



**ERIC GIBSON**  
DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017  
[www.sdcounty.ca.gov/dplu](http://www.sdcounty.ca.gov/dplu)

### MITIGATED NEGATIVE DECLARATION

Project Name: Rabbit Run

Project Number(s): TM 5478, ER# 06-08-017

**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 Biology, Archaeology, Agriculture, Stormwater Management, Drainage, and Fire Protection.

#### **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:

### TRANSPORTATION

- a. 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.

### FIRE PROTECTION AND WATER SUPPLY

Standard Condition 23.1 and 23.2.

Specific Conditions:

- a. Participate in sufficient mitigation measures that will assist the Valley Center Fire Protection District in providing fire and medical emergency response to this project and contiguous neighborhoods based upon travel time, fire protection equipment and resources. Specifically, the owner/applicant shall annex into the Valley Center Fire Protection District Community Facilities District No. 2008-01 prior to Final Map approval.

### NOISE PROTECTION EASEMENT [DPLU]

- a. On the Final Map, grant to the County of San Diego a perpetual Noise Protection Easement, as shown on Tentative Map 5478. The easement shall be placed over the first 80 feet from the centerline of Fruitvale Road. The easement is for the mitigation of anticipated future excess noise levels on residential uses within the 80 foot noise easement. [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 the first 80 feet from the Fruitvale Road centerline“, 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 Fruitvale Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a light collector 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.

**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.

The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

**PLANS AND SPECIFICATIONS**

(Street Improvements)

1. Standard Conditions 1 through 10.
2. Specific Conditions:
  - a. Improve or agree to improve and provide security for the construction of Fruitvale Road along the project's southerly boundary in accordance with the Public Rural Collector Road Standards as may be modified to meet existing prevailing speed conditions, to a one-half graded width of forty-two feet (42') from centerline with twenty feet (20') of asphalt concrete pavement over approved base, with Portland cement concrete curb and gutter, and ten-foot (10') disintegrated granite (DG) pathway contiguous to the outer limit of the right-of-way. The existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-feet (20'). All distressed sections shall be replaced. Face of curb

shall be at twenty feet (20') from centerline. Provide all necessary traffic striping for one through lane and a shoulder and taper transitions to meet existing improvements. Construct the intersection with the proposed private easement road (Duffwood Lane). All of the foregoing shall be to the satisfaction of the Director of Public Works and the Director of Parks and Recreations. NOTE:

- (1) Aboveground utilities, landscape, signs, irrigation systems shall not be placed within pathways. A clear unobstructed ten feet (10') of tread width shall be maintained to the satisfaction of the Director of Parks and Recreations.
- b. Improve or agree to improve and provide security for the private easement road, Duffwood Lane from cul-de-sac on Lots 1 and 2 to Fruitvale Road to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with dike where required. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (750) trips shall apply. Duffwood Lane shall be aligned such that the Duffwood Lane/Fruitvale Road intersection aligns with the Husted Place/Fruitvale Road intersection. All of the foregoing shall be to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.
- c. The private easement road, Duffwood Lane shall terminate at the driveway accesses to Lots 1 and 2 with a cul-de-sac graded to a radius of forty-five feet (45') and surfaced to a radius of thirty-nine feet (39') with asphalt concrete pavement over approved base and asphalt concrete dike where required. All of the foregoing shall be to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.
- d. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed sight distance along Fruitvale Road from the proposed road access, Duffwood Lane, for the prevailing operating speed of traffic on Fruitvale Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45

degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.

- f. If guarded access is used along Duffwood Lane, it shall be in accordance with San Diego County Design Standards DS-17, DS-18 or DS-19. All gates shall be equipped strobe detectors and Knox Switch to conform with Valley Center Fire Protection District Standards. The above shall be done to the satisfaction of the Valley Center Fire Protection District, and the Director of Public Works.
- g. Road widths less than thirty-six foot (36') improved width may require posting and red striping to the satisfaction of the Valley Center Fire Protection District. If so, this information shall be shown on the Final Map as "Non Title Information".

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
  - a. The private storm drain system including private road treatment BMP's shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of Public Works.

(Grading Plans)

- 5. Standard Conditions 19(a-d).
- 6. Specific Conditions:
  - a. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for **Low Impact Development (LID)**, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (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.

- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works, in accordance with the County of San Diego Grading Ordinance. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

#### FAIR HOUSING

7. Standard Condition 20.

#### SANITATION

8. Standard Condition 22.

#### DEVELOPMENT IMPACT FEES

11. Specific Conditions:
  - a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the development improvements.

#### FINAL MAP RECORDATION

Final Map requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors:

12. Prior to the approval of the final map, the following note shall be added to the non-title sheet of the final map:

*“Prior to issuance of any building permit, a Geotechnical Study shall be submitted and approved by the DPLU Building Division. The report shall*

*specify foundation designs, which are adequate to preclude substantial damage to the proposed structure due to liquefaction. The review of the technical study shall be billed at a rate of Time and Materials.”*

(Streets and Dedication)

13. Specific Conditions:

- a. With the Final Map, dedicate or caused to be granted the project half of Fruitvale Road along the project frontage in accordance with Public Road Standards for a Rural Collector Road width of forty-two feet (42'), together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- b. The Final Map shall show one-foot (1') access restriction easements along the easterly boundary except for the existing driveway accesses to lots to the east. All of the foregoing shall be to the satisfaction of the Director of Public Works.
- c. Relinquish access rights onto Fruitvale Road except for an access opening for Duffwood Lane, to the satisfaction of the Director of Public Works.
- d. The desired location of the centerline for Fruitvale Road (SC 310), must be determined, which is shown on the Circulation Element of the County General Plan as a Rural Collector Road. The following shall be shown on the Final Map:
  - (1) The centerline location as approved by the Department of Public Works.
- e. Because private roads are approved as a condition of this subdivision, the following shall apply:
  - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
  - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to each private road, and place a note on the Final Map as to the final title status of said roads.
  - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

- f. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- g. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
- h. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

#### MISCELLANEOUS

- 15. Standard Conditions 25, 26, 27, and 28.
- 16. No lot shall contain a net area of less than 2 acres. [DPLU - Regulatory Planning Division]
- 17. No lot shall contain a gross area of less than 2 acres. [DPLU - Regulatory Planning Division]

#### WAIVER AND EXCEPTIONS

Said 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:

- a. Standard Conditions for Tentative Maps:

- (1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source) pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
- (2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (3) Standard Condition 12: Said condition provides generalized trail requirements. This project has been specifically conditioned for a DG pathway within the public road right of way, per condition 2a above.
- (4) Standard Condition 19e: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (5) Standard Condition 21: Said condition pertains to subdivisions relying on sewer service. This subdivision will use septic systems.
- (6) Standard Conditions 23.3 and 24: Said conditions pertain to subdivisions outside of a Fire Protection District. This subdivision is in the Valley Center Fire Protection District.
- (6) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

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

Planning Commission

on \_\_\_\_\_

Rosemary Rowan, Planning Manager  
Project Planning Division

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