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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

June 26, 2008

Project Name: Sundale (15 Lots); Tentative Map

Project Number(s): TM 5466; ER 05-14-043

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Biology, Drainage/Hydrology, Hazardous Materials, Noise, Stormwater Management Plan, Traffic Impact Study

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 Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the

public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

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

B. BIOLOGY

1. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map TM 5466, the applicant shall, grant to the County of San Diego and the California Department of Fish and Game by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Open Space Exhibit dated **April 30, 2008** on file with the Department of Planning and Land Use as Environmental Review Number ER 05-14-043. 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.

The sole exception(s) 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. 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.

- b. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
 - c. Installation, maintenance and repairs to drainage facilities shown on the Open Space Exhibit dated April 30, 2008 on file with the Department of Planning and Land Use as Environmental Review Number ER 05-14-043.
2. Prior to approval of grading and/or improvement plans, and prior to approval of the Final Map TM 5466, Grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated **April 30, 2008** on file with the Department of Planning and Land Use as Environmental Review Number ER 05-14-043. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure. The only exceptions to this prohibition are:
- a. Decking, fences, and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
 - c. Installation, maintenance and repairs to drainage facilities shown on the Open Space Exhibit dated April 30, 2008 on file with the Department of Planning and Land Use as Environmental Review Number ER 05-14-043.

3. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s) provide for the approval of the Director of Planning and Land Use evidence that 0.12 acres of wetland habitat credit have been secured in a mitigation bank within a Biological Resource Conservation Area (BRCA) in the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.12 acres of wetland habitat located within a Biological Resource Conservation Area (BRCA) in the Multiple Species Conservation Program (MSCP). A Resource Management Plan (RMP) for the wetland and non native grassland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

4. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s) provide for the approval of the

Director of Planning and Land Use evidence that 0.71 acres of non native grassland or other Tier III habitat credit or higher have been secured in a mitigation bank located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:

- a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.71 acres of non native grassland habitat located within the Multiple Species Conservation Program (MSCP). A Resource Management Plan (RMP) for the wetland and non native grassland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

5. Prior to approval of grading or construction permits, and prior to approval of the Final Map, the applicant shall:
 - a. Cause to be placed on grading and/ or improvement plans and on the Map, the following: "Restrict all

brushing, clearing and/or grading such that none will be allowed within 300 feet of migratory birds nests during avian breeding season. This is defined as occurring between February 15 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nests are present in the vicinity of the brushing, clearing or grading.”

6. Prior to any grading, clearing, or construction activities and, prior to the preconstruction conference, provide evidence to the satisfaction of the Director of Planning and Land Use, that the following “Agency Permits” have been obtained, or evidence that such permits are not required:
 - a. “Provide the Director of Planning and Land Use with a copy of a Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required.”
 - b. “Provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required.”
7. Prior to the approval of any plans, issuance of any permits, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following “Specific Environmental Items” have been indicated on the grading, and or improvement plans:
 - a. The grading, and or improvement plans, shall indicate permanent fences along the open space boundary of lots(s) 11, 12 and 13 as shown on the Open Space Fencing and Signage Plan dated April 30, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-043.

The fence or wall shall be a minimum of four feet (4') high and consist of split rail. Any change in height, placement or construction materials shall be approved by the Department of Planning and Land Use prior to installation.

- b. The grading, and or improvement plans shall indicate open space signs along the open space boundary of lots(s) 11, 12 and 13 as shown on the Open Space Fencing and Signage Plan dated April 30, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-043.

The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources" Disturbance Beyond this Point
is Restricted by Easement
Information: Contact County of San Diego, Department of Planning
and Land Use Ref: 05-14-043"

- c. The grading, and or improvement plans, shall indicate Temporary Orange Construction fencing to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. The fencing shall be placed along the open space boundary of lots(s) 11, 12 and 13 as shown on the Open Space Fencing and Signage Plan dated April 30, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-043.

- 8. Prior to the approval of any plans, issuance of any permit, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:

- a. "Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement

boundary. The temporary fencing shall be removed after the conclusion of such activity.”

