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DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

September 18, 2008

Project Name: Helen Woodward Animal Center Major Use Permit

Project Numbers: P04-059/ER 96-08-023B

**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, Stormwater, Drainage, Noise, Traffic, and Vector.
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. TRAFFIC

1. 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. Relocate the Helen Woodward Animal Center sign at the Calle del Nido / San Dieguito Road intersection to provide adequate line of sight and sight distance to the satisfaction of the Director of Public Works.
3. Provide an eastbound dedicated left-turn pocket on San Dieguito Road at the Calle Del Nido intersection in accordance with Figure 13-1, conceptual striping plan, and the recommendations of the Traffic Impact Analysis prepared by Linscott, Law, and Greenspan dated January 16, 2008.

B. BIOLOGY

1. Grant to the County of San Diego and the California Department of Fish and Game by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Approved Plot Plans dated August 22, 2008 and Open Space Exhibit dated May 20, 2008 on file with the Department of Planning and Land Use as P04-059 and Environmental Review Number 96-08-023B. 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 exception(s) to this prohibition are:

- a. 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 or the Director of Public Works.
  - b. 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.
  - c. Activities required to be conducted pursuant to a landscaping plan approved by the Director of Planning and Land Use.
  - d. 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 1602 Streambed Alteration Agreement, and County Watercourse Permit) have been obtained.
2. Grant to the County of San Diego a Limited Building Zone Easement, by separate document, as shown on the Approved Plot Plans dated August 22, 2008 and the Open Space Easement Exhibit dated May 20, 2008 on file with the Department of Planning and Land Use as P04-059 and Environmental Review Number 96-08-023B. 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:

- a. Structures designed or intended for occupancy by humans or animals located no less than 30 feet (proposed Building 3) and no less than 50 feet (existing Building 2) from the wetland buffer boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
- b. Emergency generator, decking, fences, and similar facilities.
- c. 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.

#### C. PALEONTOLOGY

1. All grading activities are subject to the County of San Diego Grading Ordinance Section 87.430, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator with the Department of Planning and Land Use before continuing grading operations.
2. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources.
3. If no paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be

in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.

D. NOISE

1. Six roof-top McQuay Model RPS050C air handler units or equivalent sized units with a single unit sound power level of 94 dBA shall be installed on Building 1 pursuant to the approved building plans and Major Use Permit P04-059.
2. An 8 foot high wall around each of the air handler units on the roof of Building 1 shall be installed pursuant to the approved building plans and Major Use Permit P04-059.
3. Sixteen roof-top McQuay Model RPS020C air handler units or equivalent sized units with a single unit sound power level of 90.5 dBA shall be installed on Building 2 pursuant to the approved building plans and Major Use Permit P04-059.
4. Each of the roof-top air handler units is located in the existing equipment wells on the roof of Building 2 pursuant to the approved building plans and Major Use Permit P04-059.
5. Two roof-top McQuay Model RPS050C air handler units or equivalent sized units with a single unit sound power level of 94 dBA shall be installed on Building 3 pursuant to the approved building plans and Major Use Permit P04-059.
6. A 10 foot high wall enclosure around the two air handler units on the roof of Building 3 shall be installed pursuant to the approved building plans and Major Use Permit P04-059.
7. A single Kohler Model 500REOZVB generator unit or equivalent sized unit with a single unit sound pressure level of 75 dBA at a reference distance of 23 feet shall be installed approximately 100 feet south of Building 2 pursuant to the approved building plans and Major Use Permit P04-059.
8. A 10 foot high wall enclosure around the generator unit shall be installed pursuant to the approved building plans and Major Use Permit P04-059.

9. A 6 foot high masonry wall located along the perimeter of the Adoptions Outdoor area shall be installed pursuant to the approved building plans and Major Use Permit P04-059.
10. A 6 foot high masonry wall located along the perimeter of the Club Pet Outdoor area shall be installed pursuant to the approved building plans and Major Use Permit P04-059.
11. A 6 foot high CMU wall located along the perimeter of the western property line shall be installed pursuant to the approved building plans and Major Use Permit P04-059.

