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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

Project Name: Hamilton Minor Subdivision (2 Lots); Tentative Parcel Map

Project Number(s): TPM 21060RPL²; Log No. 07-19-002

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, Fire Protection, Stormwater, Geology, Groundwater, Drainage/Hydrology and Archaeology
1. California Environmental Quality Act Negative Declaration Findings:
Find, that this 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 Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.
- 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.

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 Open Space Fencing and Signage Exhibit prepared by Robin Church dated **December 2008** on file with the Department of Planning and Land Use as TPM 21060 and Environmental Review Number 07-19-002. 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 is:

- 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.

- b. Passive recreation limited to non-motorized use of the trail easement to be dedicated according to the Trail Exhibit dated September 12, 2008.
2. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Tentative Parcel Map dated **June 13, 2008** on file with the Department of Planning and Land Use as TPM 21060RPL2 and Environmental Review Number 07-19-002. 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]**
 - a. Decking, fences, and similar facilities.
 - b. 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.
3. 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 Open Space Fencing and Signage Exhibit prepared by Robin Church dated **December 2008** on file with the Department of Planning and Land Use as TPM 21060 and Environmental Review Number 07-19-002.“**[DPLU, FEE]**
 - a. 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.

- b. 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:07-19-002"

4. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use that the following items have been placed on the grading, and or improvement plans, and or Building Plans:
 - a. Permanent fences or walls shall be shown along the open space boundary as shown on the Open Space Fencing and Signage Exhibit prepared by Robin Church dated **December 2008** on file with the Department of Planning and Land Use as TPM 21060 and Environmental Review Number 07-19-002.
 - b. The fence or wall shall be a minimum of four feet (4') high and consist of three wire fence on t-posts. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
 - c. Open Space Signs shall be shown along the open space boundary as shown on the Open Space Fencing and Signage Exhibit prepared by Robin Church dated **December 2008** on file with the Department of Planning and Land Use as TPM 21060 and Environmental Review Number 07-19-002.

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:

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5. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use (DPLU) that the following “Specific Environmental Notes” have been placed on the grading, and or improvement plans, and or Building Plans:
 - a. “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.” **[DPLU, FEE]**
 - b. “Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of vegetated habitat during the avian breeding season. This is defined as occurring between January 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 or breeding birds are present in the vicinity of the brushing, clearing or grading.” **[DPLU, FEE]**
 - c. “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 as shown on these plans and the Open Space Fencing and Signage Exhibit prepared by Robin Church dated **December 2008** on file with the Department of Planning and Land Use as TPM 21060 and Environmental Review Number 07-19-002.
 - (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:07-19-002"

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.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. ACCESS
 - a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels.
3. PRIVATE ROAD EASEMENTS

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located in the vicinity of the northeasterly corner of Parcel 2, to the satisfaction of the San Diego Rural Fire Protection District and the County Department of Public Works.
- b. The Parcel Map shall show a minimum forty-foot (40') wide private road easement from Skyline Truck Trail northerly to Parcel 1.
- c. The centerline horizontal radii shall be a minimum of one hundred feet (100') for the private road easement onsite.

4. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/
DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the processing costs by paying a minimum deposit at the Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the onsite and offsite private road that serves the project through a private road maintenance agreement.

5. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b. 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.

- c. Certification by the Department of Environmental Health with respect to water supply and sewage disposal shall be shown on the Parcel Map. [DPLU]
- d. The subdivider shall annex into CFD 04-1 to the satisfaction of the San Diego Rural Fire Protection District.

6. FLOODING/DRAINAGE

- a. Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
 - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year inundation limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

7. TRAIL REQUIREMENTS [DPR]

- a. On the Parcel Map, dedicate to the County of San Diego, and accept, a 20-foot wide non-motorized trail easement. Trail easement shall generally follow the existing disturbed tread as show on the Trail Exhibit dated August 28, 2008 for TPM 21060 on file with the Department of Planning and Land Use. The trail easement location shall be approved by the Department of Parks and Recreation prior to recordation of the Parcel Map. The trail easement shall allow access to the existing water well.

C. 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. PRIVATE ROAD IMPROVEMENTS

- a. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- b. The cul-de-sac shall be graded to a minimum radius of thirty-eight feet (38') and improved with asphalt concrete to a minimum radius

of thirty-six feet (36'), to the satisfaction of the San Diego Rural Fire Protection District and the County Department of Public Works (DPW).

- c. The to-be-named private easement road, from the southeasterly corner of Parcel 1 southerly to a point approximately seven hundred feet (700') northerly of Skyline Truck Trail, shall be graded a minimum eighteen feet (18') wide and improved a minimum sixteen feet (16') wide with asphalt concrete. 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. [NOTE: See Request For Modification approval letter granted by DPW August 7, 2007 and letter from San Diego Rural Fire Protection District Battalion Chief/Fire Marshal David Nissen dated July 25, 2007.]
- d. The to-be-named private easement road, from a point approximately seven hundred feet (700') northerly of Skyline Truck Trail southerly to Skyline Truck Trail, shall be graded a minimum twenty-eight feet (28') wide and improved a minimum twenty-four feet (24') wide with asphalt concrete. 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.
- e. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
- f. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- g. A street name sign, with a County approved street name, shall be installed and located at the intersection of the to-be-named private easement road and Skyline Truck Trail per San Diego County Design Standards DS-13.
- h. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road, including all slopes and the cul-de-sac, from the southeasterly corner of Parcel 1 southerly to Skyline truck Trail is constructed

entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."

- i. The structural section for the private road shall be per Section 3.2 of the San Diego County Standards for Private Roads.
- j. 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.
- k. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

D. OTHER REQUIREMENTS [DPW] [DPLU]

- 1. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.
- 2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
- 3. Prior to the approval of the Parcel Map by the Department of Public

Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.

4. 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. 9589**) 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.
5. Zoning regulations require that each parcel shall contain a minimum net area of 8 acres. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
6. The subject property is in the (18) Multiple Rural Use Designation of the Jamul/Dulzura Subregional Plan and each parcel shall contain a minimum gross area of 8 acres. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
7. The subject property proposes to use groundwater as the potable water source for this project. Pursuant to the County's Groundwater Ordinance, No. 7994 (N.S.), each parcel shall contain a minimum gross area of 5 acres. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

8. The public and private easement roads serving this project shall be named.
 - a. Prior to preparation of the Parcel Map, the responsible party shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.
9. Prior to approval of a Parcel Map, the subdivider shall provide evidence that all existing structures shown on the Tentative Parcel Map "to be removed or relocated on the site" have been removed/relocated to the satisfaction of the Director of Public Works.
10. 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) or (Subdivision) Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
11. 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.

12. All plans shall be in conformance with the following:
 - a. Sections 811.201 through 811.602 of Ordinance No. 8334 pertaining to Flood Hazards
 - b. Sections 88.100 through 88.500 of Ordinance No. 3172 (amendments by Ordinances No. 5147, 5150, 5406, 5521, 5827, 6051, 7141, 7801, 7986) pertaining to Drainage and Watercourses
 - c. Sections 87.101 through 87.717 of Ordinance 2925 (amendments by Ordinances No. 3281, through 8691) pertaining to Excavation and Grading

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:lm