- b. “Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of migratory birds nests during avian breeding season. This is defined as occurring between February 15 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nests are present in the vicinity of the brushing, clearing or grading.”

9. “Prior to the conclusion of grading activities and Final Grading Release, provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences and open space signs have been placed along the biological open space boundary of lots(s) 11, 12 and 13 as shown on these plans and the Open Space Fencing and Signage Plan dated April 30, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-14-043. “

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

“Sensitive Environmental Resources”
Disturbance Beyond this Point is Restricted
by Easement
Information:
Contact County of San Diego, Department of Planning and Land Use
Ref: 05-14-043”

C. NOISE

- 1. Grant to the County of San Diego a Noise Protection Easement over a strip of land 275 feet from the centerline of Hillsdale Road on Lots 7, 8, 9, 10, 11, and 12 of the Tentative Map 5466RPL2. This easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Lots.

"Said Noise Restriction Easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located over the lots, the applicant shall:"

- a. 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 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 Hillsdale Road, must utilize a Level of Service "C" traffic flow for a Light Collector that is the designated General Plan Circulation Element buildout roadway classification.
- b. 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. HAZARDS

1. Prior to recordation of Final Map and prior to approval of any grading or improvement plans; provide to the satisfaction of the Director of Planning and Land Use, a signed, stamped Limited Phase II Environmental Site Assessment (ESA) prepared by a Registered Engineer or Professional Geologist. The Phase II ESA shall include the following:
 - a. The limited Phase II shall include shallow soil sampling from six inches to 3 feet in depth, to occur in areas of the site where future exposure is likely to occur (such as around proposed house pads), and in the areas of the site with the highest likelihood for contamination, such as around chemical/ pesticide/ fuel storage areas and among agricultural crops. The areas tested, as described in the Hazardous Materials Technical Study (HMTS) by Geocon Consultants, Inc., prepared April 18, 2006, shall include the vicinity of the above-ground storage tank (AST) which may have been used to store chemicals, the stained area in Shed C, and the shallow hand-dug well reported near the water AST.

- b. The ESA should identify whether onsite soils exceed regulatory screening levels for pesticides, petroleum, heavy metals, or other contaminants.
 - c. If contamination is found, the applicant shall remediate all onsite hazardous conditions under the oversight of the DEH Voluntary Assistance Program (VAP). If soil remediation is required, a letter from the DEH VAP, or other applicable oversight agency, must be provided to the DPLU indicating that site contamination has been adequately remediated in accordance with applicable regulatory requirements.
2. Prior to recordation of Final Map and prior to approval of any grading or improvement plans, a Registered Engineer or Professional Geologist shall complete a Soil Management Plan that provides guidance and procedures for identifying contaminated soils, segregating and sampling soil generated during demolition and construction activities, public access, and defining soil disposal requirements for soil transported offsite. The plan shall specify that if unknown contamination or other buried hazards are encountered during grading, remediation must be carried out under the oversight of the DEH VAP program. Evidence of satisfaction of the above condition shall consist of a letter from the DEH VAP (or other applicable oversight agency) providing concurrence on the content of the plan; and a letter from a Registered Engineer or Professional Geologist indicating that they will provide appropriate oversight to ensure implementation of the plan during site development activities. The Soil Management Plan must specifically address the cleanup of debris and stained areas as recommended by the Hazardous Materials Technical Study (HMTS) prepared by Geocon Consultants, Inc., dated April 18, 2006.
3. Prior to recordation of Final Map and prior to approval of any grading or improvement plans, a survey shall be performed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of lead based paint (LBP) located on the western portion of the site. All lead containing materials scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression. Lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker

health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).

4. Prior to issuance of a building permit that includes demolition of onsite structures and prior to commencement of demolition or renovation activities, a facility survey shall be performed to determine the presence or absence of ACMs located in the western portion of the site. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course. Should regulated asbestos containing materials be found, it shall be handled in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation. Evidence of completion of the facility survey shall consist of a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If present, the letter shall describe the procedures that will be taken to remediate the hazard.

