ON THE NOTICE OF INTENT TO ADOPT FINDINGS PURSUANT TO SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REGARDING THE BERK MAJOR SUBDIVISION (21 LOTS) PROJECT (PDS2013-TM-557 AND LOG NO. PDS2013-ER-13-02-003)

Dear Mr. Campbell:

A-1 We, the San Luis Rey Band of Mission Indians ("Tribe"), have received and reviewed the County of San Diego's ("County's") Notice of Intent to Adopt Findings Pursuant to Section 15183 of the California Environmental Quality Act ("Section 15183") and all of its supporting documentation as it pertains specifically to the protection and preservation of tribal cultural resources that are located within the parameters of the Berk Major Subdivision (21 Lots) Project's ("Project's") property boundaries. After our review, the Tribe is satisfied, and concurs, with the proposed Cultural Resource Mitigation Measures as contained within the Section 15183 environmental document.

A-2 The Tribe, however, is opposed to any undocumented fill being used during the proposed development. In the event that "fill" will be imported into the Project area, the Tribe requests that any proposed use of fill be clean of cultural resources and documented as such. It has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other "unknown" areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. Moreover, if fill material is to be utilized from areas within the Project boundaries, then we ask that that fill be analyzed and confirmed by an archeologist and/or Luiseño Native American monitor that such fill material does not contain cultural resources. A requirement that fill material be absent of any and all cultural resources should therefore be included as an additional mitigation measure of the Section 15183[1].

A-3 Furthermore, the Tribe strongly recommends that the County include an additional mitigation measure requiring the Project Applicant to enter into a pre-excavation agreement, otherwise known as a

[1] This additional mitigation measure was recently adopted by the County for the Section 15183 – Pacifica Estates Tentative Map Project.

A-3cont.

Tribal Cultural Resources Treatment and Monitoring Agreement. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. Such an agreement is necessary to guarantee the proper treatment of cultural resources and Native American human remains displaced during a project development before such resources are impacted. Currently, the County Resource Guidelines do not state with any specificity how these sacred Luiseño resources should be treated. The Tribal Cultural Resource Treatment and Monitoring Agreement will provide the Project Applicant much needed guidance and a reasonable expectation of what is to occur if Native American human remains and/or associated burial goods are found during ground disturbing activities for their project. Therefore, SLR respectfully requests that in addition to the mitigation measures proposed within the Section 15183, the Project Applicant should be required to enter into a Tribal Cultural Resource Treatment and Monitoring Agreement prior to being issued a grading permit.

A-4

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the County of San Diego with our comments on the Berk Major Subdivision Project. As stated above, the Tribe is satisfied with the mitigation measures for Cultural Resources as proposed in the Section 15183 and respectfully requests that two (2) additional mitigation measures be adopted by the County for this Project. As always, we look forward to working with the County to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

Merri Lopez-Keifer
Chief Legal Counsel
San Luis Rey Band of Mission Indians

cc: Melvin Vernon, SLR Tribal Captain
Carmen Mojado, SLR Secretary of Government Relations
Donna Beddow, Planning & Development Services, County of San Diego

Campbell, Dennis

From: Cultural <Cultural@pauma-nsn.gov>
Sent: Tuesday, July 07, 2015 12:36 PM
To: Campbell, Dennis
Cc: Dixon, Patti; Jeremy Zagarella
Subject: Berk Tentative Map; PDS2013-TM-5577

Mr. Campbell,

B-1 The Pauma Band of Luiseno Indians has received your June 26 notice for the Berk subdivision project in Fallbrook. I have reviewed the cultural report that is one the County's site. A concern I have is the potential of impacting buried resources. According to the cultural report that may be un-likely but, you never know. Are we to understand from the report that monitors will be used during the ground disturbance phase? If you have any questions, please contact us.

Thank you,

Chris Devers
Cultural Liaison
Pauma Band of Luiseno Indians

San Diego County Archaeological Society, Inc.

Environmental Review Committee

25 July 2015

To: Mr. Dennis Campbell
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Notice of Intent to Adopt Findings Pursuant to CEQA Section 15183
Berk Tentative Map
PDS2013-TM-5577, Log No. PDS2013-ER-13-02003

Dear Mr. Campbell:

I have reviewed the subject document on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the documents posted on the County's website for the project, including the cultural resources survey report, we have the following comments:

C-1

1. In principal, we agree with the conclusions of the cultural resources survey report regarding both historic structures and archaeological resources. However, that report provides absolutely no detail for the archaeological monitoring program included in the "List of Mitigation Measures and Design Considerations" given on page 6.0-1. The project archaeologist needs to clearly specify the details of that monitoring program, up to and including treatment of any resulting cultural material recovered, that he feels is necessary to fully mitigate the project's impacts, not leaving it to the County staff and the public to guess.

