

MITIGATED NEGATIVE DECLARATION

October 4, 2007

Project Name: Wheeler Ridge

Project Number(s): TM 5156RPL², Log No. 99-18-001

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 traffic, visual quality, biology, hydrology, drainage, and cultural resources.
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. 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. Prior to the issuance of a grading permit, the subdivider shall obtain approval from the Director of Planning and Land Use of a detailed Landscape Plan. The Landscape Plan and review fee shall be submitted to the Regulatory Planning Division. Said Plan shall show the types and locations of all landscaping features including planting and irrigation. The landscape material shall not interfere with any required solar access (plans shall show the proposed solar access/solar panel locations).
[DPLU - Regulatory Planning Division]

In addition, the Landscape Plan shall address the following concern(s):

1. Provide extensive landscape planting on slopes greater than 15 feet. This includes the south side of the project to screen the slope that will be constructed near the residential development that fronts Acacia Avenue. The landscape plan should use plant material similar to what already exists and should include large shrubs and trees listed in Appendix B of the Sweetwater Design Guidelines.
2. All slopes shall be planted for erosion control purposes as well as to help screen future building from the view of distant residential development.
3. Landscape planting should be used to screen the project from the proposed trail. The planting should not obscure the views to the adjacent natural open space areas.
4. All proposed retaining walls and the Fire/Wildland wall shall be screened from view with new vegetation or will be a crib or loffel wall, which have plantings to soften any views of wall.
5. Any proposed planting that borders the open space lot shall be non-invasive and be native to the area.
6. Plant material used to satisfy screening requirements shall be spaced to ensure 100 percent screening within two years of installation.

- C. Prior to any excavation or earth disturbance, and prior to approval of any Grading or Improvement Plan:
1. The applicant shall retain a Qualified Paleontologist (QP) to supervise and implement the mitigation measures in paragraph b. A QP is a person who has been approved by the Director of Planning and Land Use as having (to the Director's satisfaction) a Ph.D. or M.S. in paleontology or a closely related field (e.g. geology or paleobiology), proven knowledge of San Diego County paleontology and geology, and documented experience in professional paleontological procedures and techniques. The applicant shall submit a copy of a letter signed by the QP that states the applicant has retained him or her, and acknowledges his or her agreement to perform the mitigation measures stated in paragraph b, either personally or through a Qualified Paleontological Monitor under his or her direct supervision and control. The paleontologist QP shall attend all pre-grading meetings to consult with grading contractors;
 2. The applicant shall cause conditions substantially the same as the following to be placed on the face of the grading plan and shall cause these conditions to be performed to the satisfaction of the Director of Planning and Land Use:

“A Qualified Paleontologist or Paleontological Resources Monitor shall be on-site during all excavation operations within geologic formations that may contain paleontological resources. A Qualified Project Paleontologist is a person with a PH.D. or Master’s Degree in Paleontology or related field, and who has knowledge of San Diego County paleontology, and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least one year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist (QP). The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below.
 - a. Monitor all grading and excavation activities or undisturbed formations of sedimentary rock;

- b. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall:
 - i. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented;
 - ii. Salvage unearthed fossil remains, including simple excavation of exposed specimens or if necessary, plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits;
 - iii. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting;
 - iv. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing of broken specimens;
 - v. Curate, catalog, and identify all fossil remains to the lowest taxon possible, inventory specimens, assign catalog numbers, enter the appropriate specimen and locality data into a collection database; and
 - vi. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display. The transfer shall include copies of all relevant field notes, maps, stratigraphic sections, and photographs.
- c. The QP shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of

fossils recovered, and the significance of the curated collection

- d. Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of Planning and Land Use for final approval of the mitigation, and submit an electronic copy of the report according to the County DPLU's Electronic Submittal Format Guidelines."
- D. Prior to approval of grading permits or improvement plans, and prior to approval of the Map, the applicant shall grant to the County of San Diego an open space easement, or grant to the County of San Diego and the California Department of Fish and Game a conservation easement, as shown on the Open Space Exhibit dated January 26, 2007 on file with the Department of Planning and Land Use as Environmental Review Number 99-18-001. This easement is for the protection of biological resources and requires that an open space stewardship agreement between the County and the land owner be in effect. The easement 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 exceptions to this prohibition are:
1. 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; and
 2. Activities conducted pursuant to a revegetation plan or habitat management plan approved by the Director of Planning and Land Use.