5. Prior to recordation of Final Map and prior to approval of any grading or improvement plans, a facility survey shall be performed to determine the presence or absence of ACMs located in the western portion of the site. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course. Should regulated asbestos containing materials be found, it shall be handled in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation. Evidence of completion of the facility survey shall consist of a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If

present, the letter shall describe the procedures that will be taken to remediate the hazard.

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.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions (1) through (10) as stated below:
 - a. The subdivider shall submit plans and specifications for improvements of all public and private street rights-of-way, drainage easements, culverts, drainage structures and drainage channels to the Department of Public Works for approval. (Standard Condition 1)
 - b. Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the Director of Public Works. (Standard Condition 2) [DPW - Development Review Section]
 - c. The exact depth of imported base material shall be based on soil tests which have been approved by the Director of Public Works. (Standard Condition 3) [DPW - Development Review Section]
 - d. Sight distance requirements at all street intersections shall conform to the intersectional sight distance criteria of the Public Road Standards of the Department of Public Works. (Standard Condition 4) [DPW - Development Review Section]
 - e. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Director of Public Works to ensure that any damage to the existing roadway is repaired in a timely manner. (Standard Condition 5) [DPW - Development Review Section]

- f. The subdivider shall construct, or agree to construct, the public improvements and private road improvements shown on the improvement plans as approved by the Director of Public Works. (Standard Condition 6) [DPW - Development Review Section]
- g. Streets shown on the Tentative Map are to be given street names approved by the Street Names Section of the Department of Planning and Land Use and the subdivider shall install all street name signs as part of the subdivision street improvements. If the subdivider desires site addresses for the lots created by the subdivision, the subdivider is to furnish a true scale Final Map to the Street Names Section. Said map is to show driveway locations for all lots and street names for all streets. (Standard Condition 7) [DPW - Development Review Section]
- h. All new and existing utility distribution facilities, including cable television lines, within the boundaries of the subdivision or within any half street abutting the subdivision, shall be placed underground in accordance with section 81.403(a)(6), of the Subdivision Ordinance. The subdivider is responsible for complying with the requirements of this condition, and shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators, for the installation of such facilities. The subdivider shall either provide the Director of Public Works with documentation from a licensed cable television operator stating cable television service is available or with documentation that the Cable Television Review Commission has reported that no licensed cable television operator is willing and able to provide service to the subdivision. (Standard Condition 8) [DPW - Development Review Section]
- i. The installation (if required) of all gas, electric, sewer, and water lines and any other below surface utilities is to take place before the installation of any concrete curbs, gutters, sidewalks and the surfacing of the streets. (Standard Condition 9) [DPW - Development Review Section]
- j. The subdivider shall construct to the satisfaction of the Director of Public Works, a public street lighting system that complies with the following conditions: (Standard Condition 10) [DPW - Development Review Section]
 - (1) All fixtures shall use a low pressure sodium vapor light source.

- (2) Deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to:
 - (a) Energize, maintain and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - (b) Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to Zone A of the lighting district to operate and maintain the system.

- k. Prior to approval of the Final Map, improve or agree to improve and provide security for Hillsdale Road (SC2030), to Public Light Collector Road Standards along the entire project frontage to a one-half graded width of thirty feet (30') with twenty feet (20') of asphalt concrete pavement over approved base with Portland concrete cement concrete curb and gutter and sidewalk with the curb a minimum of twenty feet (20') from centerline. Provide transitions, tapers, traffic striping and A.C. dike to the existing pavement. All of the foregoing shall be to the satisfaction of the Director of Public Works.

- l. Prior to the approval of the Final Map, improve or agree to improve and provide security for Colina Del Sol, to Public Residential Cul-de-sac Road Standards, to a graded width of fifty-two feet (52') with thirty-two feet (32') of asphalt pavement over approved base with Portland cement concrete curb, gutter, and sidewalks with the curbs at sixteen feet (16') from centerline. All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.

- m. Prior to approval of the Final Map, improve or agree to improve and provide security for Sundale Road, to Public Residential Road Standards along the entire project frontage to a one-half graded width of a minimum of twenty-six feet (26') with a minimum of sixteen feet (16') of asphalt concrete pavement over approved base with Portland cement concrete curb and gutter and sidewalk with the curb a minimum of sixteen feet (16') from centerline. The intent of the foregoing is to insure a full 36' of pavement from curb to curb. Provide transitions, tapers, traffic striping and A.C. dike to the existing pavement. All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.