C-2

2. Furthermore, the main Findings document, on page 12, also provides no details, merely invoking mitigation measure Cul-2.5 from the County's General Plan Update. The cited GPU mitigation measure provides no specificity regarding the monitoring program, just the general statement to "Protect undiscovered subsurface archaeological resources by requiring grading monitoring by a qualified archaeologist and a Native American monitor for ground disturbing activities in the vicinity of known archaeological resources, and also, when feasible, during initial surveys."

C-3

3. Given the failure to disclose to the public just what mitigation will actually be provided, SDCAS and other reviewers cannot judge the adequacy of that program. We note that, in the past few years, there have been a number of differing wordings and details of such programs. How are we or anyone else to know which version will be invoked? As currently proposed,

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

C-3cont the vagueness results in potential unenforceability. The County needs to obtain a revision of the cultural resources report and recirculate this Findings document with the mitigation program clearly disclosed, as legally required.

C-4 SDCAS requests being included in the recirculation of this environmental document.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Brian F. Smith & Associates
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

PALA TRIBAL HISTORIC PRESERVATION OFFICE

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax

PALA THPO

July 13, 2015

Dennis Campbell
Co. of San Diego
5510 Overland Ave, Suite 310
San Diego, CA 92123

Re: Berk PDS2013-TM-5577

Dear Mrs. Campbell:

D-1 The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

D-2 We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. It is, however, within the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we request to be kept in the information loop as the project progresses and would appreciate being maintained on the receiving list for project updates, reports of investigations, and/or any documentation that might be generated regarding previously reported or newly discovered sites. Further, recommend archaeological monitoring given the proximity of known cultural and historic resources. If the project boundaries are modified to extend beyond the currently proposed limits, we request updated information and the opportunity to respond to your changes.

D-3 We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, Ph.D.
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

Attachment E – Public Documentation

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Regular Meeting
Monday 16 February 2015, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook
MINUTES

Mr. Russell called the meeting to order at 7:00 p.m.

Twelve (12) members were present: Anne Burdick, Roy Moosa, Tom Harrington, Jean Dooley, Jim Russell, Jack Wood, Ron Miller, Donna Gebhart. Jackie Heyneman, Bill McCarthy, Lee J. De Meo and Eileen Delaney. Jerry Farrell was excused. Ike Perez and Jerry Kalman are waiting on Board of Supervisors confirmation.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.

Ms. Evon Petes brought to the attention of the Planning Group her concern for children walking from William H Frasier Elementary School to Fallbrook Street along Stage Coach Road. She stated that the road was very narrow with little if any area for pedestrians to walk. She informed the Group that there are an increasing number of children walking to and from school. She felt something should be done before someone got hurt. She had contacted Ms. Burdick on the concern and had been given contacts at the County Department of Public Works Transportation Section. Ms. Burdick also informed her that the Planning Group had Stage Coach on our sidewalk improvement list.

Ms. Delaney informed the Group that Mr. Will Gower had passed away at the age of 96. Mr. Russell noted appreciation for his distinguished military service and service to the community of Fallbrook by his work on the Community Planning Group for many years.

Ms. Heyneman brought two items to the Groups attention.

1) **A recent article in the village news stated that 20.95 acres of open space for the new developments at the SR76 / I-15 intersection had a water restriction placed on them. This restriction would not allow any water use at all. Ms. Heyneman felt this was in conflict with the development plans that the Planning Group had approved which required some planting and enough water to get those plants established.**

2) **Ms. Jan Scott had spoken to the Parks and Recreation Committee about the need for a skate park in Fallbrook. She informed the Committee that progress had been made in expanding the community support, but that a location had not been identified. Supervisor Horn's staff had suggested that Don Dusault Park be considered. After extended discussion the Committee recommendations regarding how to proceed included: moving ahead with locating the new skate park at the Don Dusault Park location; acquiring additional letters of support from non-profits, businesses, the Sheriff's Department, and individuals; preparation of a list of interested skaters and others with addresses and phone numbers which could be used for additional support, as needed.**

2. Approval of the minutes for the meetings of 19 January 2015. Voting Item.
Ms. Dooley motioned to approve the minutes as presented and the motion passed unanimously.

3. Request for a waiver of the B Designator Design Review requirement for a Site Plan for a proposed 5016 Sq Ft accessory agriculture cold storage building for McDaniels Fruit Co located at 965 East Mission Rd (APN 105-540-96). Owner McDaniel Brothers 760-728-8438. Contact person Dave Henrikson 951-764-2302, dave@hen-bdi.com. County planner Debra Frischer, 858-495-5201. Continued at the 1/19/15 FCPG meeting. **Design Review Committee**. Community input. Voting item. (1/5)
Ms. Delaney informed the Group that this item had been previously approved by the Group but the County was seeking an updated approval. There were no changes to the project since the previous approval.
With no further discussion Ms. Delaney motioned to approve the waiver and the motion passed unanimously.

