



County of San Diego

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MITIGATED NEGATIVE DECLARATION

August 28, 2014
Revised March 13, 2015

PROJECT NAME: Freedom Ranch Alcohol and Drug Treatment and Recovery Facility

RECORD ID: PDS2012-3301 74-011-07 (MUP)

ENVIRONMENTAL LOG NO.: PDS2012-3910-1221002 (ER)

**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 Air Quality, Biological Resources, Cultural Resources, Hazards (FPP), Soils Report, Groundwater Resources, Hydrology and Water Quality, Land Use, Noise and Traffic and Transportation.
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 Project Design Elements and Mitigation Measures:
The following project design elements and mitigation measures 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. Both the project design elements and the mitigation measures must be assured to avoid potentially significant environmental effects.

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

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).

TRAFFIC-TIF: [PDS, FEE X 2] 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 for additional trips (estimated to be 50 added trips per day) that will be generated by Phases 3 and 4 of the proposed project.

BIO #1 - BIOLOGICAL EASEMENT [PDS, FEE X 2]

INTENT: In order to mitigate impacts to southern mixed chaparral, a sensitive biological resource pursuant to the California Environmental Quality Act (CEQA), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an open space easement, as shown on Appendix F of the approved Biological Resources Letter Report (Plat of Mitigation Site and Signage Easement). This easement is for the protection of biological resources and requires the landowner to provide basic stewardship (protection from unauthorized access or uses and maintenance of the open space signage). It 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 only 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 applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
2. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **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 [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve 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, RP] shall forward a copy of the recorded documents to [PDS, PCC] [DPR, TC] for satisfaction of the condition.

BIO #2 –OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed every 50 feet along the biological open space boundary of the proposed open space easement and the non-governmental property as indicated on Appendix F of the approved Biological Resources Letter Report (Plat of Mitigation Site and Signage Easement). 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
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
PDS2012-3301-74-011-07

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signs have been installed at the boundary of the open space easement(s). **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 open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

CULT #1 –CULTURAL OPEN SPACE EASEMENT [PDS, FEE X 2]

INTENT: In order to protect sensitive Cultural Resources pursuant to the Resource Protection Ordinance (RPO) and the California Environmental Quality Act (CEQA), a Cultural Resource Open Space Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by a separate document, a Cultural Resource Open Space Easement over CA-SDI-17845. This easement including an adequate buffer is for the protection of archaeological site CA-SDI-17845 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. The sole exceptions to this prohibition are:

- a. Scientific investigations conducted pursuant to a research design prepared by an archeologist certified by the Register of Professional Archaeologists and approved by the Director of PDS.
- b. Implementation of a site-capping plan approved by the Director of PDS.
- c. 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.
- d. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.
- e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of DEH, in a location and manner approved in writing by the Director of PDS

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of Major Use Permit Modification PDS2012-3301-74-011-07, the easement shall be recorded. **MONITORING:** The *[DGS, RP]*, shall prepare and approve the easement document and send them to *[PDS, PCC]* for preapproval. The *[PDS, PCC]* shall pre-approve 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, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition.

HAZ #1 - LEAD SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Lead Based Paint (LBP) and Lead Containing Materials (LCM) and to mitigate below levels of significance as established in the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structures identified on the approved Plan set slated for ~~removal~~, remodeling or demolition ~~on-site~~ shall be surveyed for the presence of ~~Lead Based Paint~~ (LBP/LCM) because the structures were built prior to 1980.

DESCRIPTION OF REQUIREMENT: A facility survey shall be performed to determine the presence or absence of (LBP/LCM) before the removal, remodeling or demolition of Structure 1 (Phases 1, ~~2 and 3~~), and Structures 11, 15, ~~14~~, 17 and 18 (Phase 4) ~~located on-site as shown on the approved Plot Plan~~. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of ~~lead based paint (LBP) and lead containing materials (LCM)~~ located in the structures. The following conditions only apply if LBP and LCM are present:

- a. All LBP and LCM 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).