- n. Colina Del Sol cul-de-sac shall terminate with a graded radius of forty-eight feet (48') and surfaced to a radius of thirty-eight feet (38') with asphaltic concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalks with the curb thirty-eight feet (38') from the radius point. All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
- o. Sundale Road shall terminate with a cul-de-sac half graded radius of forty-eight feet (48') and surfaced to a half radius of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalks with the curb thirty-eight feet (38') from the radius point. All of the foregoing shall be to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
- p. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Hillsdale Road from Colina Del Sol, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999), or to the satisfaction of the Director of Public Works. 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.

(Drainage and Flood Control)

- 2. Standard Conditions (13) through (18) as stated below:
 - a. The subdivider shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the Director of Public Works to properly handle the drainage and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance. (Standard Condition 13) [DPW - Development Review Section]
 - b. The subdivider shall provide for the improvement of all drainage easements by culvert or drainage channel of adequate size, whichever is required by the Director of Public Works. Any required drainage channel shall be lined with a suitable material as specified by the Director of Public Works. All such drainage easements shall

be monumented along property lines at locations approved by the Director of Public Works. An access easement shall be provided to each drainage system maintenance access point not directly accessible from a public roadway. Such access easement is to be improved, fenced and aligned to the satisfaction of the Director of Public Works. (Standard Condition 14) [DPW - Development Review Section]

- c. Portland cement concrete cross gutters or culverts shall be installed where water crosses the roadways. (Standard Condition 15) [DPW - Development Review Section]
- d. Each building lot shall have a flood-free site for a residence. The building site shall be safe from the flood peak of a 100-year frequency storm. (Standard Condition 16) [DPW - Development Review Section]
- e. An adequate energy dissipator shall be constructed at the outlet of the storm drain or verification shall be provided that such improvement is not needed. (Standard Condition 17) [DPW - Development Review Section]
- f. Hydrology and hydraulic calculations for determining the storm system design with water surface profile and adequate field survey cross section data shall be provided satisfactory to the Director of Public Works or verification shall be provided that such calculations are not needed. (Standard Condition 18) [DPW - Development Review Section]
- g. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.
- h. Provide on-site and any necessary off-site drainage easements to the satisfaction of the Director of Public Works.
- i. A flowage easement shall be dedicated to the County of San Diego for those portions of all lots subject to inundation by a 100-year flood, from a drainage area in excess of one (1) square mile.

(Grading Plans)

- 3. Standard Conditions (19a-e) as stated below:

- a. A grading permit is required and the subdivider shall comply with the following conditions prior to the issuance of such permit:
(Standard Condition 19) [DPW - Development Review Section]
- (1) The subdivider shall submit grading plans, a permit application and all fees and deposits to the County Department of Public Works. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
 - (2) The grading plan shall contain a certificate signed by a registered civil engineer that the grading plan has preserved a minimum of one hundred square feet of solar access for each lot created by this subdivision pursuant to Section 81.401(m) of the Subdivision Ordinance.
 - (3) The subdivider shall deposit with the County Department of Public Works \$200.00 at the time the lot grading plan or improvement is submitted. The deposit will be made with whichever plan is first submitted. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.
 - (4) Obtain a sewer commitment if the subdivision is to be served by public sewer from a County Sanitation District. Such commitment shall only be issued when all conditions in the Resolution of Approval have been satisfied, the Final Map, grading plan and improvement plan have been approved by the Department of Public Works and all fees and deposits paid and improvement security posted.

4. Specific Conditions:

- a. For the duration of this project-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 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. 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. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

FAIR HOUSING

5. Submit to the Department of Public Works a letter from the County Equal Opportunity Management Office stating its approval of an affirmative fair housing marketing plan. (Standard Condition 20) [DPW - Development Review Section].