4. TM5577 Berks Estates. Request to subdivide the 26.48 acres located at 1650 Winterhaven Road into 21 lots for 21 dwelling unit. Owner and applicant Jeffery S. Berk and Nancy B. Berk, 949-468-6448, berkjs@bv.com. Contact person Larry Paxton, 760-743-2461, Paxtonsurvey@yahoo.com. County planner Dennis Campbell, 858.505.6380, dennis.campbell@sdcounty.ca.gov. Continued at the 20 January 2014 FCPG meeting. **Land Use Committee**. Community input. Voting item. (1/7)
Mr. Bob Sukup and Mr. Larry Paxton presented the update on TM 5577 (Berks Estate). An additional access to Winter haven was being added to the design.
Neighbors to the development voiced concerns about the future maintenance of Sunny Crest and was there any way the construction traffic for the project be limited to accesses other than Sunny Crest.
Mr. Sukup responded that a condition of the development was for the project to have a private road maintenance agreement put in place which would include Sunny Crest. As for limiting construction traffic Mr. Sukup felt there was little that could be done at this point of the development to restrict a future contractor to access. He advised the property owners to take pictures of the road before, during and after the project is complete to document any damage caused by the construction.
Mr. Wood reported that the Land Use Committee had inspected the site and felt the new access road addressed many of the concerns with the project. The Committee had approved the project. After further discussion Mr. Wood motioned to approve the request as presented. Ms. Burdick stated a concern that the motion did not address the neighbors concern with the future construction traffic. After limited further discussion Mr. Wood's motion was voted on and passed with Ms. Burdick abstaining.

5. Request for a waiver of the B Designator Design Review requirement for a Site Plan for a 1493 SqFt building and out-door eating area for a new restaurant (Nessie Burger) within Pala Market Center, 3235 Old Highway 395, APN 125-050-54. Owner Pala Market Center, Rayes LLC 858-361-7717. Contact person Michael Robinson, 760-728-5380, merarchitest@gmail.com. County planner Debra Frischer 858-495-5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item. (1/14)
Mr. Curtis Brown presented the request and informed the Group that the intent was to match the footprint of the current facility with a permanent structure.

Ms. Delaney reported that the Design Review Committee had reviewed the request and had three concerns with the plan. That only the palms presently in the ground on the property will remain, but no new palms will be planted and the owner will review the list of approved trees to make a substitute selection to provide the needed shade in the side parking lot; the color of the pink stucco will be softened to something closer to a tan color; and that potted plants will be used to soften the effect of the blank stucco walls of the building. Mr. Brown stated that the property owner had agreed to all the Design Review Committee suggestions.
After limited discussion Ms. Delaney motioned to approve the project under the conditions that only the palms presently in the ground on the property will remain, but no new palms will be planted and the owner will review the list of approved trees to make a substitute selection to provide the needed shade in the side parking lot; the color of the pink stucco will be softened to something closer to a tan color; and that potted plants will be used to soften the effect of the blank stucco walls of the building. The motion passed unanimously.

6. TPM21213 Preliminary grading plan for 4 parcels for 4 single family dwelling units on the 5 acre parcel located at the end of Greenacres Road. Owners Lance McCune and Danielle McCune, 760-207-9769. County planner Emmet Aquino, emmet.aquino@sdcounty.ca.gov. Contact person Larry Paxton, 760-743-2461, Paxtonsurvey@yahoo.com. **Land Use Committee**. Community input. Voting item. (1/20)

Mr. Wood presented the project stating that the Planning Group had reviewed this request and approved the project in August. At this point the Group was being presented a preliminary grading plan. The formal grading plan would be coming back to the Group.
Mr. Wood further stated that the Land Use Committee had reviewed and approved the preliminary plan.
After limited further discussion Mr. Wood motioned to approve the preliminary grading plan and the motion passed unanimously.

7. Presentation by Don McDougal, 760-728-6466, ext 112, don@grandtradition.com. Some time back when the GP-20/20 was being updated we requested that our property, The Grand Tradition located at 220 Grand Tradition Way be re-zoned from R-4 under Major use Permit to commercial. Initially I requested all property under family and business ownership be included in this re-zoning. However, properties to the east of Ostrich Farms Creek were not included in the rezone. Recently my parents have relocated to Silvergate Retirement Residence and their home and property is now available to be used for some form of lodging component to our guests and customers. We would like to reconsider re-zoning this remaining property to the commercial designation now in place on our main property.760.728.6466 ext.112. **Land Use Committee**. Community input. Non-voting item. (1/29)

Don McDougal stated that he is planning to request that Parcel 106-410-61 be converted to commercial so that the existing home and guest house could be converted to bed and breakfast type lodging for Grand Tradition events. There is a possibility of expansion in the future. There were questions raised regarding the use of Palomino for access and Don stated that the goal would be to access the property through the existing Grand Tradition property and he would be open to relinquishing access to Palomino as long as there was no County requirement for emergency access required.
After limited discussion Mr. Russell complemented Mr. McDougal on his management of the Grand Tradition and saw no problem with the concept that he was proposing.

