

MITIGATED NEGATIVE DECLARATION

November 8, 2007

Project Name: Black Gold

Project Number(s): P05-036, TPM 20974, Log. No. 06-14-026

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 Biology, Noise 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. 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.
2. Lake Jennings Park Road between Blossom Valley Road and the I-8 Westbound off Ramp shall be restriped to the classification of a Collector (two lanes in each direction).
3. Lake Jennings Park Road between the I-8 Eastbound on Ramp and Olde Highway 80 shall be restriped to the classification of a Collector (two lanes in each direction).
4. Olde Highway 80 between Lake Jennings Park Road and the West Pecan Park Ln shall be restriped to the classification of a Collector (two lanes in each direction).
5. Olde Highway 80 between West Pecan Park Lane and the east project access shall be restriped to the classification of a Town Collector (one lane in each direction with a center turn lane).
6. Improve project Frontage to centerline to provide improvements consistent with the County's Standard for a four lane Collector Road.
7. At intersection of Olde Highway 80 (SR 895), East Project access, and Rios Canyon Road construct a stop sign on access road controlled southbound approach for an eastbound through lane and an eastbound left-turn lane; a westbound through lane and right-turn lane on Olde Highway 80.
8. At intersection of Olde Highway 80 (SR 895) and West Project access, construct a stop sign on access road controlled southbound approach for an eastbound through lane and an eastbound left-turn lane; a westbound through lane and right-turn lane on Olde Highway 80.
9. Participate in the cost of a traffic signal installation at the intersection of Olde Highway 80 and Lake Jennings Park Road. The amount of the developer's portion of the entire cost of the signal shall be \$13,866.

10. Participate in the cost of a traffic signal installation at the intersection of Lake Jennings Park Road and Interstate 8 westbound off ramp. The amount of the developer's portion of the entire cost of the signal shall be \$1,572.
11. Participate in the cost of a traffic signal installation at the intersection of Olde Highway 80 and East Project Access/Rios Canyon Road. The amount of the developer's portion of the entire cost of the signal shall be \$2,779.

B. 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 1.88 acres of Tier III or higher Tier habitat credit has been secured in a County approved mitigation bank located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:
2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
3. 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.
4. 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.
5. 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 1.88 acres of Tier III or higher Tier habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Habitat Management Plan (HMP) for the Tier III or higher Tier 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.

C. NOISE

Prior to obtaining a building permit, the applicant shall:

1. On the plot plans, please locate and specify the proposed HVAC units as "Carrier Model 24ACR3-60 HVAC Units or equivalent sized units with a single unit sound pressure level of 75 dBA at a reference distance of 3 feet". Refer to Table 3: Equipment Identification Chart for sound level measurements in the Acoustical Site Assessment report prepared by ISE.
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 the impact on the visual character of the surrounding area by using earth-tone paints and stains, painting structures somewhat darker than the adjacent landscape to compensate for the effects of shade and shadow and by shaping cuts and fills to appear as natural forms.
2. The proposed warehouse, the largest proposed building, has been designed and painted to match the surrounding rural area and blend into the natural terrain.
3. The proposed parking lot has been designed to take advantage of the existing topography by using retaining walls that use a natural

stone surface and reduce surface disturbance by placing the walls along fill slopes.

4. Where possible the project has been designed to leave the natural slope of the site intact.
5. 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.
6. Prior to approval of the building permits, the project will require the approval of a lighting plan. 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.
7. 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. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural

- moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.
 - d. Spot elevations of the hardscape, building, and proposed fine grading of the installed landscape.
 - e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.
 - f. Perimeter landscaping and landscaping adjacent to structures shall be selected and spaced per the 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.
 - g. 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.
 - h. If landscape lighting is proposed, provide a lighting plan that demonstrates compliance with the County's Light Pollution Control Ordinance.
9. The proposed project has been designed in accordance with the Lakeside Community Design Guidelines and Design Review 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. All gates or other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet the standards approved by the District, and receive specific plan approval.
 - b. Gates accessing hazardous occupancy group structures shall be equipped with approved emergency traffic control activating strobe light sensor(s) or other devices approved by the District, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual disconnect in case of power failure.
 - c. All automatic gates across Fire Apparatus Roads shall be equipped with approved emergency key-operated overriding all command functions and opening the gate(s).
 - d. All roads shall be provided with an approved paved driving surface prior to bringing any combustible building products on-site.
 - e. Fire hydrants shall be installed in accordance with the appropriate water district, Lakeside Fire Protection District and San Diego County Standards.
 - f. The developer shall provide a letter from the appropriate water district stating that the required fire flow in gallons per minute is available to the site.
 - g. Water supply system and hydrants shall be installed and tested before bringing any combustible building product on-site.
 - h. Design of the water supply shall be submitted to the Lakeside Fire Protection District and the appropriate water district for approval prior to the issuance of a building permit for any parcel created by this subdivision. The developer shall provide a letter from the appropriate water district approving the water supply design.

- i. Automatic fire sprinkler systems are required for interior protection of all structures in accordance with the specifications of the National Fire Protection Association Pamphlet #13, to the satisfaction of the Lakeside Fire Protection District.
- j. Numbers and addresses shall be placed on all new or existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property to the satisfaction of the Lakeside Fire Protection District. Said numbers shall contrast with their background and shall meet the minimum standard of 6" high and ½" stroke for commercial buildings.
- l. An updated site map and Hazardous Materials Inventory is to be submitted to the Lakeside Fire Protection District through the San Diego County Department of Environmental Health, Hazardous Materials Division.
- m. Structures erected on the proposed project site shall comply with San Diego County Enhanced Fire Resistive Construction Standards and Requirements.
- n. Provide for the clearance of natural vegetation fuels for Fuel Modification Zones and Defensible Space within 100 feet of all buildings. The Modification Zones and Fuel Modification Zones shall be maintained in perpetuity. The proposed project is also located within a State Responsibility Area for wild land fire protection by the California Department of Forestry and Fire Protection. Additional Fuel Modification Zone and Defensible Space requirements may be required under the provisions of the California Public Resources Code.
- o. The developer shall provide a Technical Opinion Report, by a qualified and registered Fire Protection Engineer, to the District. This will allow the to determine the acceptability of the technologies, processes, products, facilities, materials and uses concerning the design, fire safety, operation and use of the proposed buildings.

C. HYDROLOGY AND WATER QUALITY

1. Prior to obtaining any building permit pursuant to this Major Use Permit, the applicant shall:
 - a. 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.
 - 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.
2. 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 AND PLANNING

1. The following design elements will allow the project to maintain consistency with the County General Plan, the Lakeside Community Plan, the Zoning Ordinance and the Lakeside Design Review Guidelines:
 - a. The project will be consistent with the existing zoning for the site with the exception of the rear yard setback requirement of 15-feet to 5-feet to allow for the construction of the carwash, fuel canopy and freeway sign. The reduction is minor, allowing an encroachment of 10-feet into the required rear yard. No development will take place adjacent to the rear yard because the lots abut Interstate 8.
2. The following design elements relate to the project's consistency with the Lakeside Community Design Guidelines and Design Review Guidelines:
 - a. The project provides neighborhood shopping centers for everyday needs. Locate them in areas with easy, safe, pedestrian and bicycle access.
 - b. The project clusters commercial uses.
 - c. The project provides commercial activities which will not interfere either functionally or visually with adjacent land uses or the rural atmosphere of the community.
 - d. The project will upgrade "strip" commercial by improving landscaping, parking, and access.

- e. The project proposes to locate higher intensity office professional uses along major roads or prime arterials.
 - f. The project proposes commercial uses, especially auto-oriented activities on lots that provide adequate parking and safe access along major streets.
 - g. The project provides a minimum 15-foot deep Landscaped Street Edge Zone along the front lot line, abutting Old Highway 80. The zone is composed of plants and landscape elements that are characteristic of Lakeside's scenic roads as well as screening the parking and service areas of the site.
 - h. The project proposes landscaping along both the interior and rear yard. The project will contain at least one tree per 300 square feet of total yard area as required by the Lakeside Design Guidelines.
 - i. Proposed building stucco will be a sand finished color, which blends in with the surrounding development. Heavy timber wood will also be used for trellis elements.
3. In compliance with the provisions of the Resource Protection Ordinance, all sensitive steep slopes will be preserved within open space easement except for those portions where encroachment is allowed pursuant to said ordinance.