- E. Prior to approval of grading or improvement plans and prior to approval of the Final Map, an open space stewardship agreement for the land shall be executed between the County and the property owner.
- F. Prior to approval of grading permits or improvement plans, and prior to approval of the Map, the applicant shall grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated January 26, 2007, on file with the Department of Planning and Land Use as Environmental Review Number 99-18-001. This purpose of the easement is to protect the biological value and integrity of an adjacent conservation area by regulating certain activities that may affect the conservation area including maintenance of the barrier wall and land use prohibitions including restrictions on placement of structures that would require fire fuel modification of the open space easement. This easement (1) requires the landowner to maintain in good working order and in the location specified on the above-cited Open Space Exhibit a permanent fire-resistant 5-foot wall, and (2) prohibits placement, installation, or construction of structures, defined as any residence, garage, barn or other accessory structure, except for placement of non-flammable hardscape, e.g. paving, pools, and landscaping.
- G. Grading and/or improvement plans shall include the requirement that temporary fences shall be placed to protect all open space easements shown on the Tentative Map which preclude grading, or brushing or clearing. The applicant shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed after the conclusion of such activity.
- H. Grading and/or improvement plans shall include the requirement that permanent five-foot walls shall be placed along the open space boundary of Lots 3 and 6 as shown on the Open Space Exhibit dated January 26, 2007, on file with the Department of Planning and Land Use as Environmental Review Number 99-18-001. The construction materials and wall design shall be approved by the Department of Planning and Land Use prior to installation and shall not provide gated access on any private lot. Placement of the permanent wall is required at the conclusion of the grading activity and prior to Record Plan approval. The permanent

wall location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. The property owner shall submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that the permanent wall has been placed to protect the dedicated open space from inadvertent disturbance by grading, brushing or clearing. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer.

- I. Prior to the approval of grading or improvement plans and prior to the approval of the Final Map, the applicant shall Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed at the locations noted on the Open Space Exhibit dated January 26, 2007, on file with the Department of Planning and Land Use as Environmental Review Number 99-18-001. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. 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: ER 99-18-001"
- J. Prior to approval of grading or improvement plans, and prior to approval of the Final Map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.8 acres of Tier II or I habitat credit has been secured in a County approved mitigation bank located within the MSCP Metro/Lakeside/Jamul Subarea. Evidence of purchase shall include the following information to be provided by the mitigation bank: (1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased; (2) 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; (3) 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; (4) 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.

- K. Prior to approval of grading or improvement plans, and prior to approval of the Map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 3.0 acres of Tier III or higher habitat credit has been secured in a County approved mitigation bank located within the MSCP Metro/Lakeside/Jamul Subarea. Evidence of purchase shall include the following information to be provided by the mitigation bank: (1) A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased; (2) 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; (3) 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; (4) 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.
- L. 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 500 feet of coastal sage scrub habitat during the breeding season of the California gnatcatcher and Cactus wren. This is defined as occurring between February 15 and August 15. 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 gnatcatchers or wrens are present in the vicinity of the brushing, clearing or grading."
- M. Prior to approval of a grading or improvement plan permit the applicant shall: (1) demonstrate to the satisfaction of the Director of Planning and Land Use that the applicant has executed a work contract with a qualified biological consultant to monitor the project clearing, grubbing, and grading, and (2) post a bond for the amount required for monitoring by the Biological Monitor. Upon acceptance of the monitor's final report by the Director of Planning and Land Use, the bond shall be released. The applicant shall also submit the biologist's name, address and telephone number to the Director of Planning and Land Use at least 30 days prior to initiating project impacts for approval. The monitor shall perform the following duties: be on-site during all clearing and grubbing within 100 feet of all coastal sage scrub to flush birds towards off-site habitat or the open space area; be on-site during all clearing and grubbing within 100 feet of the open space lot; be on-site daily during all grading within 300 feet of the open space lot to insure that all habitat protection measures are in place;

report deficiencies immediately to the DPW Construction Inspector; train contractors and construction personnel in the purpose for resource protection and in the conservation measures that should be implemented during project construction; halt work when deficiencies require mediation and immediately notify DPW Construction Inspector; produce and submit monitoring reports to the DPW Construction Inspector on a weekly basis; produce a final report and submit to the Director of Planning and Land Use (final report will release bond); and be responsible for notification and oversee remediation if impacts to preserved habitat should occur.