SANITATION

6. The subdivision will be served by a public sewer system, and the following conditions shall apply. (Standard Condition 21) [DPW - Development Review Section]

Sewer Providing Agency

- a. Obtain the commitment of the applicable County sanitation district or independent sewer providing agency, to reserve facility capacity for all buildings/lots within the subdivision and obtain the approval of said agency of the plans and specifications for the installation of such public sewer system. If served by a County Sanitation District, such commitment shall only be issued when all conditions in the Resolution of Approval have been satisfied, the Final Map, grading

plans and improvement plans have been approved by the Department of Public Works, and all fees and deposits paid and improvement security posted.

Commitment from the applicable agency shall be in the form of either of the following:

- (1) A written statement, issued no more than three months prior to the date of approval of the Final Map by the Board of Supervisors, certifying that a two-year commitment to reserve facility capacity for all lots within the subdivision has been given; or,
 - (2) In cases where the applicable agency has facilities under construction, a written statement, issued no more than three months prior to the date of the approval of the Final Map by the Board of Supervisors, certifying that:
 - (a) The agency has facilities under construction;
 - (b) All permits required for the construction of said facilities have been obtained; and
 - (c) For a period of at least two years following completion of the facility improvements, said agency commits to reserve facility capacity for all lots within the subdivision.
- b. The subdivider shall install or agree to install a sewer system as a subdivision improvement. Sewer and water lines shall not be laid in the same trench.
 - c. If the sewer commitment terminates before the Board of Supervisors Final Map approval, the Department of Health Services will deny application(s) for individual subsurface sewage disposal system(s) within this subdivision, unless a Resolution Amendment has been obtained from the Director of Planning and Land Use, Planning and Environmental Review Board, Planning Commission or Board of Supervisors which approves individual subsurface sewage disposal systems for this subdivision.
 - d. Prior to approval of the Final Map, the applicant shall present evidence to the Department of Public Works from the Sweetwater Authority stating that Sweetwater Authority Resolution 84-8 (attached) has been satisfied with respect to the protection of Sweetwater Reservoir from urban related runoff resulting from this development. Compliance is in the form of a County imposed fee

paid to the Sweetwater Authority. The Planning Commission hereby determines that:

- (1) The purpose of the fee is to assist in financing the design and construction of first flush urban runoff facilities to protect the water in the Sweetwater Reservoir as specified in the Sweetwater Authority's Resolution 84-8, Resolution of the Governing Board of Sweetwater Authority Establishing It's Policy Regarding Urban Run-Off Protection For The Sweetwater Reservoir, and the Luke-Dudek Design Study dated September 1, 1982, located in the office of the Sweetwater Authority.
- (2) This development will cause additional urban runoff within the Sweetwater Reservoir watershed, which ultimately will flow into the Sweetwater Reservoir, adding to potential health problems. Incremental degradation of the water in the Sweetwater Reservoir resulting from urban runoff caused by this project needs to be mitigated by constructing specific flow capture and diversion structures to prevent contamination of the Sweetwater Reservoir.
- (3) The fees paid to the Sweetwater Authority to protect the water in the Sweetwater Reservoir are based on estimated cost of the first flush bypass facilities planned for the drainage area and on this project's total percentage impact on the Sweetwater Reservoir.

WATER SUPPLY

7. The subdivision is to be connected to a public water system, and the following conditions shall apply: (Standard Condition 23.1) [DPLU - Community Planning Division]

Water Providing Agency

- a. Obtain the commitment of the water providing agency to reserve facility capacity for all buildings/lots within the subdivision and obtain the approval of said agency of the plans and specifications for the installation of such public water system.

Commitment from the applicable agency shall be in the form of any of the following:

- (1) A written statement, issued no more than three months prior to the date of the approval of the Final Map by the Board of

Supervisors, certifying that a two-year commitment to reserve facility capacity for all lots within the subdivision has been given; or,

- (2) In cases where the applicable agency has facilities under construction, a written statement issued no more than three months prior to the date of approval of the Final Map by the Board of Supervisors certifying that:
 - (a) The agency has facilities under construction;
 - (b) All permits required for the construction of said facilities have been obtained; and
 - (c) For a period of at least two years following completion of the facility improvement said agency commits to reserve facility capacity for all lots within the subdivision; or,
 - (3) In cases where a majority of the territory served by the water providing agency is located with a city, a statement from the water providing agency, the form and terms of which shall be approved by the Director of Planning and Land Use.
- b. The subdivider shall install or agree to install a water system as a subdivision improvement. Water and sewer lines shall not be placed in the same trench.

