

MITIGATED NEGATIVE DECLARATION

October 11, 2007

Project Name: Miller

Project Number(s): TPM 20978, Log No. 05-14-040

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 stormwater, drainage, and noise.
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

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. NOISE

THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION". IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP

HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. Prior to issuance of any building permit for Lot 2, the applicant shall provide evidence to the satisfaction of the Director of Planning and Land Use that a noise barrier wall has been constructed as indicated on the Noise Assessment Report prepared by Dudek received on February 28, 2007. [DPLU, FEE X 2]
 - a. The noise barrier will be six feet (6') high with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these material with no cracks or gaps through or below the wall.
 - b. The noise barrier shall be forty (40') feet in length and located along the property line between Parcels 2 and 3.
 - c. The sound wall details and location are shown in Mitigation Section and Figure 4. within the Noise Assessment Report prepared by Dudek received on February 28, 2007. Noise Study is on file with the Department of Planning and Land Use as case number Tentative Parcel Map 20978.
 - d. Evidence shall be in the form of a site photos and a signed, stamped statement from a California Registered Engineer, or licensed surveyor stating, "That the noise barrier wall has been built and placed according to the plan. "

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.

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:

- A. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
- B. ROAD DEDICATIONS [DPW]
1. Offer to dedicate the right-of-way required to complete a twenty-six foot (26') wide, one-half right-of-way width on project side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the twenty-six foot (26') limit for that portion within the land division for Emerald Grove Avenue. The Parcel Map shall be prepared to show the offer being accepted.
 2. Offer to dedicate the right-of-way required to complete a forty-foot (40') radius cul-de-sac on project side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the forty-foot (40') limit for that portion within the land division for Emerald Grove Avenue. The Parcel Map shall be prepared to show the offer being accepted. This reduction was supported by the Department of Public Works.
 3. 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. Subordination of the water line easement will not be required.
- C. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]
1. 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. [DPW]

2. 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.

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.

A. PUBLIC ROAD IMPROVEMENTS [DPW]

1. Emerald Grove Avenue shall be improved in accordance with Public Road Standards for a Residential Cul-de-sac to a one-half graded width of twenty-six feet (26') with sixteen-feet (16') of asphalt concrete pavement over approved base with asphalt concrete (AC) dike with face of dike at sixteen-feet (16') from centerline and disintegrated granite (DG) contiguous to the AC dike to the satisfaction of the Director of Public Works.
2. Emerald Grove Avenue shall terminate in a cul-de-sac to a radius of forty-feet (40') with thirty-eight feet (38') of asphalt concrete pavement over approved base with asphalt concrete (AC) dike with face of dike at thirty-eight feet (38') from the radius to the satisfaction of the Director of Public Works.
3. 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 overhead utilities.

4. A construction permit shall be obtained for the work within the right-of-way.
5. 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:
 - a. 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.
 - b. Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - c. Existing private fence located within the northwest portion of the right-of-way of the cul-de-sac on Emerald Grove Avenue shall be removed as required by the County of San Diego, Director of Public Works.
 - d. 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.

OTHER REQUIREMENTS [DPW] [DPLU]

- A. 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.
- B. 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.

- C. 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.

NOTE: After approval of the project, the property shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights. The applicant shall pay the cost to process the project by making a deposit at the Land Development Counter Services to the trust fund account 05-0053420.

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

on _____

JOSEPH FARACE, Planning Manager
Regulatory Planning Division

JF:CP:jcr

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