E. TRANSPORTATION/TRAFFIC

- 1. Prior to recordation of a Parcel Map, the following public improvements must be completed:
 - a. Olde Highway 80 (SA 895) shall be improved in accordance with Public Road Standards to a one-half graded width of forty-eight feet (48') with thirty-eight feet (38') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk with face of curb at thirty-eight feet (38') from centerline to the satisfaction of the Director of Public Works.
 - b. Lake Jennings Park Road (SA 810) from Interstate 8 eastbound on ramp to Olde Highway 80 shall be restriped in accordance with Public Road Standards for a Collector Road

(2 lanes in each direction) with six-foot (6') bike lanes. Restripe dimensions and locations shall be in conformance with and constructed and improved as part of the approved Traffic Study, prepared by Darnell & Associates. All of the foregoing to the satisfaction of the Caltrans and the Director of Public Works.

The necessary traffic restriping for two northbound through lanes and two southbound through lanes, median transitions for two left turns and parking prohibition. All of the foregoing to the satisfaction of Caltrans and the Director of Public Works.

- c. Olde Highway 80 (SA 895) from Lake Jennings Park Road (SA 810) to Pecan Park Lane West shall be restriped in accordance with Public Road Standards for a Collector Road (4) lane with six-foot (6') bike lanes. Restripe dimensions and locations shall be in conformance with and constructed and improved as part of the approved Traffic Study, prepared by Darnell & Associates. All of the foregoing to the satisfaction of the Director of Public Works.
- d. Olde Highway 80 (SA 895) from Pecan Park Lane West to East Project access shall be restriped in accordance with Public Road Standards to a three (3) lane Town Collector Road with six-foot (6') bike lane. Restripe dimensions and locations shall be in conformance with and constructed and improved as part of the approved Traffic Study, prepared by Darnell & Associates. All of the foregoing to the satisfaction of the Director of Public Works.
- e. At the intersection of Olde Highway 80 (SA 895), East Project access, and Rios Canyon Road construct a stop sign on access road controlled southbound approach for an eastbound through lane and an eastbound left-turn lane; a westbound through lane and right-turn lane on Olde Highway 80 and as shown on the approved Traffic Study, prepared by Darnell & Associates. All of the foregoing shall be in accordance with Public Road Standards and to the satisfaction of the Director of Public Works.
- f. At the intersection of Olde Highway 80 (SA 895) and West Project access, construct a stop sign on access road controlled southbound approach for an eastbound through

lane and an eastbound left-turn lane; a westbound through lane and right-turn lane on Olde Highway 80 and as shown on the approved Traffic Study, prepared by Darnell & Associates. All of the foregoing shall be in accordance with Public Road Standards and to the satisfaction of the Director of Public Works.

- g. All new and existing 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.
- h. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
- i. The subdivider shall construct a public street lighting system to the satisfaction of the County of San Diego, Director of Public Works. Contact Special District Services (694 2198) for details.
- j. A construction permit shall be obtained for the work within the right-of-way.
- k. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:

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, Director of Public Works.

Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.

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, Director of Public Works.

Plans and specifications for the improvement of all restriped roads shall be reviewed by the DPW traffic section and meet with the approval of the County of San Diego, Director of Public Works.

- i. The subdivider shall install the sewer system and dedicate the portion of the sewer system which is to be public sewer as shown on the approved plans and specifications. [DPW]
- m. 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.
- n. 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)).
- o. 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.

- p. 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 on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

The project includes Category 2 post-construction BMPs. For Category 2 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 of San Diego Standard Urban Stormwater Management Plan to the satisfaction of the Director of Public Works.

- 2. The project proposes to provide 40 parking spaces, 12 truck spaces and 4 handicapped spaces.

November 8, 2007

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

on _____

RICHARD GRUNOW, Planning Manager
Regulatory Planning Division

RG:MS:jcr

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