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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

Project Name: Osuna Ranch Minor Subdivision (2 lots) and Major Use Permit

Project Number(s): TPM 21163 (3200 21163); MUP 07-012 (3300 07-012);
ER NO. 07-08-012

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

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

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Traffic, Historic Resources, Stormwater Management, and Vector Management.
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:

CONDITIONS FOR MAJOR USE PERMIT P07-012

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

A. HISTORIC LANDMARKING DESIGNATION: [DPLU, PPD] [BP, GP, OU]

Intent: In order to ensure the preservation of significant historical resources in accordance with [Ordinance 9493 \(Local Register\)](#), an application to the Historic Site Board and the Department of Planning and Land Use (DPLU), for Landmarking Designation shall be made for the Osuna Adobe and associated landscaping. **Description of Requirement:** The applicant shall seek a Landmark Designation of the Osuna Adobe and associated landscaping that is described in the “*County of San Diego Landmark Application for the Osuna Adobe*” prepared by Melanie Lytle and Larry Pierson of Brian F. Smith and Associates dated August 10, 2009. Upon approval for Landmarking, a use and maintenance easement shall be granted to the County pursuant to condition E. **Documentation:** The applicant shall prepare and submit to the County of San Diego Historic Site Board, an application for a Landmark Designation. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. **Monitoring:** The Historic Site Board shall examine the Landmark application and make a recommendation to the Director of Planning and Land Use, Project Planning Division. Upon recommendation of the Historic Site Board for historical Landmarking, the [DPLU, PPD] shall review the nomination for Landmark Designation and make a decision whether the resource is eligible for Historic Designation in accordance with Ordinance 9493 (San Diego County Local Register of Historical Resources adopted August 14, 2002).

B. USE, MAINTENANCE AND REPAIR EASEMENT: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2].

Intent: In order to protect the Osuna Adobe, and associated landscaping which is a significant historical resource, a restrictive easement shall be placed on the parcel. **Description of Requirement:** Grant to the County of San Diego a Use, Maintenance, and Repair Easement over the Osuna Adobe, as shown on the Major Use Permit Plot Plan dated September 2, 2009 and as documented in the “*County of San Diego Landmark Application for the Osuna Adobe*” prepared by by Melanie Lytle and Larry Pierson of Brian F. Smith and Associates dated August 10, 2009. This easement is for the protection of the historic Osuna Adobe and associated landscaping and prohibits demolition or alteration of the building. The sole exception to this prohibition is the repair, restoration, or rehabilitation of the

the house in accordance with the “Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995)”. Any plan for such activities shall be designed by a qualified historical architect and approved by the Director of Planning and Land Use, and implemented by a building contractor with demonstrated experience in the renovation and rehabilitation of historic buildings. **Documentation:** The applicant shall prepare the legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[DPLU, PCC]* for approval. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **Monitoring:** The *[DGS, RP]*, shall prepare and approve the easement documents and send them to *[DPLU, PCC]* for preapproval. The *[DPLU, PCC]* shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements *[DGS, Real Property Division]* shall forward a copy of the recorded documents to *[DPLU, PCC]* for satisfaction of the condition.

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.

ONGOING: *(The following conditions shall apply during the term of this permit).*

- A. **INSPECTION FEE: [DPLU, ZONING][DPLU, PCO] [UO][DPR, TC, PP].**
Intent: In order to avoid hazards associated with Vectors and to comply with the project design, the Vector Management Practices identified in the *Stable Waste, Fly and Vector Control Plan (SWFVC Plan)* dated May 2008 shall be implemented. **Description of Requirement:** Implement the *SWFVC Plan* to the satisfaction of the Director Planning and Land Use. The implementation shall be substantially consistent with the approved *SWFVC Plan*. Implementation shall include but is not limited to the

the following:

1. Daily removal of manure from stables;
2. Non-leak valves for troughs;
3. Properly graded earth surfaces in paddocks and corrals for proper drainage;
4. Weed control for sun penetration;
5. Rodent baits; and
6. Rodent-proof feed containers.

Documentation: The property owner and permittee shall comply with the requirements of the *SWFVC Plan* and this condition. If the permittee or property owner choose to modify or deviate from the *SWFVC Plan* in any way, they must obtain approval from the County [*DPLU*]. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [*DPLU, Code Enforcement Division*] is responsible for enforcement of this permit.

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

Planning Commission

on _____

Alyssa Muto, Planning Manager
Project Planning Division

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