

MITIGATED NEGATIVE DECLARATION

October 18, 2007

Project Name: Dai Dang Meditation Center

Project Numbers: P04-016, Log No. 04-02-011

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 Community Character, Noise, Biology (letter report), Stormwater Management, Hydrology & Hydraulics, and Traffic.
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. BIOLOGY

Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Provide for the approval of the Director of Planning and Land Use evidence that 1.2 acres of non-native grasslands habitat credit has been secured in a County approved mitigation bank located in Bonsall. Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - 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-

2. Provide for the conservation and habitat management of a minimum of 1.2 acres of non-native grassland habitat located within the Bonsall/Moosa Creek area. A Habitat Management Plan (HMP) for the non-native grassland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. 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 HMP.

B. 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.

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.

A. AESTHETICS

The final design of the project shall substantially conform to the Plot Plan approved with this permit, which includes the following design elements:

1. The project buildings and layout have been designed to minimize grading and the need for visible retaining walls.
2. The buildings have been designed to be set into the hillside rather than on building pads which would require more grading.
3. The proposed Residence Hall, the largest proposed building, has been designed as a split-level pad to minimize the need to grade into the existing hillside.
4. The proposed parking lot has been designed to take advantage of the existing topography so that no grading or retaining walls are required along the western edge of the property where the project would be the most visible from off-site.
5. The proposed courtyards have been designed in tiered fashion to minimize the grading and use of retaining walls that would otherwise be required if they were located at the same elevation as the proposed buildings.
6. Where possible the project has been designed to leave the natural slope of the site intact.

7. Changes along the project frontage will be minimized because the proposed development is located at the rear of the property.
8. The project will conform to the Light Pollution Code (Section 59.101-59.115), including the low pressure sodium lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights.
9. In addition, the proposed project will control outdoor lighting and sources of glare in the following ways:
 - a. The project will not install outdoor lighting that directly illuminates neighboring properties.
 - b. The project will not install outdoor lighting that would cast a direct beam angle towards a potential observer, such as a motorists, cyclist or pedestrian.
 - c. The project will not install outdoor lighting for vertical surfaces such as buildings, landscaping, or signs in a manner that would result in useful light or spill light being cast beyond the boundaries of intended area to be lit.
 - d. The project will not install any highly reflective surfaces such as glare-producing glass or high-gloss surface color that will be visible along roadways, pedestrian walkways, or in the line of sight of adjacent properties.
10. Prior to approval of building permits the project will require approval of a landscape plan that will include the following requirements:
 - a. The landscape plan shall substantially conform to the conceptual landscape plan included as part of the Plot Plan approved with this permit.
 - b. Adequate screening shall be provided for the overflow parking lot to buffer views from Camino del Rey and the property directly to the east. The same landscape requirements from the Off Street Parking Design Manual and the Bonsall Community Design Guidelines will apply to this area. Place a note on the plans as to what type of surface material will be utilized for this area. Show any existing vegetation in the vicinity to remain that will help achieve the

- required screening. Show existing vegetation to remain as a dashed circle and provide common name.
- c. English Ivy will not be allowed to be planted along the perimeter of the property due to its highly invasive nature. No invasive species shall be planted along the perimeter.
 - d. Perimeter landscaping and landscaping adjacent to structures shall be selected and spaced per the North County Fire Protection District's letter dated September 20, 2006, and the County's public information pamphlet entitled "Fire, Defensible Space and You". The pamphlet can be accessed from the County's web page at: www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#fire.
 - e. All slopes 3 feet in vertical height and above shall be planted and irrigated per Section 87.417 and 87.418 of the County Grading Ordinance.
 - f. If landscape lighting is proposed, provide a lighting plan that demonstrates compliance with the County's Light Pollution Control Ordinance.
 - g. The horizontal seepage pits shall be protected from erosion after soil disturbance from pipe installation. Show erosion control planting and temporary irrigation as needed.
11. The proposed project has been designed in accordance with the Bonsall Community Design Guidelines to include architectural design features of the surrounding rural community in terms of natural building material and colors, lighting features and landscaping elements.

B. HAZARDS

- 1. Prior to issuance of building permits the applicant shall demonstrate that the following elements are included in the design of the project:
 - a. Construct minimum twenty-four feet (24') wide asphaltic concrete paved access road from Camino del Rey to the northern property boundary of the site to the satisfaction of

the North County Fire Protection District and the Director of Public Works.