- b. All LBP and LCM scheduled for demolition or disturbed during remodeling must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California DHS certified lead inspector/risk assessor to the [DEH HAZ MAT, APCD], which certifies that there was no LBP/LCM present, or all lead containing materials have been remediated pursuant to applicable regulations. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), ~~and prior to approval of the map~~ the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

HAZ #2 –ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs), and to mitigate below levels of significance as established by the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structures identified on the approved Plan set ~~stated for removal, remodeling or demolition on-site~~ shall be surveyed for the presence of ACMs because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ~~Asbestos Containing Materials (ACMs)~~ before the ~~removal, remodeling or demolition~~ of Structure 1 (Phases 1, ~~2 and 3~~), and Structures 11, 15, ~~14~~, 17 and 18 (Phase 4) ~~located on-site as shown on the approved Plot Plan~~.

- a. 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.
- b. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

DOCUMENTATION: The applicant shall submit to the [PDS, PCC] 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 regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** Prior to obtaining any building (including demolition permit), grading, or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the report and any additional evidence for compliance with this condition.

HAZ #3 –STRUCTURE REMOVAL [PDS, FEE]

INTENT: In order to comply with the proposed project design for PDS2012-3301-74-011-07, Structures ~~1, 3, 5, and 6~~ (Phase 1), ~~Structure 1~~ (Phase 2 and 3), and Structures 11, 14, 15, 17 and 18 (Phase 4) will be removed, ~~remodeled~~ or demolished as described on the approved Plot Plan. **DESCRIPTION OF REQUIREMENT:** Structures ~~1, 3, 5, and 6~~ (Phase 1), ~~Structure 1~~ (Phases 2 and 3), and Structures 11, 14, 15, 17 and 18 (Phase 4), will be removed, ~~remodeled~~ or demolished as described on the approved Plot Plan. A Demolition Permit shall be obtained from [PDS BD]. Compliance with conditions HAZ #1 and HAZ #2 above to determine the presence or absence of Lead Containing Materials ~~Based Paints~~ and/or Asbestos Containing Materials shall be completed before the County can issue a Demolition Permit. **DOCUMENTATION:** The applicant shall submit to the [PDS, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed, ~~relocated~~ ~~onsite~~, or demolished. The letter report shall also include before and after pictures of the area and structure(s). **TIMING:** Prior to approval of any plan and issuance of any permit ~~obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit,~~ the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

LNDS CP #1–LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping that addresses screening, community character, and erosion control, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), and the COSD Grading Ordinance. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements ~~and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s) of way. A copy of this permit and a letter stating that all landscaping within the said right(s) of way shall be maintained by the landowner(s) shall be submitted to PDS.~~
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not

- impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
 - f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#). Signage stating "No Trespassing – Private Property" will be shown as being placed on the fencing approximately every 100 feet on the north, east and south sides of APN 607-110-50-00 (currently the Richards' property)
 - g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
 - h. Parking areas shall be landscaped and designed pursuant to the [Off-street Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b
 - i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: Wheel stops shall be provided for all parking stalls adjacent to pedestrian walkways, and/or landscaped areas; and, Trees shall be located so that each stall is within 30' of the trunk of a tree.
 - j. Clearly delineate all four phases of construction on the plan with notes indicating when various plantings will occur. Slope planting associated with building pad construction, site grading, pathway construction, and erosion control planting associated with leach field installation shall be addressed with separate Landscape Documentation Plans during submittal of grading plans for each of the four phases of construction. Screening vegetation currently shown within these areas will be required per the phasing plan.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition

DEH#1–WELL DESTRUCTION OR WATERTIGHT SEALING OF WELLS

INTENT: In order to ensure that the water wells located on the property comply with the County Regulatory Code Section 67.431. **DESCRIPTION OF REQUIREMENT:** The former production well identified as Well B on parcel 607-110-11, the well identified on parcel 607-110-36, and the well identified on parcel 607-110-55, as shown in the Nitrate Mass Balance Study may not be pumped for any use. For each of these wells, the applicant is required to take one of the following actions:

(1) Properly destroy each well by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid.

