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MITIGATED NEGATIVE DECLARATION

March 19, 2009

Project Name: Rancho Verona Major Use Permit for a Group Care Facility

Project Number(s): P04-050; ER: 04-08-041

**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 Noise, Drainage, Stormwater Management, Biological Resource Report, and Cultural Resources
1. California Environmental Quality Act 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. Prior to obtaining any building permit, and/or change of occupancy to the existing structures pursuant to County Building Code Section 51.0109.1, and prior to the use of the property in reliance of this Major Use Permit, the applicant shall:
1. Pay the Transportation Impact Fee in combination with other components of this program, which will mitigate potential cumulative traffic impacts to less than significant.

BIOLOGICAL RESOURCES

- A. Prior to obtaining any building permit, and/or change of occupancy to the existing structures pursuant to County Building Code Section 51.0109.1, and prior to the use of the property in reliance of this Major Use Permit, the applicant shall:
1. Grant to the County of San Diego by separate document, an open space easement as shown on the Approved Plot Plans dated February 11, 2009, on file with the Department of Planning and Land Use as Major Use Permit P04-050 and Environmental Review Number 04-08-041. 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 exceptions to this prohibition are:

- 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.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
- c. Uses, activities, and placement of structures expressly permitted by Permit P04-050 and shown on the plot plan.
- d. Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.
- e. Activities required to be conducted pursuant to a landscaping plan approved by the Director of Planning and Land Use.

NOISE

- A. Within 60 days of approval of this Major Use Permit for a Group Care Facility, the applicant shall:
 - 1. Submit an application for a Building Permit to the Department of Planning and Land Use (Building Division) for the required noise attenuation wall, which is nine (9) feet in height relative to the finished pad elevation. For sound barrier location and details, refer to Figure 6 in the Noise Analysis report prepared by ISE (#5-035) dated September 22, 2005.
- B. Prior to obtaining any building permit, and/or change of occupancy to the existing structures pursuant to County Building Code Section 51.0109.1, and prior to the use of the property in reliance of this Major Use Permit, 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 certified acoustical engineer, demonstrating that the present and anticipated future noise levels from Interstate 15 and North Centre City Parkway for the interior and exterior of these facilities 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 North Centre City Parkway must utilize a Level of Service "C" traffic flow for a 4-lane Collector Road that is the designated General Plan Circulation Element buildout roadway classification. If required, 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.

2. Illustrate and label the recommended sound attenuation barrier on the finalized building plans. Sound barrier location will enclose the common area at the west end of the Main Building and Residence 1 (Upper). The minimum height of this barrier is nine (9) feet relative to the finished pad elevation of these buildings. For sound barrier location and details, refer to Figure 6 in the Noise Analysis report prepared by ISE (#5-035) dated September 22, 2005.
 3. Specify the structural requirements of the sound attenuation barrier on the finalized plot plans with the following language: "This barrier shall be solid and be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of these materials, with no cracks or gaps through or below the wall. The minimum surface density for the enclosure is 3.5 pounds per square foot. Any seams or cracks in the exterior facade of the barrier facing Interstate 15 shall be filled or caulked. Any gate/door in this barrier shall be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. Any gate may consist of ¾-inch or thicker wood with seals and a threshold sweep or have prefabricated door jambs. To maintain the barrier's noise reduction, any access door shall be equipped with self-closing hinges."
- C. Prior to obtaining approval a building permit or any other permit for any noise sensitive uses in the future such as a residence or swimming pool pursuant to this Major Use Permit, 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 certified acoustical engineer, demonstrating that the present

and anticipated future noise levels from Interstate 15 and North Centre City Parkway for the interior and exterior of these facilities 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 North Centre City Parkway must utilize a Level of Service "C" traffic flow for a 4-lane Collector Road that is the designated General Plan Circulation Element buildout roadway classification. 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.

D. Prior to the change of Building Occupancy pursuant to County Building Code Section 51.0109.1 and prior to the use of the premises pursuant to this Major Use Permit, the applicant shall:

1. Demonstrate to the satisfaction of the Director of the Planning and Land Use (Building Inspector) that a nine (9) foot high sound attenuation barrier enclosing the common area at the west end of the Main Building and Residence 1 (Upper) has been installed and has passed final building inspection, pursuant to the approved building plans and Major Use Permit P04-050. Refer to Figure 6 in the Noise Analysis Report prepared by ISE (#5-035) dated September 22, 2005.

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.

1. Provide landscaping to screen the realigned portion of the driveway.
2. Provide landscaping to screen the recycling enclosure and truck turnaround area.
3. Provide 100-feet of fire clearing for wildland fire control around all structures.

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

County of San Diego Planning Commission

on _____

Alyssa Maxson, Planning Manager
Project Planning Division