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MITIGATED NEGATIVE DECLARATION

November 27, 2008

Project Name: Monserate 5-Lot Subdivision

Project Number(s): TM 5489/ER 060-20-010

**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, Cultural Resources, Agricultural Resources, Stormwater Management Plan and Fire Protection Plan.
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. BIOLOGY

1. Specific Biological Conditions

(Biological)

1. The grading, and or improvement plans, shall indicate permanent fences or walls along the open space boundary of lots 4, 5, 6, and 7 as shown on the Open Space Fencing and Signage Plan dated March 4, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-02-010.

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.

2. The grading, and or improvement plans shall indicate open space signs along the open space boundary of lots 4, 5, 6, and 7 as shown on the Open Space Fencing and Signage Plan dated March 4, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-02-010.

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: 06-02-010”

3. The grading, and or improvement plans, shall indicate Temporary Orange Construction fencing to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. The fencing shall be placed along the open space boundary of lots 4, 5, 6, and 7 as shown on the Open Space Fencing and Signage Plan dated March 4, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-02-010.

(Biological)

4. "Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also 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."
5. "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of southern willow scrub and agricultural orchards during the breeding season of the raptors and migratory birds. 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 raptors and/or migratory birds are present in the vicinity of the brushing, clearing or grading." **[DPLU, FEE]**
6. "Prior to the conclusion of grading activities and Final Grading Release, 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 placed along the biological open space boundary of lots 4, 5, 6, and 7 as shown on the Open Space Fencing and Signage Plan dated March 4, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-02-01. "**[DPLU, FEE]**

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.
2. 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: 06-02-01”

2. Specific Biological Conditions:
 - a. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, the applicant shall grant to the County of San Diego by separate document, an open space easement as shown on the Open Space Exhibit dated March 4, 2008, on file with the Department of Planning and Land Use as Environmental Review Number 06-02-01. 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. **[DPLU, FEE]**

The sole exception(s) to this prohibition are:

1. 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.

2. 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.
- b. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map, Grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated March 4, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 06-02-01. 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: **[DPLU, FEE]**
1. Decking, fences, and similar facilities.
 2. 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.

B. TRANSPORTATION

1. The payment of the Transportation Impact Fee (TIF), 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.

- A. The "Standard Conditions for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- B. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

- 1. Standard Conditions 1 through 10.
- 2. Specific Conditions:
 - a. Improve or agree to improve and provide security for improvement of the private easement road Monserate Hill Road on- and off-site from Pala Road (SR 76) improvements northerly, westerly and southerly to the projects southwesterly boundary, to a minimum graded width of thirty-two feet (32') and to a minimum improved width of twenty-four feet (24'), with asphalt concrete pavement over approved base, with curb or dike where required. The Improvement and Design Standards of Section 3.1(B) of the County Standards for Private Roads for seven hundred fifty (750) trips or less shall apply. Provide transition widenings, slopes, drainage, and improve intersection with existing roads (including with Fire Road and Monserate Hill Ct.) and existing access driveways. All of the above shall be to the satisfaction of the Director of Public Works.

- b. Improve or agree to improve and provide security for the improvement of the private easement road, Lot 6, on-site, from Monserate Hill Road improvements at the northerly corner of Lot 1 southeasterly to a terminus cul-de-sac at the driveway access to Lot 4 to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24'), with asphalt concrete pavement over approved base, with curb or dike where required. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply. All of the above shall be to the satisfaction of the Director of Public Works.
- c. Provide a cul-de-sac at the southeasterly terminus of the private easement road, Lot 6 with a graded radius of forty feet (40') and surfaced to a radius of thirty-six feet (36') with asphalt concrete pavement over approved base with curb or dike where required. All to the satisfaction of the Director of Public Works.
- d. Provide fire lane posting and red striping of the private easement road, Lot 6, to the satisfaction of the North County Fire Protection District. This information shall be shown on the Final Map as "Non Title Information".
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- g. If guarded access is used, it shall meet County Design Standard DS-17, DS-18 or DS-19, and County Fire Department requirements, to the satisfaction of the Director of Public Works.
- h. Where height of down-sloping bank for a 2:1 slope is greater than twelve feet (12'); or where height of down sloping bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards to the satisfaction of the Director of Public Works.

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:

- a. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.

(Grading Plans)

5. Standard Conditions 19(a-d).
6. Specific Conditions:
 - a. Obtain letters of permission for all offsite grading.
 - b. Comply with 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, and Ordinance No. 9518) 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 storm water runoff. This requirement shall be to the satisfaction of the Director of Public Works.
7. (See Section 2.A.1. of the Mitigated Negative Declaration above.)