FIRE SUPPRESSION

Fire Protection Agency

8. The subdivider shall submit a letter from the applicable fire protection agency stating its satisfaction with the type and location of fire protection improvements and the minimum required water flow in gallons per minute, together with a letter from the applicable water service agency that the fire protection agency's minimum required water flow will be available to serve the site or verification shall be provided that such improvements are not needed. (Standard Condition 23.2) [DPLU - Community Planning Division]

PLANNING AND ZONING ADMINISTRATION

9. Specific Conditions:
 - a. Prior to approval of a Final Map, the subdivider shall provide evidence that all existing structures shown on the Tentative Map “to

be removed or relocated on the site” have been removed/relocated to the satisfaction of the Director of Public Works.

- b. Immediately upon the approval of TM 5466RPL4, and prior to approval of the final map, approval of any plan, or issuance of any permit, the subdivider shall establish a mitigation monitoring and condition review deposit account with the Department of Planning and Land Use (DPLU). The account will be used to process condition satisfaction request and provide funding for DPLU field support for the implementation of project conditions. The minimum deposit amount shall be \$2000, and it shall be maintained at a minimum level of \$500 until all conditions have been completed to the satisfaction of the Director of DPLU. Upon completion of project conditions, the remaining amounts shall be refunded. [DPLU]

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:

(Streets and Dedication)

10. Standard Conditions 25, 26, 27 and 28 as stated below:
 - a. The Final Map shall show that all lots within the subdivision have a minimum 100 square feet of solar access for each future building unit allowed by this subdivision pursuant to Section 81.401(m) of the Subdivision Ordinance. (Standard Condition 25) [DPLU - Community Planning Division]
 - b. The Final Map shall show the dedication of all on-site drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the Director of Public Works, or verify that no easements are required. (Standard Condition 26) [DPW - Map Processing]
 - c. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units. (Standard Condition 27)
 - d. The subdivider shall accomplish the following prior to approval of the Final Map by the Board of Supervisors. (Standard Condition 28)
 - (1) Provide the County Department of Public Works with standard forms approved by the Director of Planning and Land Use stating that the applicable agency or agencies have provided commitment

to the site for such public facilities that are required for the subdivision (including but not necessarily limited to, water and sewer services).

- (2) Provide the County Department of Public Works with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the Director of Public Works that no new encumbrances have been created that would subordinate the County's interest over areas to be dedicated for public road purposes since submittal of the tentative map. [DPW - Map Processing]
- (3) Grant to the appropriate agency by recorded document all required off-site easements and all on-site water main easements that serve fire hydrants or furnish a letter from said agency that none are required. [DPW - Map Processing]
- (4) Provide the County Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map. [DPW - Map Processing]
- (5) If the subdivider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Board of Supervisors to direct County staff to begin eminent domain proceedings for acquisition of said property rights in accordance with Board Policy J-33. The developer shall agree to pay full County costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement. [DPW - Map Processing]
- (6) Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use, the Department of Public Works and the Department of Health Services prior to docketing the Final Map with the Clerk of the Board of Supervisors. [DPLU - Administrative Services Section, DHS - Environmental Health Services, Land Use]