E. HAZARDS

1. In accordance with existing regulations, the project will be required to complete asbestos and lead surveys to determine the presence or absence of ACMs or LBP prior to issuance of a building permit that includes renovation of onsite structures and prior to commencement of renovation activities. All lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
  2. All lead containing materials scheduled for renovation must comply with applicable regulations for demolition methods and dust suppression.
  3. To the satisfaction of the Director of Planning and Land Use, the permittee shall submit a letter or report, which certifies that all lead containing materials have been remediated pursuant to code sections referenced above.
3. Critical Project Design Elements That Must Become Conditions of Approval:
- A. 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:

1. 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.
  2. 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.
  3. 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.
  4. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
  5. 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 approval of any plan or issuance of any permit the applicant shall provide evidence to the satisfaction of the Director of Planning and Land Use that the open space signs have been placed along the biological open space boundary as shown on the Approved Plot Plans dated August 22, 2008 and the Open Space Easement Exhibit dated May 20, 2008, on file with the Department of Planning and Land Use as P04-059/ Environmental Review Number 96-08-023B.
1. 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.

- 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”**

Entry Beyond this Point is Prohibited

by Easement, for Information:

Contact County of San Diego,

Department of Planning and Land Use

Ref: 96-08-023B”

- C. Grant a flowage easement to the County of San Diego for those portions of the property subject to inundation by the 100-year flood, from drainage areas in excess of one (1) square mile (640 acres). [DPW]
- D. Grant an irrevocable offer to dedicate real property for public road to forty-seven feet (47') from the ultimate centerline along the project frontage, plus slope and drainage rights for San Dieguito Road (SF 728), with thirty-foot (30') radius corner roundings at street intersections. [DPW]
- E. 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. Department of Public Works policy prohibits trench cuts for underground utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface application. Therefore, you will need to notify all adjacent property owners who may be affected by this policy and are considering development of applicable properties. [DPW]
- F. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the Rancho Santa Fe Fire Protection District and the Director of Public Works. [DPW]
- G. Provide for the maintenance of the on-site private drives that serve the property. [DPW]
- H. Provide plans for drainage improvements associated with this permit in accordance with the El Apajo Master Drainage Plan dated May 1997 to the satisfaction of the Director of Public Works. [DPW]

- I. Obtain a grading permit prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of Section 87.201 of the County Code. [DPW]
- J. The permittee shall pay the Major Use Permit Compliance Inspection Fee as specified in the DPLU Fee Ordinance at Section 362 of the San Diego County Administrative Code. The fee shall be paid at the DPLU Zoning Counter. The permittee shall also schedule an appointment for an initial inspection with the County Permit Compliance Coordinator to review the on-going conditions associated with this permit. The inspection should be scheduled for a date approximately six months subsequent to establishing occupancy or use of the premises.
- K. The applicant shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every 12 months, to determine if the applicant is complying with all terms and conditions of the Major Use Permit. If the County determines the applicant is not complying with the Major Use Permit 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.
- L. Certify that there physically is adequate unobstructed sight distance along El Apajo from the proposed driveway openings in both directions per Section 6.1.E of the County Public Road Standards approved July 14, 1999) to the satisfaction of the Director of Public Works.
- M. Certify that there physically is adequate unobstructed sight distance along San Dieguito Road from the Calle Del Nido in both directions per Section 6.1.E of the County Public Road Standards (approved July 14, 1999) to the satisfaction of the Director of Public Works.
- N. Comply with street lighting requirements as follows: Allow transfer of the property subject to Major Use Permit MUP04-059 into Zone A of the San Diego County Street Lighting District without notice or hearing and pay the cost to process such transfer.
- O. Finished grading shall be certified by a registered civil engineer and inspected by the Director of Public Works for drainage clearance. Approval of the rough grading does not certify finished grading because of potential surface drainage problems that may be created by landscaping accomplished after rough grading certification. If a grading permit is not required for the project, a registered civil engineer's certification for the drainage clearance shall still be required.

- P. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to Section 6324 of the Zoning Ordinance.
- Q. No loudspeaker or sound amplification system shall be used to produce sounds in violation of the County Noise Ordinance.
- R. The parking areas and driveways shall be well maintained.
- S. All landscaping shall be adequately watered and well maintained at all times.
- T. 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 all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), 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 onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works and the Director of Planning and Land Use.
- U. 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.
- V. The project shall comply with all fuel modification zone requirements of the Rancho Santa Fe Fire Protection District as defined by the reduction and clarification letters dated January 3, 2008 and August 21, 2008.

The 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.

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

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on \_\_\_\_\_

Jarrett Ramaiya, Planning Manager  
Regulatory Planning Division