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MITIGATED NEGATIVE DECLARATION

August 28, 2008

Project Name: Casa de Verde Apartments

Project Number(s): R06-012; S06-036; ER 06-14-038

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 Traffic, Noise, and a Stormwater Management Plan (SWMP) for Major Projects.
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. Prior to obtaining any building or other permit pursuant to this Site Plan, and prior to commencement of construction or use of the property in reliance on this Site Plan, the applicant shall:

1. TRANSPORTATION

- a. 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.

The following conditions are imposed with the granting of this Site Plan:

- A. Prior to obtaining any building or other permit pursuant to this Site Plan, and prior to commencement of construction or use of the property in reliance on this Site Plan, the applicant shall:
1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use.
 2. Complete that portion of a centerline ordinance project required prior to issuance of building permits. This project is subject to the Centerline Ordinance as per Section 51.506(a). The applicant must initiate the centerline review process with the Building Official (in the Department of Planning and Land Use) and DPW as early as possible in order to coordinate departmental requirements and processing time. Requirements may include granting of right-of-way, irrevocable offers of dedication, relinquishment of access rights, traffic striping, installation of curb, gutter,

& sidewalk, road widening, street lights, drainage facilities, no-parking restrictions, and undergrounding of utility distribution facilities.

3. Obtain a grading permit, required prior to commencement of the grading, when quantities exceed 200 cubic yards of material and/or cuts or fills of 8' or more per criteria of Section 87.202 of the County Code.
4. Provide a flood-free building site for the proposed facility to the satisfaction of the Director of Public Works.
5. The project driveway(s) shall be designed and constructed according to San Diego County Design Standards and San Diego County Public Road Standards and approved to the satisfaction of the Director of Public Works and the Lakeside Fire Protection District.
6. Obtain a Construction Permit from the Department of Public Works for any work within the County right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.
7. Obtain an Encroachment Permit from the Department of Public Works for any and all proposed/existing facilities within the County right-of-way. NOTE: At the time of construction of future road improvements, the proposed/existing facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.
8. Show lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, labeled "Subject To Inundation By The 100-Year Flood" on the Site Plan. This pertains to watersheds having an area of twenty-five (25) or more acres.
9. Pay the Transportation Impact Fee (TIF) in accordance with current County Ordinance.
10. Furnish the Director of Planning and Land Use a letter from the Director of the Department of Public Works stating Conditions A.1 through A.9 have been complied with to that Department's satisfaction.
11. On the Site Plan - Sheet S, specify in a plan detail that the proposed air-conditioner units as "Twelve 3-ton Split System Mitsubishi Slim Man Units Model# MUYA15NA with a single unit sound power level of 69 dBA or

equivalent sized units". Refer to Section 5.3 Property Line Impacts for sound level measurements in the Noise Analysis Report.

12. Submit evidence to the satisfaction of the Director of Planning and Land Use (Building Division) that all "Prior to Use or Occupancy" conditions B.1 through B.7 of this Site Plan have been printed on a separate sheet of all building plans associated with this Site Plan: [DPLU, FEE]
 - a. The conditions shall be printed on a separate sheet of the building plans.
 - b. The Directors of Public Works or Planning and Land Use may waive this condition to allow the issuance of a grading permit. The requirement shall be met before the issuance of any building permit.

13. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Regulatory Planning Division, Zoning Counter. Plans shall include:
 - a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
 - 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.

B. Prior to any occupancy or use of the premises pursuant to this Site Plan, the applicant shall:

1. Authorize Special Districts to process the project into the San Diego County Street Lighting District. 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 to the Land Development Counter Services.
2. Have a registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Greenfield Drive (SC1860) as a Collector Road from project driveway, for the prevailing operating speed of traffic on Greenfield 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. The engineer or surveyor shall further certify that the sight distance of adjacent driveways and street openings will not be adversely affected by this project. These certifications shall be approved to the satisfaction of the Director of Public Works.
3. Complete that portion of a centerline ordinance project required prior to occupancy or use of the premises pursuant to this Site Plan.
4. Furnish the Director of Planning and Land Use, along with their request for final inspection, a letter from the Director of Public Works, stating that Condition B.1 through B.3 have been completed to that Department's satisfaction.
5. Submit to the Director of Planning and Land Use a statement from the project California licensed landscape architect that all landscaping has

been installed as shown on the approved landscape planting and irrigation plans.

6. The Director of the Planning and Land Use (Building Inspector) shall verify that twelve 3-ton split system Mitsubishi Slim Man Units Model# MU YA15NA with a single unit sound power level of 69 dBA or equivalent sized units have been installed pursuant to the approved building plans, Site Plan S06-036 and the following project design features:

Four air-conditioner units are to be located adjacent to Units 3 & 4 and Units 7 & 8. Two air-conditioner units will be located adjacent to Units 9 & 11 and 10 & 12. All air-conditioner units will be located under the associated unit stairways.

7. Design and adjust all light fixtures to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to Sections 6324 and 6326 of The Zoning Ordinance.

C. The following conditions shall apply during the term of this Site Plan:

1. The applicant shall allow the County to inspect the property for which the Site Plan has been granted, at least once every 12 months, to determine if the applicant is complying with all terms and conditions of the Site Plan. If the County determines the applicant is not complying with the Site Plan terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every 12 months until the County determines the applicant is in compliance.
2. All future accessory structures will only be permitted pursuant to County Zoning Ordinance Section 4835.
3. The parking areas and driveways shall be well maintained.
4. The landscaping shall be adequately watered and well maintained at all times.
5. The project shall conform to the approved plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703.
6. 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. 9926 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 onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

7. This Site Plan expires on (two years from the date of approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration). If construction or use of the property in reliance on a Site Plan approval has not commenced within the two year period, said period may be extended by the Director of Planning and Land Use at any time prior to the original expiration date. The request for an extension of time shall be filed prior to the expiration date and accompanied by the required filing fee.

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

on _____

Donna Beddow, Planning Manager
Regulatory Planning Division

DB:FP:fp