11. Specific Conditions:

- a. With the Final Map, dedicate or caused to be granted the project half of Sundale Road along the project frontage in accordance with Public Road Standards for a Public Residential Road to a half right-of-way width of twenty-six feet (26'), together with right to construct and maintain slopes and drainage facilities. The intent of the foregoing is to insure a full fifty-six feet (56') of right-of-way. All of the forgoing shall be to the satisfaction of the Director of Public Works.
- b. With the Final Map, dedicate or caused to be granted the project half of Hillsdale Road along the project frontage in accordance with Public Road Standards for a Public Circulation Element Light Collector Road to a half right-of-way width of thirty feet (30'), together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- c. With the Final Map, dedicate onsite and cause to be granted offsite Colina Del Sol in accordance with Public Road Standards for a Public Residential Cul-de-Sac Road to a right-of-way width of fifty-two feet (52') including a twenty-foot (20') radius property line corner rounding at the street intersection together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- d. Colina Del Sol shall terminate with a minimum forty-eight foot (48') radius cul-de-sac to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
- e. Sundale Road shall terminate at the project boundary with a half-width cul-de-sac with a minimum radius of forty-eight feet (48') to the satisfaction of the San Miguel Consolidated Fire Protection District and the Director of Public Works.
- 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. Provide on-site and any necessary off-site drainage easements to the satisfaction of the Director of Public Works.
- h. Relinquish all access rights into Hillsdale Road except for Colina Del Sol.

- i. Contact the Department of Public Works to determine the desired location of the centerline for Hillsdale Road (SC2030) which is shown on the Circulation Element of the County General Plan as a Light Collector Road. The following shall be shown on the Final Map.
 - (1) The centerline location as approved by the Department of Public Works.
- j. 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 to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
- k. 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 Sections 81.811 and 81.506(j)).

(Miscellaneous)

12. Specific Conditions:

- a. No lot shall contain a net area of less than 0.5 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:

1. Standard Condition(s) for Tentative Maps:

- a. Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
 - b. Standard Condition 12: Said condition pertains to trail dedications. No trail dedications are proposed or required for the project.
 - c. Standard Condition 19 (d): Said condition pertains to a project to be served by public sewer from a County Sanitation District. This subdivision is to be served by the Otay Water District, which is not a County Sanitation District.
 - d. Standard Condition 19 (e): Said condition pertains to planned developments and condominium units. No planned development or condominium units are proposed by the project.
 - e. Standard Condition 21 (c): Said condition pertains to subdivisions to be served by a public sewer system that are located outside of the boundaries of the sewer providing agency. This subdivision is located within the Otay Water District.
 - f. Standard Condition 22: Said condition pertains to subsurface sewage disposal systems. No subsurface sewage disposal systems are proposed or required for the project. The project has been approved to rely upon public sewer provided by the Otay Water District. The project will have to be annexed into the Otay Water District before approval of a Final Map.
 - g. Standard Condition 23.1 (c): Said condition pertains to subdivisions to be served by a public water system that are located outside of the boundaries of the water providing agency. This subdivision is located within the Otay Water District.
 - e. Standard Conditions 23.3 & 24: Said conditions pertain to projects that are outside the boundaries of a fire protection agency and this project is located within the San Miguel Consolidated Fire Protection District and it is eligible for service.
 - f. 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.
2. County Subdivision Ordinance design requirements:

All subdivisions are required to conform to the design requirements set forth in Section 81.401 of the County Subdivision Ordinance. This project requests a waiver of the following requirements for specified lots due to difficulties presented by topography, drainage and the need to preserve sensitive open space:

- a. Paragraph (g): Through Lots are not allowed unless vehicular access rights are relinquished to one of the abutting streets. The applicant proposes to relinquish said rights for Lot 10 along Hillsdale Road.
 - b. Paragraph (h): The side lines of all lots shall be at right angles or radial to the street upon which the lots front with a maximum deviation of up to 10 degrees allowed. The side lines between Lots 11/12 and 13/14 exceed the required design requirement. The lots are designed as panhandle lots with access off the proposed public cul-de-sac road, Colina Del Sol. The lots are limited in buildable area with permanent open space easements located at the rear of the properties.
3. County Public and Private Road Standards to permit:
- a. Said Section 6.1, C.1. and Section 6.7, I.5. Said standards require 300' of spacing between driveways and roads along a Circulation Element county maintained road. This waiver permits a reduction in the spacing to allow one project entrance on Hillsdale Road (SC2030). There are numerous driveways along Hillsdale Road (SC2030) that have less than 300' of spacing between them.

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

on _____

Richard Grunow, Planning Manager
Regulatory Planning Division

RG:MS:tw