



**ERIC GIBSON**  
DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

Project Name: Hamilton Lane TPM

Project Number(s): TPM 21079, ER# 07-02-012

**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. Attached extended studies for Fire Protection, Noise, Grading, Drainage, and Stormwater Management

#### **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. NOISE PROTECTION EASEMENT [DPLU]

- 1) On the Final Parcel Map, grant to the County of San Diego a perpetual Noise Protection Easement, as shown on Tentative Parcel Map TPM21079. The easement shall be placed over the first 220 feet from the centerline of Mission Road on Parcel 1 and portions of Parcel 2. The easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Parcel. [DPLU, FEE X2]

“Said Noise Protection easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located on Parcel 1 and portions of Parcel 2”, the applicant shall:

- (1) Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Mission Road shall use a traffic flow equivalent to a Level of Service “C” traffic flow for a Major road that is the designated General Plan Circulation Element buildout roadway classification.
- (2) Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

### B. NOISE REQUIREMENTS: [DPLU]

Prior to approval of the grading and/or building plans for Parcel 1 only, the following specific item shall be placed on the grading and/or building plans and made a condition of its issuance:

- 1) Provide evidence to the satisfaction of the Director of Public Works that a five foot high sound wall is shown on the grading and/or building plans:
  - (1) The sound wall will be five feet (5') high with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these materials with no cracks or gaps through or below the wall.
  - (2) The sound wall will be located at Parcel 1, running along the northern and eastern perimeter of the pad grade.
  - (3) Sound wall details and location are discussed in Section: Future Traffic Noise Impacts and shown on Figure 6 within the noise report prepared by Investigative Science and Engineering, Inc (ISE) dated March 10, 2008. The Noise Study is on file with the Department of Planning and Land use as Case Number Tentative Parcel Map TPM21079.
- 2) Prior to approval of the grading and/or building plans for Parcel 1 only, the following specific note shall be placed on the grading and/or building plans: [DPLU, FEE]
  - (1) Prior to certificate of occupancy, provide evidence to the satisfaction of the Director of Planning and Land Use; that a five-foot high noise barrier has been constructed along the northern and eastern pad edge of Parcel 1 pursuant to the approved grading plan. Evidence of the wall shall consist of the following: a signed, stamped statement from a California Registered Engineer, licensed surveyor or County approved noise consultant, providing a brief description of the design, and photographic evidence that the sound wall has been constructed according to plan. [DPLU, FEE]

C. TRAFFIC: [DPLU]

The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

**3. Critical Project Design Elements That Must Become Conditions of Approval:**

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. 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) Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Hamilton Lane from the private easement road serving the project, for the prevailing operating speed of traffic on Hamilton Lane. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. The engineer or surveyor shall further certify that the sight distance of adjacent driveways and street openings will not be adversely affected by this project. These certifications shall be approved to the satisfaction of the Director of Public Works.
  3. PRIVATE ROAD EASEMENTS [DPW] [FIRE]
    - a) The Parcel Map shall show a hammerhead turnaround located at the southern end of the Parcel 1 panhandle, to the satisfaction of the North County Fire Protection District and the Director of Public Works. [FIRE]
    - b) The Parcel Map shall show a twenty-four foot (24') wide onsite private road easement from the proposed hammerhead turnaround easterly to Hamilton Lane.  
  
NOTE: The proposed private road easement provides on-site access to 3 parcels and will not serve adjacent properties. Therefore per Section 81.703(l) a private road easement not less than 20 feet wide may be approved.

#### 4. ROAD DEDICATIONS [DPW]

- a) Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width on the project side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Hamilton Lane. 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) Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width on the project side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for East Mission 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.
- c) Cause to be granted an Irrevocable Offer of Dedication for real property for public highway required to complete a thirty-five foot (35') wide, one-half right-of-way width on each side of the ultimate centerline [minimum centerline radius twelve hundred feet (1200')], plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-five foot (35') limit for that portion within the land division for East Mission Road (SF 1305).
- d) 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.
- e) The subdivider shall relinquish access rights onto East Mission Road.

