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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

March 27, 2008

Project Name: Jeffredo Minor Residential Subdivision (4 Lots)

Project Number(s): TPM 20908RPL³, Log No. 05-02-003

**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 biological resources, fire protection, drainage, 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. BIOLOGY

1. Prior to issuance of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:
 - a. Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit Map received by the County on July 13, 2007, on file with the Department of Planning and Land Use as TPM 20908RPL³. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exceptions to this prohibition are:

- i. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat

- management plan approved by the Director of Planning and Land Use.
 - ii. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
 - iii. Maintenance and use of existing structures shown on the Tentative Parcel Map 20908RPL³. Replacement of existing structures is expressly prohibited.
 - b. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit Map received by the County on July 13, 2007, on file with the Department of Planning and Land Use as TPM 20908RPL³. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:
 - i. Decking, fences, and similar facilities.
 - ii. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- 2. 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 2.3 acres of non-native grassland or coastal sage scrub habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in North 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 2.3 acres of non-native grassland or coastal sage scrub habitat located in North County. A Habitat Management Plan (HMP) for the non-native grassland or coastal sage scrub 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.

3. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, and prior to recordation of the parcel map, provide evidence to the satisfaction of the Director of Planning and Land Use, that the open space signage has been installed.

The applicant shall submit a statement from a California Registered Engineer, or licensed surveyor that all open space signs along the open space boundary of Lots 1, 2, 4, and 4 as shown on the Open Space Fencing Plan received by the County on July 13, 2007, on file with the Department of Planning and Land Use as TPM 20908RPL³ have been installed. **[DPLU, FEE]**

- a. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"
Disturbance Beyond this Point is Restricted
by Easement
Information:
Contact County of San Diego, Department of Planning and Land
Use
Ref: ER 05-02-003"

4. Prior to the approval of the grading, improvement, or building plans, submit to the satisfaction of the Director of Planning and Land Use; a statement from a California Registered Engineer, or licensed surveyor that temporary construction fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing condition shall be released on a parcel-by-parcel basis. [DPLU, FEE]
5. Prior to the issuance of any Building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use the grading, and or improvement plans, and or building plans show permanent fences or walls along the open space boundary of Lots 1, 2, 3 and 4 as shown on the Open Space Fencing and Signage Exhibit dated June 12, 2006, on file with the Department of Planning and Land Use as Environmental Review Number 05-02-003. [DPLU, FEE]
 - a. The fence or wall shall be a minimum of four feet (4') high and consist of split rail or 3-strand wire. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
6. Prior to the approval of grading, improvement, or building plans: The following specific environmental notes shall be place on any of the following plans as applicable: grading, and or improvement plans, and or building plans:

- a. “Temporary construction fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity.”
- b. “Prior to at the conclusion of grading activities and Final Grading Release or Occupancy of any building: Placement of permanent fencing or walls is required. Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been installed along the biological open space boundary of Lots 1, 2, 3, and 4 as shown on the Open Space Fencing and Signage Exhibit dated June 12, 2006, on file with the Department of Planning and Land Use as Environmental Review Number 05-02-003. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.”
- c. “Prior to at the conclusion of grading activities and Final Grading Release or Occupancy of any building: Placement of open space signs is required.
 - (1) Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been installed along the biological open space boundary of 1, 2, 3, and 4 as shown on the Open Space Fencing and Signage Exhibit dated June 12, 2006, on file with the Department of Planning and Land Use as Environmental Review Number 05-02-003.
 - (2) Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.”
- d. “Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of the southern coast live oak riparian forest during the breeding season of the migratory birds and/or raptors. This is defined as occurring between February 1 and August 31. The Director of Planning and

Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nesting migratory birds and/or raptors are present in the vicinity of the brushing, clearing or grading.”

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

The following project design elements and requirements were either proposed in the project application or the result of compliance with specific 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. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. The Parcel Map shall show an accurate and detailed Vicinity Map.
2. SIGHT DISTANCE
 - a. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: “Physically, there is a minimum adequate unobstructed sight distance in both directions along Via Monserate from the Parcel 2 driveway, for the prevailing operating speed of traffic on Via Monserate”. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.” These certifications shall be to the satisfaction of the Department of Public Works.
 - b. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: “Physically, there is a minimum adequate unobstructed sight distance in both directions along Palomar Drive from the driveways of Parcels 1, 3, and 4, for the prevailing operating speed of traffic on Palomar Drive”. If the lines of

sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "said lines of sight fall within the existing right-of-way and a clear space easement is not required." These certifications shall be to the satisfaction of the Department of Public Works.