(2) The top of the well or well casing shall be provided with a cover, that is secured by a lock or by other means to prevent its removal without the use of equipment or tools, to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes in the well. The cover shall be watertight. A pump motor, angle drive, or other surface feature of a well, may suffice as a cover if it provides a watertight seal. The well shall be marked so as to be easily visible and located, and labeled so as to be easily identified as a well. The area surrounding the well shall be kept clear of brush, debris, and waste materials.

DOCUMENTATION: If the applicant chooses to destroy the well, the applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. If the applicant chooses to maintain the well for potential future use (future use of any of the wells would require a modification of the Major Use Permit), documentation including photos of the top of well and surrounding shall be provided to [DEH, LWQ] to provide evidence of compliance with Description of Requirement (2) above. **TIMING:** Prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), and prior to occupancy or use of the premises in reliance of this permit. **MONITORING:** Upon submittal of the well destruction logs or documentation pursuant to Description of Requirement (2) above, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed or is being properly maintained. The destruction logs shall be stamped and returned to the applicant.

ROADS #1 –ROAD DEDICATION

INTENT: In order to promote orderly development and to comply with the [Board Policy I-18](#), the [County Public Road Standards](#), [the Community Trails Master Plan](#), and approved exception request letter dated June 13, 2014, road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:** Grant by separate document to the County of San Diego an easement for road purposes according to the [Mobility Element of the General Plan](#) for a Light Collector Road (2.2C), that provides a one-half right-of-way width of thirty-six feet (36') from centerline, plus slope rights and drainage easements for **Buckman Springs Road** (SF 1403) along the frontage of APNs 607-110-11. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review. **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 executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [PDS, LDR] for review and approval. The [PDS, LDR] shall review that the easements comply with this condition.

ROADS #2 –RELINQUISH ACCESS – PHASE 1

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto **Buckman Springs Road** (SF 1403), a 2.2C Light Collector Mobility Element Road, along the frontage of APNs 607-110-10, -11, and -36 and -55; except for the ~~four (4)~~ three (3) ~~accesses~~ points as shown on the approved plot Plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **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 access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

ROADS#3–RELINQUISH ACCESS - PHASE 4

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto **Buckman Springs Road** (SF 1403), a 2.2C Light Collector Mobility Element Road, along the frontage of APN 607-110-55; except for the one (1) access shown on the approved Plot Plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit for Phase 4 the access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

GRADING PERMIT: (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

STRMWTR #1–STORMWATER FACILITIES MAINTENANCE AGREEMENT

INTENT: In order to promote orderly development and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), and the [County Watershed Protection Ordinance \(WPO\) No.10096, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:** The private storm drain system and post construction BMP (Bioretention areas) shall be maintained by San Diego Freedom Ranch, Inc. or a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of DPW and PDS. **DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, execution

of the agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

CULT #2 -ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities (except for building construction). The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

DEH #2 –NITRATE MASS BALANCE CONFORMANCE [DEH, LWQ]

INTENT: In order to protect ground water quality and comply with the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code, and the approved Nitrate Mass Balance Study. **DESCRIPTION OF REQUIREMENT:** Upon proposed project build out with Phase 4, the

project is anticipated to generate 7,195 gallons of wastewater per day. In accordance with the project's approved Nitrate Mass Balance Study, once project effluent reaches half of this amount, wastewater must be pumped approximately 1,600 to 2,000 feet north to an adjacent basin to proposed OSWS's. As shown on the approved Plot Plan, it is anticipated that wastewater from Dormitory Structure Nos. 25, 26 and 27 will need to be transported to the adjacent northern basin in Phase 3. **DOCUMENTATION:** The applicant shall submit proposed OSWS design for each proposed structure (if not previously approved within the past year) along with an inventory of existing and proposed project wastewater volumes for review and approval by [DEH, LWQ]. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the applicant shall submit the documentation described above to [DEH, LWQ]. **MONITORING:** [DEH, LWQ] shall review the documentation described above for conformance with the approved Nitrate Mass Balance Study and applicable standards of the RWQCB, and notify [PDS, BD] as to conformance.