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. A six-foot fire/wildlands wall to separate the wildland from the residential lots as shown on the Tentative Map shall be installed.
- B. Subject Tentative Map is a subdivision located in Sweetwater at Tim Street. It proposes to subdivide 14.1 acres into 14 residential lots with a minimum lot size of 0.5 acres.
- C. If the Planning Commission, or Board of Supervisors approves this Tentative Map, approval should be subject to the conditions and requirements of Division I of Title 8 of the San Diego County Code.
- D. The "Standard Conditions for Tentative Subdivision Maps," approved by the Board of Supervisors on June 16, 2000 and filed with the Clerk as Document No. 740858(a), shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this resolution or shown on the Tentative Map will be authorized.
- E. 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.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions 1 through 10
2. Specific Conditions:
 - a. Prior to approval of the Final Map, improve or agree to improve and provide security for the proposed private cul-de-sac road serving the project to be graded to thirty-two feet (32') wide and improved to twenty-eight feet (28') wide with asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter with the curbs at fourteen feet (14') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply. All of the foregoing shall be to the satisfaction of the Bonita-Sunnyside Fire Protection District and the Director of Public Works.
 - b. Prior to approval of the Final Map, improve or agree to improve and provide security for the proposed private roads serving Lots 5, 8, 9 and 3, 4, 6, 7 to be graded to twenty-eight feet (28') wide and improved to twenty-four feet (24') wide with asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter with the curbs at twelve feet (12') from centerline; both roads shall have turnarounds. The improvement and design standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply. All of the foregoing shall be to the satisfaction of the Bonita-Sunnyside Fire Protection District and the Director of Public Works.
 - c. Construct Portland cement concrete curb and gutter along the project frontage on Long Canyon Drive with the curb at eighteen feet (18') from centerline. All of the foregoing shall be to the satisfaction of the Director of Public Works.
 - d. The proposed private cul-de-sac road shall terminate with a cul-de-sac graded to a radius of forty-seven feet (47') and surfaced to a radius of forty-five feet (45') with asphaltic concrete pavement over approved base with Portland cement concrete curb and gutter with the curb forty-five feet (45') from the radius point. All of the

foregoing shall be to the satisfaction of the Bonita-Sunnyside Fire Protection District and the Director of Public Works.

- e. Intersectional sight distance looking northerly along Long Canyon Drive from the proposed private road shall be a minimum of three hundred feet (300') to the satisfaction of the Director of Public Works.
- f. Intersectional sight distance looking northerly along Long Canyon Drive from the proposed private driveway for Lot 14 shall be a minimum of three hundred feet (300') and looking southerly along Long Canyon Drive from the proposed private driveway for Lot 14 shall be a minimum of two hundred twenty feet (220') to the satisfaction of the Director of Public Works.
- g. If a gated entrance is installed for the private entrance, it shall be in conformance with San Diego County Design Standards No. DS-17, DS-18, or DS-19 and to the satisfaction of the Bonita-Sunnyside Fire Protection District and the Director of Public Works.
- h. The trail as specified under dedications for Final Map Recordation shall be constructed and improved to the satisfaction of the County of San Diego, Director of Public Works.
- i. Where height of fill bank for a 2:1 slope is greater than twelve feet (12'); or where height of fill bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards to the satisfaction of the Director of Public Works.

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
 - a. 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.
 - b. Construct off-site storm drain facilities to the satisfaction of the County of San Diego, Director of Public Works and the City of Chula Vista.

- c. The private storm drain system shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity (to ensure perpetual maintenance) acceptable to the Director of Public Works and the City of Chula Vista.
- d. A recorded Waiver and Release Agreement shall be obtained from each property owner who is impacted by significant changes (to include diversion and concentration) in downstream flow characteristics resulting from grading, private roads or other improvements, to the satisfaction of the Director of Public Works.
- e. If the off-site drainage facilities cannot be obtained, after a good faith effort, from the City of Chula Vista, then the subdivider shall redesign the drainage facilities such that there will be no increase in the peak discharge rate during a 100 year storm from the project site and no diversion. All of the foregoing shall be to the satisfaction of the Director of Public Works.

(Grading Plans)

- 5. Standard Conditions 19(a-d).
- 6. 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 on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
 - b. The slopes along the southerly project boundary shall be protected from erosion, sedimentation, siltation to the satisfaction of the Director of Public Works.

- c. Obtain an encroachment/cross haul permit for the grading to the satisfaction of the Director of Public Works.
- d. The project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

DEVELOPMENT IMPACT FEES

7. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.
- b. Deposit with the County Department of Public Works \$220.00. 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.

FINAL MAP RECORDATION

(Streets and Dedication)

8. Specific Conditions:

- a. The applicant shall dedicate a ten foot (10') wide Pedestrian and Equestrian Trail Easement to the County for the Sweetwater Community Plan along the southern project boundary and a portion of the easterly boundary, extending to a point approximately 180 feet from the southeast corner of the project, and connecting with the existing trail on City of Chula Vista land to the east. The Final Map shall be prepared to show the dedication being accepted.
- b. With the approval of the Final Map, annex the project into the Spring Valley Sanitation District.

- c. Provide on-site and off-site drainage easements to the satisfaction of the Director of Public Works.
- d. 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.
- 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. If the private roads are separate lots, they shall have lot numbers consecutive with the other lot numbers.
- 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 Sections 81.811 and 81.506(j)).

(Miscellaneous)

9. Standard Conditions 25, 26, 27, and 28.

WAIVER AND EXCEPTIONS

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

- a. Standard Conditions for Tentative Maps:
 1. Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
 2. 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.
- b. County Subdivision Ordinance requirements:
 1. Section 81.402(a)(1): Said section requires a public road in an urban residential area. This waiver permits a private road on-site to serve as access to this subdivision.

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

on _____

JOSEPH FARACE, AICP, Planning Manager
Regulatory Planning Division

JF:CP:jcr

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