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MITIGATED NEGATIVE DECLARATION

February 12, 2009

Project Name: McNally TPM

Project Number(s): TPM 21004/ER 06-02-007

**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 Preliminary Hydrology Study, short form Fire Protection Plan and Stormwater Management 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. 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. Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following "Specific Environmental Notes" have been placed on any grading, improvement, and/or building plans: **[DPLU, FEE]**
 - a. Restrict all brushing, clearing and/or grading such that none will be allowed during the breeding season of avian species. This is defined as occurring between February 1 and June 1. 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, if no raptor nests are present in the vicinity of the brushing, clearing or grading.

C. HAZARDS

1. Prior to approval of a grading plan, enroll in the County of San Diego Department of Environmental Health's Voluntary Assistance Program to obtain oversight of site remediation activities, including identification of the vertical and horizontal extent of TPH contamination onsite. **[DPLU, FEE]**
2. Prior to rough grading sign off, provide evidence to the satisfaction of the Director of Planning and Land Use that remediation of onsite contamination including petroleum impacted soils has been completed. Evidence of the completion of remediation shall consist of the following: A signed, stamped statement from a California Registered Engineer, Professional Geologist, or a Certified

Hydrogeologist that onsite contamination has been remediated.
[DPLU, FEE]

3. Prior to approval of a grading plan, prepare a soil management plan to ensure that all contaminated soils are properly managed during site grading and/or remediation activities. The soil management plan should include a training program; contaminated soil identification, handling and disposal procedures; and should alert workers to the potential for encountering organochlorine pesticides and/or petroleum hydrocarbons. **[DPLU, FEE]**

To ensure the project moves forward in a timely manner after discretionary approvals are complete, it is recommended that the project applicant immediately submit the Phase I Environmental Site Assessment dated August 16, 2006 and the Shallow Soil Sampling and Analysis Report dated March 6, 2007 to the Department of Environmental Health (DEH), Voluntary Assistance Program (VAP) and enroll in the VAP program to initiate oversight of site remediation activities. VAP program information is available at

http://www.sdcounty.ca.gov/deh/lwg/sam/voluntary_assistance_program.html.

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.

TPM CONDITIONS:

- 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. SIGHT DISTANCE [DPW]

- a. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along McNally Road from the private easement road serving Parcel 4, for the prevailing operating speed of traffic on McNally Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". 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." These certifications shall be to the satisfaction of the Director of Public Works.
- b. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along McNally Road from driveway of Parcel 1, 2, 3, and the Remainder Parcel for the prevailing operating speed of traffic on McNally Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". 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." These certifications shall be to the satisfaction of the Director of Public Works.

3. PRIVATE ROAD EASEMENTS [DPW] [FIRE]

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located at the terminus access (driveway of Parcel 4), to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works. [FIRE]
- b. The Parcel Map shall show a minimum twenty feet (20') private easement road from APN 128-271-12 northerly to McNally Road.
- c. The Parcel Map shall show a minimum forty feet (40') private easement road from the proposed driveway of Parcel 4 northerly to McNally Road.
- d. The Parcel Map shall show a twenty foot (20') radius returns at the intersection of the road easement on-site.

4. ROAD DEDICATIONS [DPW]

- a. Offer to dedicate McNally Road within the project boundary in accordance with Public Road Standards for a residential street to a one-half width of thirty-feet (30') wide, on each side of the centerline and an additional ten-feet (10') of right-of-way for trail along the South side of the road and contiguous to road right-of-way along the North side of McNally Road, plus the right to construct and maintain slopes and drainage improvements as required beyond the seventy-foot (70') limit for that portion within the land division for McNally Road. The Parcel Map shall be prepared to show the offer being accepted. The above shall be to the satisfaction of the Director of Public Works.
- b. 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.

5. TRAIL DEDICATIONS [DPR]

- a. On the Parcel Map, dedicate to the County of San Diego, and accept, a 10-foot wide non-motorized trail easement, as shown on the Tentative Parcel Map #21004 dated October 28, 2008 on file with the Department of Planning and Land Use.

6. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts 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 to maintain existing street lights.
- b. The subdivider shall provide for maintenance of (the) on-site private road that serves the project through (a) private road maintenance agreement(s).

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

- a. 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]

- b. 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.

8. FLOODING/DRAINAGE [DPW]

- a. The drainage swale which flow through the property shall be shown and labeled "Drainage Swale" on the Parcel Map.

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

- a. Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DEH]

10. RESOURCE PROTECTION ORDINANCE/STEEP SLOPES [DPLU]

- a. Prior to issuance of grading or construction permits or on the Parcel Map, whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement over portions of Parcel 4 as shown on **Tentative Parcel Map 21004 dated October 28, 2008**. This easement is for the protection of steep slope lands 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.

The sole exceptions to this prohibition are as follows:

- 1. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such

clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

2. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
3. Construction, use, and maintenance of a private road.

C. 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 OF 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 FROM THE DATE OF RECORDING THE PARCEL MAP OR PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF A PARCEL CREATED BY THIS MAP, WHICHEVER COMES FIRST UNLESS OTHERWISE NOTED. NOTE: THE PROCESSING OF SECURITY TAKES APPROXIMATELY TWO (2) MONTHS. YOU SHOULD INITIATE THIS PROCESS TWO (2) MONTHS PRIOR TO RECORDING THE PARCEL MAP. [DPW] [DPLU]

1. TRAILS REQUIREMENTS [DPR]

- a. To the satisfaction of the Directors of Public Works and Parks and Recreation, improve a trail to a width of 10-feet within the dedicated trail easement as indicated on the Tentative Parcel Map 21004 dated October 28, 2008 on file with the Department of Planning and Land Use. The trail shall be constructed pursuant to

the Community Trails Master Plan Design and Construction Guidelines.

- D. 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 COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. PLANS OF SUFFICIENT DETAIL SHALL BE PREPARED FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PUBLIC ROAD, MCNALLY ROAD AND PUBLIC FACILITIES. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE FOR THE PURPOSE OF ESTIMATING THE APPROXIMATE COSTS OF DEFERRED IMPROVEMENTS. 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 PUBLIC ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PUBLIC 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 PUBLIC ROAD MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, 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. PUBLIC ROAD IMPROVEMENTS [DPW]
 - a. McNally Road, on both sides of centerline within the project boundary shall be improved in accordance with Public Road Standards to a graded width of forty feet (40') with twenty-eight feet (28') of asphalt concrete pavement over approved base with asphalt concrete (AC) berm on both sides of the road and ten feet (10') DG pathway with face of berm at fourteen feet (14') from centerline to the satisfaction of the Director of Public Works. Traffic striping for a transition asphalt concrete and taper transition to match the existing asphalt concrete pavement to the satisfaction of the Director of Public Works.
 - b. All new and existing 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.
 - c. Portland cement concrete cross gutters shall be constructed where water crosses the roadways.
 - d. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
 - e. A construction permit shall be obtained for the work within the right-of-way.
 - f. 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:
 - (1) 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.
 - (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - (3) 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.

- g. The County Engineer will assign a road survey number to the off-site public roads being created. The subdivider shall show the centerline monumentation set, right-of-way lines and ties to adjacent property on the Parcel Map or file with the County Recorder a Record of Survey, after approval by the County Engineer.

- E. 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 COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. PLANS OF SUFFICIENT DETAIL SHALL BE PREPARED FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE FOR THE PURPOSE OF ESTIMATING THE APPROXIMATE COSTS OF DEFERRED IMPROVEMENTS. 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 FUEL BREAKS, 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 [DPW] [FIRE]

- a. The cul-de-sac shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), to the satisfaction of the Valley Center Fire Protection District and Director of Public Works. [FIRE]
- b. The proposed private easement road, from driveway of Parcel 4 northerly to McNally Road, shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
- c. 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 Counter of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Streets.
- d. 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.
- e. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The proposed private easement road, including all slopes and the cul-de-sac, from the driveway of Parcel 4 northerly to McNally Road, are 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."