8. Request for a waiver of the B Designator Design Review requirement for a Site Plan for a proposed sign for HHSA at 202 West College St., suite 100, (APN 104-054-03). Owner County of San Diego. Contact person Alicia Helling, permits@cox.net. County planner Debra Frischer 858-495-5201,

debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item. (1/30).

The applicant presented the request for the new signage for the County Health and Human Services Administration office at 202 West College.
Ms. Delaney reported the Design Review Committee reviewed the request and approved of it. After limited discussion Ms. Delaney motioned to approve the project as presented and the motion passed unanimously.

9. Request for a waiver of the B Designator Design Review requirement for a Site Plan for a proposed independent auto dealer/broker sales of motor vehicles at 404 E. Mission Road (APN 103-18-25).Owner Richard Palkovc, 760-386-4996. County planner Debra Frischer 858-495-5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item. (2/3).

The applicant presented the request to move his auto resale license to 404 East Mission.
Ms. Delaney reported the Design Review Committee reviewed the request and approved of it subject to five car on display at one time.
The Applicant agreed to the limited display. After limited discussion Ms. Delaney motioned to approve the request with the limit of only five cars on display at any time. The motion passed unanimously.

10. Reappoint Tom Harrington to the I-15 Design Review Board. Community input. Voting item.

Mr. Harrington was approved unanimously to continue representing Fallbrook Community Planning Group on the I-15 Design Review Committee.

11. Committee assignments, Community input. Voting item.

The Committee assignments were reviewed and with minor corrections approved.Unanimously.

The Meeting was adjourned at 7:45 pm
Tom Harrington, Secretary

FALLBROOK COMMUNITY PLANNING GROUP
And
DESIGN REVIEW BOARD

Regular Meeting
Monday 20 January 2014, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook
MINUTES

Mr. Russell called the meeting to order at 7:00 p.m.

Fourteen (14) members were present: Anne Burdick, Ike Perez, Roy Moosa, Tom Harrington, Paul Schaden, Jim Russell, Jerry Farrell, Jack Wood, Lee J. De Meo, Donna Gebhart, Ron Miller, Jean Dooley, Eileen Delaney and Jackie Heyneman. Michele Bain has resigned from the Group.

1. **Notice.** There is an opening on the Planning Group and Design Review Board for one elected member to be appointed by the Board of Supervisors. If you are interested please e-mail your resume to the Group's secretary at Thomas.Harrington@sdcounty.ca.gov.

2. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion, & Non-voting item.

Russell informed those present that Ms. Bain's seat on the Group was vacant and the Group would be considering an appointment later in the meeting and invited anyone interested to turn their resume before that item was considered in the meeting.

Ms. Delaney reported that the Land Use Performance Review Committee still had problems with a mission statement and was going back to the Board of Supervisors to clarify their assignment.

Mr. Wood informed those present that the Land Use Committee had a resignation of one non-elected member of the Committee and invited anyone present to apply for the position.

Ms. Delaney stated she also had an opening for a non-elected member of the Design Review Committee.

Ms. Heyneman stated that she also had an opening for a non-elected member of the Parks and Recreation Committee.

3. Approval of the minutes for the meetings of 16 December 2013. Voting Item.

Ms. Dooley motioned to approve the minutes as presented and the motion passed unanimously.

4. Presentation by Mr. Mark Massen, 858-966-1352, SD County Parks Sr. Project Manager, On the following two items. Continued from the 16 December 2013 meeting. **Parks and Recreation Committee**. Community input. Voting item.
   1: Naming Rights for Park Amenities
   2: Update of the Parks and Recreation Long Term Business Plan –(Updated Fee Ranges

Ms. Jill Bankston presented the proposed fund raising efforts that the Department of Parks and Recreation was proposing to take the Board of Supervisors for approval (set a hearing on January 29 and hold the hearing on February 5). The first being a fee increase for use charges. The Department staff had researched other agencies charges for use (Camping, day use, fishing, ect.). Staff was now going forward with asking the Board to authorize a window fee charges and