ROADS #34 -PUBLIC ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [Board Policy I-18](#), and the County Trails Master Plan (Community Trails Master Plan), and approved exception request letter dated June 13, 2014, ***Buckman Springs Road***, shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. At the main entrance, APN 607-110-11, install a 14' wide right turn lane with arrows for a distance of 50 feet then taper back to the existing pavement at the southwest corner of the parcel.
- b. Provide a 10' wide disintegrated granite (DG) pathway along APN 607-110-11 with a 6'x8' DG pad for a bus stop drop off.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the DPW [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **DOCUMENTATION:** The applicant shall complete the following:

- c. Process and obtain approval of Improvement Plans to improve ***Buckman Springs Road*** (SF 1403).
- d. Provide Secured agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).
- e. Pay all applicable inspection fees with [DPW, PDCI].
- f. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

- g. Obtain approval for the design and construction of all driveways, turnarounds, and pathways to the satisfaction of the San Diego County Fire Authority and the [PDS, LDR].
- h. Obtain a Construction Permit for any work within the County road right-of-way. PDS Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

TIMING: Prior to approval of any building plan and the issuance of any building permit in Phase 3, the plans shall be approved and securities must be provided.

MONITORING: The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence.

DRNG #1 –DRAINAGE IMPROVEMENTS

INTENT: In order to provide the required drainage improvements for the project and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.10096](#), [County Code Section 67.801 et. seq.](#), the [County Resource Protection Ordinance \(RPO\) No. 9842](#), Community Trails Master Plan and Parkland Dedication Ordinance, the drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for an access driveway within the limits of inundation from the 100-year storm. The driveway shall be improved to a width of twenty feet (24') with Portland Cement Concrete. The structure shall be improved to a minimum of 5.5 inches thickness (560-C-3250 concrete with 6" x 6" 10 GA WWF) to the satisfaction of Director of PDS and San Diego County Fire Authority.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and standards: [San Diego County Drainage Design Manual](#), [San Diego County Hydrology Manual](#), [County of San Diego Grading Ordinance](#), [Zoning Ordinance Sections 5300 through 5500](#), [County Resource Protection Ordinance \(RPO\) No. 9842](#), and [County Flood Damage Protection Ordinance \(Title 8, Division 11\)](#), Low Impact Development (LID) and Hydromodification requirements and the [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. No Building permit can receive final approval or occupancy until these improvements are completed. **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Grading Plan to improve the access driveway within the limits of inundation from the 100-year storm.

- b. Provide Secured agreements require posting security in accordance with [Section 7613 of the Zoning Ordinance](#).
- c. Pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to approval of any building plan and the issuance of any building permit; agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] [DPR, TC, PP] shall review the plans for consistency with this condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence.