#### 5. CIRCULATION ELEMENT ROADS [DPW]

- a) Prior to preparation of the Parcel Map, contact Route Locations of the Department of Public Works to determine the desired location of the centerline for East mission Road (SF 1305), which is shown on the Circulation Element of the County General Plan as a Major

Road with bicycle lane. The following shall be shown on the Parcel Map:

- (1) The centerline location as approved by the County of San Diego, Department of Public Works.
- (2) The width of the right-of-way which is fifty-five feet (55') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening." The additional five feet (5') is for a bicycle facility.
- (3) A building line which is eighty-five feet (85') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
- (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

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 street that serves the project through a private road maintenance agreement.

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.
- c) Certification by the Department of Environmental Health with respect to water supply and sewage disposal shall be shown on the Parcel Map. [DPLU]

B. 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. FACILITY/UTILITY IMPROVEMENTS [DPW] [DPLU]

- a) One fire hydrant, together with an adequate water supply, shall be installed in accordance with the specifications of the North County Fire Protection District and San Diego County standards in the vicinity of the intersection of the proposed private road and Hamilton Lane. 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 must be submitted to the North County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision. [DPLU]

- 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 [DPW] [FIRE]
  - a) Hammerhead turnaround shall be graded and improved with asphalt concrete to the satisfaction of the North County Fire

Protection District and the County of San Diego, Director of Public Works. [FIRE]

- b) The proposed private easement road, from the proposed hammerhead turnaround easterly to Hamilton Lane, shall be graded twenty-four feet (24') wide and improved twenty-four feet (24') 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.

NOTE: A reduction in graded width from 28 feet to 24 feet and modification to driveway opening for access on Hamilton Lane are supported by DPW per modification request, dated July 14, 2008.

- 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 street name sign, with a County approved street name, shall be installed and located at the intersection of to-be-named private easement road and Hamilton Lane per San Diego County Design Standards DS-13.
- f) A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The proposed private easement road, including all slopes and hammerhead turnaround, from proposed hammerhead turnaround easterly to Hamilton Lane, 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."

- g) 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.
- h) 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.
- i) 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. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the County of San Diego, Department of Public Works.

NOTE: The connection of the private easement road to the County road was modified to driveway opening for access on Hamilton Lane. The modified driveway opening was supported by DPW per modification request, dated July 14, 2008.

- j) The to-be-named private easement road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the North County Fire Protection District.  
[FIRE]

D. OTHER REQUIREMENTS [DPW] [DPLU]

1. 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.**
2. 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.

3. 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. 9424 and Ordinance No. 9426) 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 acres 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.
4. 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.
5. 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.

6. 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.
7. Zoning regulations require that each parcel shall contain a minimum net area of one (1) acre. 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.
8. The private easement road serving this project shall be named.

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.

E. WAIVER AND EXCEPTIONS [DPW] [DPLU]

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

1. County of San Diego Subdivision Ordinance, Section 81.703(b)(3), to dedicate and improve streets in accordance with San Diego County Standards for E. Mission Road along the project frontage. This modification is granted because of the following reasons:
  - a) The minor subdivision fronts on an established road in an established neighborhood.
  - b) It is unlikely that there will be any future road widening by existing owners or by future development.

- c) Widening of the road would be spot improvements inconsistent with the existing roads in the area.
2. County of San Diego Subdivision Ordinance, Section 81.703(b)(1), to provide a private road easement not less than 40 feet in width. This modification is granted because the proposed private road easement provides on-site access to 3 parcels and will not serve adjacent properties. Therefore per Section 81.703(l) a private road easement not less than 20 feet wide may be approved.
3. County Public Road and Private Road Standards:
- a) Section 6.1.C requires that non-Circulation Element roads entering into other non-Circulation Element roads shall have their centerline separated by at least 200 feet. This waiver will permit the centerlines separation between private easement roads and various driveways/ access openings along Hamilton Lane to be less than 200 feet per approved modification request by Director of Public Works, dated May 30, 2008.
  - b) Section 3.1.C requires private roads graded width of 28 feet. This waiver will permit the graded width for onsite private road to be reduced to 24 feet based on approved modification request by Director of Public Works, dated July 14, 2008.
  - c) Section 6.1, Intersections, requires private property line radii to be a minimum of 20 feet. This waiver will permit a modified driveway per San Diego Regional Standard Drawings G-15 and G-16 to be used at the intersection of Hamilton Lane and project private road per approved modification request by Director of Public Works, dated July 14, 2008.

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

\_\_\_\_\_ Director of Planning and Land Use \_\_\_\_\_

on \_\_\_\_\_

Rosemary Rowan, Planning Manager  
Project Planning Division

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