- b. Gates, if installed, across the access road shall conform to NCFPD standards for electric gate;
- c. That number and location of fire hydrants are acceptable to the NCFPD and are capable of providing a 1,500 GPD flow;
- d. Automatic fire sprinkler system will be installed for all new structures; and
- e. Provide native vegetation clearance around all structures in accordance with the provisions of the Fire Protection Plan (Short Form) approved by both the NCFPD and County Fire Marshall.
- f. Fire lanes, if provided, to conform to CVC 22500.1 to the satisfaction of the North County Fire Protection District.
- g. Provisions for hammerhead turn-around shall be made to the satisfaction of the North County Fire Protection District.
- h. Provide emergency access to Wrightwood Road, PRD 125.

C. HYDROLOGY AND WATER QUALITY

- 1. Prior to obtaining any building permit pursuant to this Major Use Permit, the applicant shall:
 - a. Obtain a recorded waiver and release from each property owner impacted by significant changes in downstream flow characteristics resulting from grading, private roads, or other improvements.
 - b. Demonstrate compliance with all applicable storm water 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, Storm water Management, and Discharge Control Ordinance (Ordinance No. 9424, Ordinance No. 9426, Ordinance No. 9518, and Ordinance No. 9589) 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 greater than 1 acre require that the property owner keep additional and updated information on-site concerning storm water runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- c. It is determined that the project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.
2. The following site design measures and/or source control BMPs and/or treatment control BMPs will be employed to reduce potential pollutants in runoff to the maximum extent practicable, such that the proposed project will not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses:
 - Silt Fence,
 - Fiber Rolls,
 - Street Sweeping and Vacuuming,
 - Storm Drain Inlet Protection,
 - Stockpile Management,
 - Solid Waste Management,
 - Stabilized Construction Entrance/Exit,
 - Vehicle and equipment Maintenance,
 - Gravel Bag Berm,
 - Sandbag Barrier
 - Material Delivery and Storage,
 - Spill Prevention and Control,
 - Concrete Waste Management,
 - Water Conservation Practices,
 - Paving and Grinding Operations, and
 - Any minor slopes created incidental to construction and not subject to a major or minor grading permit shall be protected by covering with plastic or tarp prior to a rain event, and shall have vegetative cover reestablished within 180 days of completion of the slope and prior to final building approval.

3. The following conditions shall apply during the term of the Major Use Permit:
 - a. Comply with all applicable storm water 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, Storm water Management, and Discharge Control Ordinance (Ordinance No. 9424, Ordinance No. 9426, Ordinance No. 9518, and Ordinance No. 9589) 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 greater than 1 acre require that the property owner keep additional and updated information on-site concerning storm water runoff. This requirement shall be to the satisfaction of the Director of Public Works.
 - b. It is determined that the project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

D. LAND USE PLANNING

The following design elements will allow the project to maintain consistency with the County General Plan, the Bonsall Community Plan, the Zoning Ordinance and the Bonsall Community Design Guidelines:

1. The project will result in approximately 12.6 percent structural coverage of the project site.
2. The project will be consistent with the existing zoning for the site with the exception of the height of the steeple. The steeple exceeds the 35-foot maximum height limitation by 5 feet, which makes it a minor architectural feature.
3. The following assumptions are made regarding the nature of the proposed use:

- a. The number of monks taking up residence at the center will not exceed 30 at any one time.
 - b. The primary activity at the center is quiet meditation.
 - b. About 100 persons will attend regular Sunday services.
 - c. About 300 persons will attend period special events that will take place at regular intervals about five times per year.
4. The following design elements relate to the project's consistency with the Bonsall Community Design Guidelines:
- a. The project does not propose any realignment or widening of existing roads.
 - b. Camino dell Rey borders the project to the south, however, no development is proposed in the area adjacent to the road that would permanently affect the existing scenic qualities.
 - c. The Landscape Plan has been design to buffer views onto the site.
 - d. The new development proposed by the project will set into the hillside at the rear one-third of the site.
 - e. The proposed parking areas will not be visible from the surrounding areas due to topography and landscaping.
 - f. The height, bulk and scale of each of the individual new buildings are comparable to some of the larger estate residences in the area.
 - g. The buildings are designed with a horizontal emphasis, linked by one-story covered walkways between the structures that further increase the horizontal appearance.
 - h. The buildings are designed with simple elevations and with limited decorative ornamentation.
 - i. Proposed building materials will be of natural colors. Exterior finishes will be of earth-toned stucco, which blends in with surrounding development.