GEO #1 –GEOTECHNICAL STUDIES

INTENT: In order to identify that the project site is subject to Liquefaction as evaluated by the [County of San Diego Guidelines for Determining Significance](#), a Geotechnical Report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A Geotechnical Study shall be prepared by a Registered Civil or Geotechnical Engineer, and submitted for approval by the by the [PDS, BD] for construction of ~~the proposed dormitories~~ dormitory and dining hall in each of the four proposed phases Phase 4 (Structure 28) as described on the approved Plot Plan. The report shall specify foundation designs, which are adequate to preclude substantial damage to the proposed structure due to potential liquefaction. **DOCUMENTATION:** The applicant shall prepare the report and submit it along with the submittal for the building plans. All recommendations of the report shall be incorporated into the design of the building. **TIMING:** Prior to the approval of ~~any~~ the building plan and the issuance of ~~any~~ the building permit for ~~each of the dormitory to be constructed in Phase 4 (Structure 28)~~ four phases as described on the approved Plot Plan, the Geotechnical study shall be approved. **MONITORING:** The [PDS, BD] shall review the Geotechnical Study for compliance with all applicable building codes, engineering standards, and this condition. If there are any recommendations to minimize effects of liquefaction, the [PDS, BD] shall ensure that, they are incorporated into the project design.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

GEN #3 –INSPECTION FEE

INTENT: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use

of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

PLN #1 –SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas private trails, and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

ROADS #45 –SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A Registered Civil Engineer or a Licensed Land Surveyor provides a certified signed statement that: "There is _____feet of unobstructed intersectional sight distance in the both directions along **Buckman Springs Road** (SF 1403) from the 4 driveways (APNs 607-110-10, -11, -36, and -55) in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, and prior to final grading release, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

ROADS #56 –ANNEX TO LIGHTING DISTRICT

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County Centerline Ordinance Section 51.310](#) and [The County of San Diego Public Road Standards](#), the property shall transfer into the lighting district. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, final grading release, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant

LNDSKP #2 –CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that addresses screening, community character, erosion control, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance, all landscaping, fencing and signage shall be installed as per phasing plan identified on the approved Plan set. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping, fencing and signage has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

GROUNDWATER MONITORING #1: [PDS, PCC] [UO] [PDS, FEE]

INTENT: In order to monitor the project's groundwater production, and to comply with the [County of San Diego Groundwater Ordinance \(9826 N.S.\)](#), a Groundwater Monitoring and Management Program (GMMP) shall be implemented as evaluated by the [County Groundwater Resources Guidelines for Determining Significance](#). **DESCRIPTION OF REQUIREMENT:** A Groundwater Monitoring and Management Program shall be established and continued for the life of the project. The implementation shall be substantially consistent with the approved groundwater mitigation and monitoring plan in Appendix E of the Final Groundwater Investigation. Groundwater supply shall not be obtained from any other onsite wells other than Well-

12 unless future production wells are located near Well-12 as described in Appendix E of the project's Final Groundwater Investigation Report prepared by AECOM dated June 2013. **DOCUMENTATION:** The applicant shall complete the following:

- a. Pay the Groundwater Monitoring and Mitigation Program (GMMP) Fee at the [PDS, ZONING], for the first year of enrollment and establishment of the program.
- b. Provide a signed copy of the County [Memorandum of Understanding \(MOU\)](#), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.

TIMING: Prior to any occupancy associated with Phase 1 or establishment of any new use, which requires the extraction of groundwater, final grading release, or use of the premises in reliance ~~of~~ on the approved Plan set for the modification of this permit; the GMMP shall be implemented. **MONITORING:** The [PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS, Groundwater Geologist] shall verify enrollment and contact the applicant to set up future submittal dates of GMMP documents.

CULT #3 -CULTURAL RESOURCES REPORT [PDS, FEE X2]

INTENT: In order to ensure that the Grading Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been curated as follows:
 - (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

Evidence that all prehistoric materials collected during the archaeological monitoring program have been repatriated to a Native American group of

appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility that meets federal standards per 36 CFR part 79 and shall not be repatriated or curated with a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The Project Archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