authorize the Director of Park and Recreation to increase fees as needed to a point of parody with other agencies providing similar services.
The second action the Department of Parks and Recreation was pursuing was setting up a program to allow park amenities (not the parks themselves) naming rights to be purchased. These rights would be limited in time (5 to 20 years) and the cost would vary from one amenity to another. The funds for this program would go into a Parks fund and be utilized for park improvements wherever needed at the discretion of the Director of Parks and Recreation.
Ms. Heyneman stated that the Fallbrook Community had stepped up when the County was having trouble maintaining its parks and kept Live Oak Park from being sold in the early 1990's. Still today the citizens of Fallbrook are very involved in our park and recreation facilities. She felt that raising funds for naming rights on park facilities that our community had saved and contributed to its maintenance then apply the funds outside the community was inappropriate.
Mr. Al Gebhart informed all present that private funds ($503,000) had been raised and spent rebuilding the amphitheater at Live Oak Park. Allowing that facility to have its name sold would marginalize effort. Beyond the inequity of taking the naming rights funds and applying them wherever the Director of Parks and Recreation wanted, he felt the whole program ignored Fallbrook community efforts. He urged the Group to oppose the naming rights proposal.
After lengthy discussion Ms. Heyneman motioned to approve the proposed fee increases, But strongly opposed the entire naming rights program. The Motion passed unanimously.

5. TM5577 Berks Estates. Request to subdivide the 26.48 acres located at 1650 Winterhaven Road into 21 lots for 21 dwelling unit. Owner and applicant Jeffery S. Berk and Nancy B. Berk, 949-468-6448, berkjs@bv.com. Contact person Larry Paxton, 760-743-2461, Paxtonsurvey@yahoo.com. County planner Larry Hofreiter, (858) 694-8846, Larry.Hofreiter@sdcounty.ca.gov. **Land Use Committee**. Community input. Voting item. (11/6)

Mr. Bob Sukup (the engineer for the project) introduced the proposed subdivision of 26 acres into 21 lots west of Sunny Crest Drive. The subdivision proposed to access Winterhaven via Sunny Crest Drive.
Mr. Wood stated that the Land Use Committee had reviewed the project and spoken to some of the neighbors in the area and had concerns with the increased traffic at the Sunny Crest Dr and Winterhaven intersection.
Several property owners addressed the Group detailing the traffic hazard and evacuation problems Sunny Crest and Winterhaven posed for the 46 current homes along Sunny Crest. If both approved maps in the area are built out there will be 90 homes utilizing a hazardous intersection.
One resident suggested that a signal be considered at the intersection.
Mr. Farrell noted that there was a road easement along the westerly boundary of the subdivision going to Winterhaven. Mr. Sukup stated that road was not set to be constructed at this time.
Ms. Gebhart asked about trails and pathways in the development. Mr. Sukup stated that there would be a wide shoulder along the roads.
Several neighbor stated there was a lot of pedestrian traffic along Sunny Crest and subdivision appeared to provide no pedestrian improvements along Sunny Crest.
After lengthily discussion Mr. Wood motioned to continue the item to allow County Staff an opportunity to coordinate on the two developments in the area and provide some answers to the safety concerns voiced by the community. The motion passed unanimously.

6. MUP 13-021 Major Use Permit for Verizon Wireless to install 12 antennas, 21 remote radio units, and 1 microwave dish antenna on a new 55" high monobroadleaf on the 5.15 acres located at 1844 Winter Haven Road, (APN 106-300-36-00). Owner .Fallbrook United Methodist Church. Applicant

Verizon Wireless. Contact person Margie Sullivan 760-613-3488 or Ted Marioncelli, 760-807-1850, ted.plancom@sbcglobal.net. County planner: Marisa Smith, 858 694-2621, Marisa.Smith@sdcounty.ca.gov. **Public Facilities Committee**. Community input. Voting item. (12/16) POD 13-014 Property Zoning Cleanup Draft Changes Summary

Mr. Ted Marioncelli introduced the request. He informed the Group that wireless provider was working closely with the property owner and County to place the tower in an area of the Churches improved site. There were several conflicts on the site but Mr. Marioncelli was confident they could be dealt with.

Mr. Moosa reported that the Facilities Committee had reviewed the request and approved it subject to the County concerns being addressed.

The Group had concerns with proximity of residential property and it was estimated at a quarter mile away.

After limited discussion Mr. Moosa motioned to approve the request as submitted subject to County approval. The Motion passed unanimously.

7. POD 13-014 Property Zoning Cleanup 2013. County planner Carl Stiehl, 858.694.2216, carl.stiehl@sdcounty.ca.gov. **Land Use Committee**. Community input. Voting item. (12/19)

Building Type Changes

Sub-Area No. FA-BT-1 Old Building Type W. Proposed building type L APN 1043514700. Address Rockycrest Road, (south west corner of Rockycrest and south Mission Roads). Owner Chaffin. General Plan Land Use Designations: General Commercial

Sub-Area No FA-BT-2 Old Building Type F. Proposed building type K. APNs1041323500, 1041324300, 1041324400. Address, Old Stage Road (north west corner of E. Aviation and Old Stage Roads). Owners: Fallbrook Village Aviation LLC. General Plan Land Use Designations: Village Residential VR-15