FAIR HOUSING

8. Standard Condition 20.

SANITATION

9. Standard Condition 22 (a-d).
10. Specific Conditions:

- a. The Final Map shall be reviewed by the Department of Health Services to ensure the same lot design, location and lot numbers as the approved tentative map.
- b. All subdivision improvements and/or grading plans shall be reviewed by the Department of Health Services. Plans shall include the location of proposed water lines and drainage control systems through or along proposed lots.
- c. The Subdivider shall pay-off all existing deficit accounts associated with the processing of this application, to the satisfaction of the Department of Health Services.
- d. There is a guest house on proposed lot 1 that has been converted into a second dwelling, without required permits. The Subdivider shall cause the removal of the kitchen in this structure, prior to the final recordation of the Tentative Map. The subdivider shall obtain all required permits and inspections from the County Building Division to satisfy this condition and to verify the removal of this kitchen.
- e. The Subdivider shall obtain the approval of the Department of Health Services for all proposed individual lot subsurface sewage disposal systems, which shall include all grading plans for such lots, if grading is required.
- f. Each dwelling constructed within this subdivision shall be connected to a septic tank that meets or exceeds the minimum standards for the County of San Diego.
- g. The Subdivider shall comply to all requirements listed in the October 2, 2008, Department of Environmental Health Memorandum relating to the subject property, and on file with the Departments of Environmental Health and Planning and Land Use.

WATER SUPPLY

11. Standard Condition 23.1 (a-c)

12. Specific Condition:

- a. The subdivider and/or the successors or assigns shall only use the existing on-site well for irrigation purposes, and shall not connect this existing well to the

domestic water supply.

FIRE SUPPRESSION

13. Standard Condition 23.2

DEVELOPMENT IMPACT FEES

14. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.
- b. Deposit with the County Department of Public Works \$220.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.

FINAL MAP RECORDATION

(Streets and Dedication)

15. Specific Conditions:

- a. Show, on the Final Map, one-foot (1') access restriction easement along Monserate Hill Road for Lots 1, 2, and 5 except for an opening for the on-site private access road, Lot 6, and for a driveway opening to Lot 5. All of the above shall be to the satisfaction of the Director of Public Works.
- b. Show, on the Final Map, that the on-site private easement road, Lot 6, is a designated fire lane. This information shall be shown on the Final Map as "Non Title Information". This shall be to the satisfaction of the Director of Public Works.
- c. Because private roads are approved as a condition of this subdivision, the following shall apply:

- (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to each private road, and place a note on the Final Map as to the final title status of said roads.
 - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- d. Prior to 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.
- e. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
- f. The Subdivision Map shall be prepared to 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 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 Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

(Miscellaneous)

16. Standard Conditions 25, 26, 27, and 28.
17. (See Section 2.A.2. of the Mitigated Negative Declaration above.)

WAIVER AND EXCEPTIONS

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

a. Standard Conditions for Tentative Maps:

- (1) Standard Condition 11 (a-d): Said Condition pertains to condominium units or a planned development.
- (2) Standard Condition 12 (a-h): Said condition pertains to improvement of trails. This waiver will permit the improvement of trails, if improvement occurs, to be constructed to the satisfaction of the Director of Public Works.
- (3) Standard Condition 19 (e): Said Condition pertains to projects proposing condominium units or a planned development.
- (4) Standard Condition 21 (a-d): Said Condition pertains to projects using public sewer systems, and this Tentative Map proposes on-site disposal systems.
- (5) Standard Condition 23.3: Said Condition pertains to projects within the jurisdiction of the California Department of Forestry and Fire Protection.
- (6) Standard Condition 24: Said Condition pertains to projects outside the boundaries of a fire protection agency, and this Tentative Map is within the North County Fire Protection District boundaries.
- (7) Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

b. Public Road Standards

- (1) Section 6.1.E of the Public Road Standards requires that sight distance at all public road intersections shall conform to the intersectional sight distance criteria as provided in Table 5. For this project, certification of sight distance at the intersection of Monserate Hill Road, a private

easement road, and Pala Road (SR 76) a public road, is not required because Pala Road is a Caltrans facility, and Caltrans has issued a “no comment” letter for this project.

SPECIAL INFORMATION:

Public sewers are not available to this property at this time, and therefore individual subsurface disposal systems subject to the approval of the Department of Environmental Health must be utilized.

(Miscellaneous)

The following shall be the Mitigation Monitoring or Reporting Program for the Tentative Map known as Monserate Hill, TM 5489; ER 06-02-010:

Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Reporting or Monitoring Program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The Mitigation Monitoring Program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

A. Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

C.7.a and b; and C.17.a and b

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

Planning Commission

on January 2009

cc

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File