

MITIGATED NEGATIVE DECLARATION

April 10, 2008

Project Name: BOYER 3-LOT TENTATIVE PARCEL MAP

Project Number(s): TPM 20794; E.R. 03-08-063

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

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

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Archaeology, Biology, Drainage, Fire Protection, Noise and Stormwater Management
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

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

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

 - A. TRANSPORTATION

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

B. BIOLOGICAL RESOURCES

1. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.89 acre of non-native grassland and 0.18 acre of chaparral habitat credit, or like functioning habitat credit to the satisfaction of the Director of Planning and Land Use, has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Central Foothill Ecoregion of the County. Evidence of purchase shall include the following information to be provided by the mitigation bank: [DPLU, FEE X 2]
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. 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.
 - c. 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.
 - d. 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.

-OR-

Provide for the conservation and habitat management of a minimum of 0.89 acre of non-native grassland and 0.18 acre of chaparral habitat, or like functioning habitat, located in the central foothill ecoregion of the County. A Resource Management Plan (RMP) for the habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the

approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

C. CULTURAL RESOURCES

DATA RECOVERY EXCAVATIONS

Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, the applicant shall:

1. Implement, to the satisfaction of the Director of Planning and Land Use, the Research Design Plan detailed Section 9 of the cultural resources report titled, "*An Archaeological Assessment for the Boyer Lot Split San Diego County*", prepared by Richard Herrmann and Brian Smith with Brian F. Smith and Associates, dated July 29, 2004. The implementation of the research design constitutes mitigation for the proposed destruction of archaeological site SDI-16,986. Section 9.2.4 Native American Consultation will be modified, pursuant to Section 65352.3 of the Government Code (Senate Bill 18 [2004]), that an observer/representative from the Luiseño cultural group will be present during the data recovery process. The research design includes, but is not limited to the following performance standards:
 - a) Phase 1: This phase of excavation will involve an initial index of the deposit consisting of a 2% sample of the subsurface deposit identified during the testing of the site. Discounting the marginal areas where only one or two flakes were recovered from the shovel tests, the area of greatest importance appears to be encompassing an area of approximately 309 square meters. Five test units (1 x 1 meter) will be used to conduct the sampling; these will be situated based on a grid system that encompasses the subsurface deposit. The results of this first phase of excavation will be used to examine the research potential of the site and determine the focus of the second phase of excavation. The letter report will evaluate the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial 2 percent sample and present the recommendation for further study. The report will be submitted to the Director of Planning and Land Use, County of San Diego.

- b) Phase 2: The second phase of excavation will consist of a more intensive sampling of the area of greatest research potential as identified in Phase 1. For a site of this type, the stratified area of greater importance is typically found to be approximately 10% of the total midden deposit, equating to approximately 30 square meters for Site SDI-16,986. Phase 2 will consist of a 10% sample of the stratified area with three additional test units to be placed to focus upon the recovery of samples from the area of highest artifact and feature concentration. Additional units will be added as needed.
- c) Conduct artifact analysis, including lithic analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, and radiocarbon dating, as detailed in the archaeological extended study, *A Data Recovery Mitigation Plan for SDI-16,986, San Diego, California*, prepared by Brian F. Smith & Associates dated July 29, 2004.
- d) Complete and submit the Final Technical Report to the satisfaction of the Director of Planning and Land Use.

CURATION OF ARCHAEOLOGICAL COLLECTIONS

- 2. Provide evidence to the satisfaction of the Director of Planning and Land Use that all archaeological materials recovered during the archaeological investigations, including reconnaissance survey, testing, data recovery and grading monitoring of the property by Brian F. Smith & Associates under the direction of Brian F. Smith, have been curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. This condition will be satisfied with the receipt of a letter from the curation facility acknowledging the receipt of the collection and funds.

GRADING MONITORING AND DATA RECOVERY PROGRAM

Prior to approval of grading and/or improvement plans, the applicant shall:

- 1. Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the Boyer Project, TPM 20794/Log No. 03-08-063 to the satisfaction of the Director of Planning and Land Use. This program shall include, but shall not be limited to, the following actions:

- a) Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: [DPLU, FEE]
 - i) The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
 - ii) The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
 - iii) The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - iv) An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
 - v) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. 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 Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.

- vi) Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- vii) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) 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. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- viii) If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- ix) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- x) In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego 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 shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

- xi) Monthly status reports shall be submitted to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports 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.
 - xii) In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.
 - xiii) In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
2. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:
- a) The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.

- b) The project archaeologist shall monitor all areas identified for development including off-site improvements.
- c) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. 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 Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- d) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) 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. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- e) The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
- f) If any Native American burials, human skeletal or other Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- g) The Principal Investigator shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the notice to proceed to termination of

implementation of the grading monitoring program. The reports 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. [DPLU, FEE]

- h) Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. [DPLU, FEE]
- i) Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following: [DPLU, FEE x 2]
 - Department of Parks and Recreation Primary and Archaeological Site forms.
 - Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego 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 shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the Principal Investigator that the grading monitoring activities have been completed.

D. NOISE

1. On the Final Map, grant to the County of San Diego a perpetual Noise Protection Easement over the entire area of Lots 1, 2 and 3, as shown on Tentative Parcel Map 20794RPL2 dated September 25, 2007. This easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected lots.

Said Noise Protection Easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located on Lots 1, 2, and 3, the applicant shall: [DPLU, FEE X2]

- a) Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Mountain Meadow Road, must utilize a Level of Service "C" traffic flow for a Collector that is the designated General Plan Circulation Element buildout roadway classification.
- b) Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

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

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

SIGHT DISTANCE [DPW]

- a. Prior to recordation, a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed adequate sight distance in both directions along Mountain Meadow Road from the driveway of all

parcels, for the prevailing operating speed of traffic on Mountain Meadow Road.", to the satisfaction of the Department of Public Works.

CIRCULATION ELEMENT ROADS

- a. Show a building line, which is seventy-two feet (72') from the centerline of Mountain Meadow Road (SC 990), and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line" on the Parcel Map. (Ref. Parcel Map 18430, TPM 20327).

ROAD MAINTENANCE/SPECIAL DISTRICTS

- a. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum deposit at the Land Development Counter Services.

FACILITY/UTILITY ARRANGEMENTS

- a. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
- b. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

OTHER REQUIREMENTS

- a) Comply with all applicable stormwater regulations at all times. 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 (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for 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. This requirement shall be to the satisfaction of the Department of Public Works.

- b) The subdivider shall obtain access rights onto Mountain Meadow Road. The applicant shall obtain approval of a Remandment of Previously Relinquished Access Rights for three (3) legal openings onto Mountain Meadow Road, one (1) twenty-foot (20') driveway opening for each parcel.

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

on _____

Alyssa Maxson, Planning Manager
Regulatory Planning Division

AM:AJG