Discussion: Property owner requests from representative Lee & Associates to Change the building type from "W" which allows no residential uses, to a staff recommended "L" to allow for mixed use on area NO.1. As the existing zone is C34 Commercial Residential Use Regulations, which is a mixed use zone, a building type allowing both residential and commercial buildings should be instituted with the General Plan Update. This was an oversight from the Update and the building type should have changed back then in 2011. An additional request to change from "F" to "K" in a residential zone RV Variable Family Residential is on area No.2. This would be a more flexible building type to allow development of the parcels with an existing density of 15 from the General Plan Update. The building type of "F" would necessitate a subdivision of the property to reach full yield in density. The building type of "K" would allow other patterns of development which may not require a subdivision for development.

No additional dwelling units would be allowed under either scenario than what was already approved in the General Plan Update, the change in building type for each would allow for a more flexible pattern of development for the parcels as requested.

Mr. Wood introduced this request change the zoning on two lots that designated as commercial only in the General Plan update instead of the Residential Commercial zoning of surrounding lots. County Staff now wanted to clean this up. Mr. Wood motioned to approve the zone change correction and the motion passed unanimously.

8. Request for a waiver of the Site plan requirement for a 22 Sq.Ft. sign of internally illuminated channel letters, 15"in height to be located on the Eave face edge located at 1374 Mission Ave. on the El Tigre

Grocery Store, apn 104-201-22-00. Owner El Tigre Grocery Store, Sharri Sesslib 760-594-4907. Contact person Incha Lockhart 760-736-6070, incha@westernsign.com. County planner Debra Frischer 858.495.5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item. (12/20)

Ms. Delaney introduced the item stating that the Design Review Committee had reviewed the request and had agreed to 12" letters up to 15 Sq. Ft. sign. But there was concern that the Center had several illegal & un-permitted signed, the market had storage of product, boxes & sales outside, which is not allowed in C36. After limited discussion in which Chairman Russell stated that he could not approve a new sign when the Center had existing violations, Ms. Delaney motioned deny the request until the other violations on the site were addressed. The motion passed unanimously.

9. Request for a waiver of the Site Plan requirements for a sign renovation program for the Fallbrook Mercantile Center located at the south west corner of Main Avenue and Fallbrook Street. Contact person John Panuzzo, (858) 569-1400 x 4115, gpanuzzo@ultrasigns.com. County planner Debra Frischer 858.495.5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item. (12/20)

Mr. Panuzzo introduced the request. He stated that his client really wanted 18" letters to match the other signs in the shopping center.

Ms. Delaney stated the other signs in the center were existing non-conforming and were built prior to the enactment of the DR Guidelines in 1989. The current sign ordinance dictates letters that are 8" in height. . She felt the Design Review Committee recommendation for 15" letters was more than generous.

After limited discussion Ms. Delaney motioned to approve the signage with 15" letters and total sign dimensions not to exceed 40 Sq. Ft. The motion passed with Mr. Perez abstaining.

10. Revisions to the Campus Park West Specific Plan documents The link to the EIR, which has not been revised, is: http://www.sdcounty.ca.gov/pds/ceqa/GPA05003-SP05001-REZ05005-TM5424-HLPXXXXX.html . The Planning and Development Services Department is requesting a final recommendation on the project and requests that the FCPG hear it at our January 2014 meetings. Contact person Camille Passon, (619) 881-3464, camillep@projectdesign.com. County planner Dennis Campbell, 858.505.6380, dennis.campber@sdcounty.ca.gov. **Land Use, Circulation, Parks & Recreation and Design Review Committees**. Community input. Voting item. (12/20)

Mr. Chris Brown introduced the request. He went through the overview of the project and the status of the EIR. He stated that the project had changed little but the developer and their consultants had completed preparing responses to all of the comments on the EIR. The Developer hoped to have the EIR with all comments addressed and back into the County's hands within the next few months. At that time (after a short public review period) the County would be considering accepting the EIR and approving the project.

Mr. Wood stated the Land Use Committee had reviewed the project and still had the following concerns.

- **Concern – Is the commercial neighborhood or regional? – documentation states that it will not conflict with Fallbrook Proper commerce. Big Box stores?**

- Commercial segments sold separately? Will each then come back to FCPG for compliance?
- Discussion of the pros and cons of Smart Growth.

> Proposed commercial would compete rather than compliment Fallbrook Proper. To enhance the area and compliment Fallbrook all commercial opportunities must be neighborhood.

Ms. Burdick stated that the Circulation Committee had reviewed this and still had the following concerns which Mr. Brown had provided the following answers.

1) THE LACK OF IMPROVEMENTS TO PALA MESA BRIDGE: Members had serious concerns about the inadequacy of the bridge and its "T" connection to Pankey Road. Even with a signal installed at the intersection of Highway 395, the traffic will still queue onto the bridge and back up as far as Pankey Road, creating a bottle-neck in and out of the Campus Park West project.