3. ROAD DEDICATIONS

- a. Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide one-half right-of-way width along the project frontage, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Palomar Drive, including a twenty-foot (20') radius property line corner rounding at the street intersection with Via Monserate. The Parcel Map shall be prepared to show the offer being accepted.
- b. Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width along the project frontage, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Via Monserate, including a twenty-foot (20') radius property line corner rounding at the street intersection with Palomar Drive. The Parcel Map shall be prepared to show the offer being accepted.
- c. Execute an Irrevocable Offer of Dedication for a thirty-foot (30') wide right-of-way width on each side of the ultimate centerline [minimum centerline radius seven hundred feet (700')], plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit on each side of the ultimate centerline for that portion within the land division for Via Monserate (SC 120), including a twenty-foot (20') radius property line corner rounding at the street intersection with Palomar Drive.
- d. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705 (a) of the County Code, at the time of recordation of the Parcel Map.

- e. The subdivider shall relinquish access rights onto Via Monserate, except for the driveway opening of Parcel 2.
- f. The subdivider shall relinquish access rights onto Via Monserate (SC 120) except for one (1) driveway opening for Parcel 2.

4. CIRCULATION ELEMENT ROADS

- a. Prior to recordation of the Parcel Map, contact Route Locations of the Department of Public Works [(858) 874-4202] to determine the desired location of the centerline for Via Monserate (SC 120), which is shown on the Circulation Element of the County General Plan as a Light Collector Road. The following shall be shown on the Parcel Map:
 - (1) The centerline location as approved by the County of San Diego, Department of Public Works Route Locations Section.
 - (2) 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."
 - (3) A building line which is sixty feet (60') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

5. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES

- 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.

6. 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, 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.

7. FLOODING/DRAINAGE

- a. The drainage swale which flows through the property shall be shown and labeled "Drainage Swale" on the Parcel Map. The subdivider's civil engineer-of-work shall show this by annotating a copy of the Tentative Parcel Map, to the satisfaction of the Department of Public Works.

B. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED, OR A SECURED AGREEMENT EXECUTED, PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN, THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24)

MONTHS OF RECORDING THE PARCEL MAP, AND PRIOR TO GRANTING OF ANY APPROVAL OF DEVELOPMENT OF ANY PARCEL CREATED BY THIS MAP, EXCEPT BUILDING AND ASSOCIATED PERMITS CAN BE ISSUED REQUIRING COMPLETION OF PUBLIC IMPROVEMENTS PRIOR TO OCCUPANCY OF THE BUILDING.

1. PUBLIC ROAD IMPROVEMENTS

- a. Via Monserate along the project frontage shall be improved in accordance with County Public Road Standards for a Residential Collector Road to a one-half graded width of thirty feet (30') with twenty feet (20') of asphalt concrete pavement over approved base, asphalt concrete curb, and five-foot (5') disintegrated granite walkway, with edge of pavement at twenty feet (20') from centerline, including traffic striping for transition tapering of asphalt concrete to match the existing asphalt concrete pavement. All of the above shall be to the satisfaction of the Department of Public Works.
- b. All new utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, and sidewalks. This is not intended to include undergrounding of existing utilities, but does not preclude relocating them.
- c. Portland cement concrete cross gutters shall be constructed where water crosses the roadway.
- d. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Department of Public Works.
- e. The subdivider shall construct a public street lighting system to the satisfaction of the County of San Diego, Department of Public Works.
- f. A Construction Permit shall be obtained for the work within the right-of-way.

- g. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Department of Public Works. The following items shall also apply:
 - (1) Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Department of Public Works.
 - (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - (3) Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Department of Public Works.

2. STEEP SLOPE OPEN SPACE EASEMENT

- a. Prior to issuance of grading or construction permits or the Parcel Map, whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement over portions of Lots 1, 3, and 4 as shown on the Open Space Easement Exhibit dated March 12, 2008. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exceptions to this prohibition are as follows:

- (1) Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that

such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

- (2) Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- (3) Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
- (4) Construction, use, and maintenance of septic systems, on Lots 3 and 4 in the location shown on the preliminary grading plan for TPM 20908RPL³ dated October 12, 2007.
- (5) Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- (6) Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be

initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

- (7) Trails for passive recreation pursuant to a trails plan approved and adopted by the County of San Diego.
- (8) Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to the Zoning Ordinance of the County of San Diego.

C. OTHER REQUIREMENTS

1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
2. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order

accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the Final Map.

3. 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 greater than 1 acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Department of Public Works.
4. Applicant shall offer to dedicate a 20-foot wide trail easement to the County of San Diego adjacent to the southern right-of-way of Via Monserate along the northern boundary of the subdivision.

March 27, 2008

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:KS:jcr

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