- j. Wooden doors will be used.
 - k. The structures will also feature a series of roof overhangs with stucco-finished columns, allowing for covered walkways around the perimeter of the buildings.
 - l. The roofs of the structures will be finished with terra cotta clay tile, consistent with man of the surrounding residential uses, as well as the larger equestrian facilities in the area.
 - m. The project incorporates the use of covered walkways, courtyard terraces and other defined outdoor spaces. A landscaped garden feature is proposed between the main hall and the meditation hall.
 - n. Roof-mounted mechanical equipment will also be screened from view form adjacent properties through project design which includes a well within the rooftop so that equipment is shielded from off-site views. On-site trash facilities will also be screened from view.
5. In compliance with the provisions of the Resource Protection Ordinance, all sensitive steep slopes will be preserved within an open space easement except for those portions where encroachment is allowed pursuant to said ordinance.
6. Prior to approval of grading plans the applicant shall demonstrate that the following requirements from the Department of Environmental Health have been satisfied:
- a. The abandoned old driveway needs to be graded to its original contours.
 - b. No cuts on the proposed driveway are allowed that would affect the septic dispersal area.
 - c. The overflow parking is to be existing grade and soil, with no grading in this area. Cars will park on native soil, and no paving will occur in this area. This condition is specified on the layout. No fill is to be placed in the overflow parking area.

E. NOISE

1. Within six (6) months of receiving the certificate of occupancy for the structures allowed by this Use Permit, the applicant shall:
 - a. Complete to the satisfaction of the Director of Planning and Land Use, an acoustical certification test performed by a County certified acoustical engineer, demonstrating that the noise levels generated by the Meditation Center's special events with more than 200 participants will not exceed the allowable average hourly A-weighted property line sound level limits of Section 36.404 of the County Noise Ordinance [50 decibels from 7 am to 10 pm, and 45 decibels from 10 pm to 7 am]. The certification test will be submitted to the County to demonstrate compliance and to document any recommendations to be fulfilled by the permittee. The County reserves the right to require additional monitoring to insure the efficacy of these measures after their implementation.
 - b. Incorporate to the satisfaction of the Director of Planning and Land Use all of the recommendations or mitigation measures of the acoustical testing into the staging of these periodic special events (seven per year).
2. Prior to the issuance of any building permit for any noise sensitive uses within 260 feet of the centerline of Camino del Rey, the applicant shall:
 - a. Complete to the satisfaction of the Director 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 (60dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Camino del Rey shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Rural Collector road 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. The following conditions shall apply during the term of the Major Use Permit:
 - a. The use of devices for the amplification of sound at all exterior locations on the project site at any time, including special events, is prohibited.

F. TRANSPORTATION/TRAFFIC

1. Within 180 days after approval of this Major Use Permit, the applicant shall:
 - a. Execute a lien agreement to improve to improve Camino del Rey along the project frontage in accordance with Public Residential Collector Road Standards to a graded on-half width of thirty (30') from centerline with twenty feet (20') of asphaltic concrete pavement over approved base, and Class II walkway, with asphaltic dike with face of dike at twenty feet (20') from centerline. Provide taper transitions constructed to meet existing improvements.
 - b. Grant an irrevocable offer to dedicate real property for public road to thirty feet (30') on project side of the existing centerline plus slope and drainage rights for Camino del Rey.

Any offer of dedication or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required at the time of recordation of the Parcel Map or the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of Public Works.
2. Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:

- a. Provide a registered civil engineer's, a registered traffic engineer's, or a licensed land surveyor's signed statement that: "Physically, there is a minimum unobstructed sight distance in both directions along Camino del Rey from the proposed project driveway access, for the prevailing operating speed of traffic on Camino del Rey, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
 - b. Relinquish access rights into Camino del Rey except for one driveway access at satisfactory to the director of public works.
3. The project proposes to provide 81 parking spaces including 6 handicapped spaces.

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

on _____

RICHARD GRUNOW, Planning Manager
Regulatory Planning Division

RG:WS:jcr

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