- f. 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. The structural section, for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Streets.
- h. 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.
- i. The proposed private easement road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the Valley Center Fire Protection District/Fire Department. [FIRE]

2. GRADING MONITORING FOR ARCHEOLOGY [DPW]

- a. Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the McNally Road Project, TPM21004Rp1²/Log No. 06-02-007 to the satisfaction of the Director of Planning and Land Use (DPLU). This program shall include, but shall not be limited to, the following actions:
 - (1) Provide evidence that a County approved archaeologist has been contracted to implement a grading monitoring and data recovery program to the satisfaction of the Director of Planning and Land Use (DPLU). A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: [DPLU, FEE]

- a) The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
- b) The County approved archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
- c) The project archaeologist shall monitor all areas identified for development including off-site improvements.
- d) An adequate number of monitors (archaeological/historical/ Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
- e) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Principal Investigator in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.
- f) Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- g) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially

significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.

- h) If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- i) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- j) In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Investigator, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.

- (4) The consulting archaeologist shall monitor all areas identified for development including off-site improvements.
- (5) If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- (6) Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator.
[DPLU, FEE]
- (7) Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report of the Archaeological Monitoring Program.
 - a. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

OR

- b. In the event that resources are found, a detailed report shall be required that includes the following:
 - i. Department of Parks and Recreation Primary and Archaeological Site forms.
 - ii. Evidence that all cultural materials collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

OR

- c. Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program, and a 10 percent cash deposit not to exceed \$30,000. A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of preparing the Final Grading Monitoring that includes artifact analysis, and specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral

analysis, assemblage analysis, radiocarbon dating, and curation as determined by the Principal Investigator in consultation with County Staff Archaeologist.

3. FACILITY/UTILITY IMPROVEMENTS [DPLU]

- a. The subdivider shall install a minimum water supply pipe to serve this minor subdivision in accordance with the standards of the Valley Center Municipal Water District.
- b. Three fire hydrants, together with an adequate water supply, shall be installed in accordance with the specifications of the Valley Center Fire Protection District and San Diego County standards in the vicinity of McNally Road. On paved roads, a "blue dot" marker shall be installed in the pavement to indicate the location of the fire hydrant.

Design of water supply, type, and location of fire hydrant(s) must be submitted to the Valley Center Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

F. WAIVER AND EXCEPTIONS [DPW]

This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Subdivision Ordinance requirements to permit:

1. Condition D.1.a reflects the Modification Request which was filed by the applicant on January 9, 2008, amended June 18, 2008 and approved by DPW on July 28, 2008. The Modification Request was in regards to the County of San Diego Private Road Improvements.

The Modification Request was for a reduction of the improvement width from forty feet (40') to a twenty-eight feet (28') width due to overall cost of the improvements. Instead, the applicant offered to add AC berm on both sides of the roadway and a ten foot (10') trail easement contiguous to road right-of-way along the northerly side of McNally Road, condition C.1.a. (letter dated July 28, 2008).

G. 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. All plans shall be in conformance with the following:
 - Sections 811.201 through 811.602 of Ordinance No. 8334 pertaining to Flood Hazards.
 - 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.
 - Sections 87.101 through 87.717 of Ordinance 2925 (amendments by Ordinances No. 3281, through 8691) pertaining to Excavation and Grading.

6. Zoning regulations require that each parcel shall contain a minimum net area of 4 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.
7. The subject property is in the (17) Estate Residential Designation of the General Plan and each parcel shall contain a minimum gross area of 2 or 4 acres, depending on slope. 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.
8. The following note shall appear on the Parcel Map:

This subdivision includes a designated remainder parcel, which is not being created for purposes of sale, lease or financing. Prior to sale, lease or financing of the designated remainder parcel, a Certificate of Compliance or Conditional Certificate of Compliance must be obtained from the Department of Planning and Land Use and must be recorded. Additional improvements, exactions or other requirements may be imposed as a condition of approval of such a Conditional Certificate of Compliance.”
9. 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.**
10. 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/engineers' certificate as shown on the final map.

- 11. 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 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.

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

on _____

Sami Real, Planning Manager
Project Planning Division

EG:SR:ms