Mr. Brown explained their Traffic Engineer had reviewed the traffic study and traffic projections and found no reason for the concern.

2) THE CREATION OF PANKEY PLACE AS A SUBSTITUTE EAST-WEST CONNECTOR BETWEEN HORSE RANCH CREEK ROAD AND PALA MESA DRIVE. While the Committee recognizes the over-riding issue of sensitive habitat, the members had always hoped that a direct connection between Pala Mesa Drive and Horse Ranch Creek would one day be possible. The lack of a direct connection will have a significant impact on general congestion and fire response times to all the projects east of Interstate 15.

The Developer had re-visited the issue and told by the regulatory environmental agencies that the Groups desired alignment would never be approved.

3} The cul-de-sac at the north end of Pankey Road does not meet county standards and creates only one ingress and egress for the industrial park. What secondary access is available for the industrial area in the event of a closure at Pankey Road and Pala Mesa Drive?

Mr. Broun informed the Committee that due to the short length of the road a secondary access was not required by County Planning or Public Safety sections.

4) What is the purpose of the right-in, right-out intersection on Pankey Road approximately 320 feet north of Pankey Place? This would infer that truck traffic, in fact all traffic accessing whatever area is being serviced by this intersection, would have to enter Campus Park West via Pala Mesa Bridge. That issue had been raised in 2008 and deleted from consideration in 2010. How is this circulation concept different from prior proposals?

This access was provided as an additional access to the southerly portion of the Commercial center. Traffic would also have access to the three signalized north of the Right in right out access that also serve the center.

5) The bike route data is confusing because the street design maps indicating Class II and Class III bike routes do not match the Circulation Plan map or the written descriptions. Figure II-11 shows Pankey Road North of SR-76 as a Class III bike route, but Figure II-9 shows it as a Class II bike route. The GPA description says it would...."amend the ME to reclassify Pankey Road....with Class II bike facilities from Pala Mesa Drive to Shearer Crossing" and does not mention Pankey Drive north of Pala Mesa Drive.

(Also, Figure 1-14 in the DESEIR shows proposed off-site roadway improvements on a 2010 On-site Circulation map.)

Mr. Brown and Ms. Passon noted the conflict in the typical section drawings but assured the Committee that the bike ways still met County Class II route standards.

6) The volume of traffic resulting from this development will create bottlenecks at both access points: the southern access at Highway 76 and the western access at Old Highway 395. All the traffic to and from this development will need to use one of these two intersections for ingress and egress.

Mr. Brown stated the traffic Engineer once again reviewed the report and the concern and felt the proposed circulation roads and signalization would be sufficient.

7) There was concern about freeway traffic noise affecting the residential areas. The walls suggested in the EIR appear inadequate and unsightly.

Mr. Brown stated the noise reduction features of the development are County requirements. He also stated that the project landscaper would add features to soften the buffer.

8) Shared parking seems inadequate based on the data presented. Parking requirements for the multi housing units should at minimum equal the requirements for single family homes because in most developments such as this there is always a shortage of parking. Parking provisions today do not reflect the reality of high density developments.

While the developer was reviewing the design to look for any additional parking possible the project had exceeded the County minimum requirements.
9) There was concern about the "significant traffic impacts" listed in the EIR. Most of the solutions for these were resolved by stating that Traffic Impact Fees would be paid. The committee felt that this answer did not adequately clarify what exactly would be done to resolve these "significant" issues. What are the specific solutions?

Ms. Passon stated that the impacts of the project were being addressed by the combination on on-site, off-site and TIF fees. This approach was being driven and approved by the County Planning staff.

10) A Diamond Interchange for I-15 at Stewart Canyon would greatly improve most of the traffic problems created by the developments east of I-15.

Mr. Brown stated that he appreciated the Group's desire for another intersection along the I-15, it was entirely a Caltrans issue.

11) The long-requested transportation node for the developments east of I-15 should be located in the Campus Park West project. The existence of a Park and Ride across the freeway is of little value to the residents, merchants, and customers east of the I-15.

Mr. Brown stated that the location of the traffic node had been designed into the I-15 bridge project and that full bus service would provide access from the Campus Park West project and all of the future development east of I-15 to the facility.

12) The roads in the commercial/shopping areas should be built to Public Road standards in order to provide adequate access and to eliminate excessive congestion.

While the circulation roads within the development would be built to County public standards and maintained by the County, roads within a commercial and residential development would meet a privately maintained County road standard.

13) There is a great deal missing from these documents. Where is the on-site circulation plan? How do the described intersections feed into the road network of the various component areas? Where are the buildings located? What is the phasing of the project?

Committee members wondered why the project is coming to us now when so much of the information appears incomplete.

Mr. Brown and Ms. Passon informed the Committee that additional information would be provided with the final EIR review. But in this type of development site maps for the individual developments would come along when construction permits were being issued. Mr. Brown stated that the realistic schedule for the development would be to possibly pull building permits in 2020.

Ms. Delaney stated that the Design Review Committee had reviewed the project and noted that the building heights had been reduced to acceptable limits but was waiting to see site plans for further comment. Mr. Brown assured her that as the site developed site plans would be coming to the Planning Group for review.

The Design Review Committee voted to recommend approval subject to the following:

1. Chapter 6 II- 103. WALL SIGN AREA

General Commercial- Signs should be no more than 50% of the architectural building element on which it is placed.

Industrial - Signs should be less than 50% of the architectural building element on which it is placed.

2. Figure 1-9, Appendix B

More trees & shrubs should be used along the I-15 to reduce the visual impact of the project.

Ms. Heyneman stated that Parks and Recreation had reviewed the project and was please with the reduction green rooftops being applied to recreational requirements.

Mr. Harry Christensen stated he had concerns that the overall impact of all of the developments east of I-15 were not being dealt with. Mr. Dennis Campbell (County Planning Staff) informed the Group that as the projects developed infrastructure improvement would be required.

After further discussion Ms. Delaney motioned to approve the project subject to review of all of the answers to the Groups concerns in the final EIR. The Motion passed unanimously.

11. Request for authorization to open a used car sale business at 208 W. Aviation, Fallbrook Auto Connection. Applicant Dan Katje, 760-728-6482, socalpool@yahoo.com. **Design Review Committee**. Community input. Voting item.

The applicant introduced the request. Ms. Delaney stated the Design Review Committee had reviewed the request and proposed signage and had no problems with the project.
After limited discussion Ms. Delaney motioned to approve the request as presented and the motion passed unanimously.

12. MUP14-001 Request for a Major Use Permit from Verizon Wireless, 858-694-3029 for a unmanned telecommunication site at 5045 Olive Hill Road consisting of 12 antennas, 12 remote radio units, and 1 microwave dish antenna on a new 55' high faux eucalyptus. The equipment necessary to operate the facility will be located in a proposed 22' x 12' stick built building. Installation of an emergency generator will be inside a 12' x 14' concrete block wall enclosure. Owner Black Family Triust. Contact person Margie Sullivan 760-613-3488. County planner Lisa Sims 858-694-3029. **Public Facilities Committee**. Community input. Voting item.

Item continued at the applicant's request.

13. There is an opening on the Planning Group and Design Review Board for one elected member to be appointed by the Board of Supervisors. If you are interested please e-mail your resume to the Group's secretary at Thomas.Harrington@sdcounty.ca.gov Discussion and voting on a recommendation to fill that position. Community input. Voting item.

Mr. Russell introduced the item stating that three candidates (Ms. Teresa Platt, Mr. Jerry Kalman and Mr. Bill McCarthy) had submitted resume's to apply for the position (attached). Mr. Russell invited them to speak to the Group. After their presentations Mr. Harrington Took roll of each Group member requesting each to vote for the candidate of their choice. The voting tally was as follows:
Ms. Platt 1 Vote
Mr. Kalman 3 Votes
Mr. McCarthy 8 Votes
Since only eight votes were needed for nomination Mr. McCarthy was nominated. M. Harrington was directed to forward Mr. McCarthy's resume and application to the County for Board of Supervisor approval.

14. Election of officers, Chairman, 1st Vice Chair, 2nd Vice Chair, and Secretary. Voting item

Mr. Russell turned the chair over to the Mr. Harrington (the secretary) who opened nominations for Chair. Ms. Burdick nominated Mr. Russell. Nominations were closed and Mr. Russell's nomination approved.
Mr. Harrington turned the chair back to Mr. Russell opened nominations for 1st Vice Chair. Mr. De Meo nominated Mr. Wood. Nominations were closed and the nomination approved.
Mr. Russell opened the nominations for 2nd Vice Chair. Ms. Gebhart nominated Mr. Moosa. Nominations were closed and the nomination approved.
Mr. Russell opened nominations for Secretary. Ms. Delaney nominated Mr. Harrington. Nominations were closed and the nomination approved.

The Meeting was adjourned at 9:29 pm
Tom Harrington, Secretary

Attachment F – Ownership Disclosure

County of San Diego, Planning & Development Services

APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS

ZONING DIVISION

Record ID(s) PDS2013-TM-5577

Assessor's Parcel Number(s) 106-280-22

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

Jeffery S. Berk

Nancy B. Berk

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

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

Signature of Applicant

JEFFREY S. BERK

Print Name

9/30/2013

Date

--- OFFICIAL USE ONLY ---

SDC PDS RCVD 11-06-13

TM5577