DEH #3 –SEPTIC ABANDONMENT

INTENT: In order to comply with [County Regulatory Code Section 68.313.1](#) the on-site waste water systems (Septic System) for structures 11 (staff quarters), 14 (transitional living trailer), 15 (cottage), and 18 (6-bed residential facility) that will be removed shall be properly abandoned in Phase 4. In addition, if a gravity-based OSWS is constructed for proposed Structure 25 in Phase 2, the OSWS may need to be abandoned in a future Phase as determined by [DEH, LWQ] for conformance with the Nitrate Mass Balance Study. **DESCRIPTION OF REQUIREMENT:** The septic systems associated with structures 11 (staff quarters), 14 (transitional living trailer), 15 (cottage), and 18 (6-bed residential facility) and any other structures proposed to be constructed (as needed to comply with the Nitrate Mass Balance Study) shall be pumped and properly abandoned before or during construction of Phase 4 as determined by DEH under DEH guidelines. **DOCUMENTATION:** Upon completion of the septic removal, the applicant shall contact [DEH, LWQ] to schedule a field verification inspection. The applicant shall submit proof of the septic tank pumping and pay all applicable inspection fees. **TIMING:** 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. **MONITORING:** Upon request of the applicant, [DEH, LWQ] shall perform a field inspection to verify that the septic system has been properly abandoned pursuant to this condition.

ONGOING: (Upon establishment of use the following conditions shall apply during the term of this permit).

PLN #2 –SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, private trails, and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit modification. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

ROADS #67–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along **Buckman Springs Road** (SF 1403) from the 4 project driveway openings (APNs 607-110-10, -11, -36, and -55) for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

GROUNDWATER COMPLIANCE #1: [PDS, PPD] [PDS, PCO] [OG].

INTENT: In order to monitor the project's groundwater production, and to comply with the [County of San Diego Groundwater Ordinance \(9826 N.S.\)](#), a Groundwater Monitoring and Management Program (GMMP) shall be continued for the life of this permit. **DESCRIPTION OF REQUIREMENT:** Implement the GMMP for the proposed project to the satisfaction of the Director of Planning & Development Services. The implementation shall be substantially consistent with the approved groundwater mitigation and monitoring plan in Appendix E of the Final Groundwater Investigation. Groundwater supply shall not be obtained from any other onsite wells other than Well-12 unless future production wells are located near Well-12 as described in Appendix E of the project's Final Groundwater Investigation Report prepared by AECOM dated June 2013. Implementation shall include the following:

- a. Groundwater production shall be monitored at all on-site pumping wells with a total groundwater production limit of 10 acre-feet per year.
- b. Groundwater production data and water level data shall be reported annually to [PDS, Groundwater Geologist].
- c. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the Groundwater Monitoring and Management Plan, and are supported by the record.
- d. If the project site exceeds 8.5 acre-feet of water usage or more at any time throughout the monitoring year, the groundwater management criteria shall be strictly enforced pursuant to the approved GMMP.
- e. Pay all associated Groundwater Monitoring and Mitigation Program Fees annually, for the life of the permit.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the GMMP and this condition. If the permittee or property owner chooses to modify or deviate from the GMMP in any way, they must obtain approval from the County [PDS, Groundwater Geologist], or apply for a Modification of this permit pursuant to the County of San Diego Zoning Ordinance.. **TIMING:** Upon establishment of the use, the GMMP shall be complied with for the term of this permit. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports shall ensure that the project complies with on-going groundwater production conditions. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

THE FOLLOWING GRADING AND OR IMPROVEMENT PLAN NOTES SHALL BE PLACED ON THE PRELIMINARY GRADING PLAN AND MADE CONDITIONS OF THE ISSUANCE OF SAID PERMITS.

PRE-CONSTRUCTION MEETING: (Prior to Preconstruction Meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

(BIOLOGICAL RESOURCES)

BIO GR#1-RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to nesting birds. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 100 feet of active nests during the bird breeding season which is defined as occurring between February 1 and July 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no nesting birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no brushing, clearing or grading shall occur until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction

conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any brushing, clearing or grading during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

(CULTURAL RESOURCES)

CULT #GR-1-TEMPORARY FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to CA-SDI-17845, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** 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.

1. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of CA-SDI-17845.
2. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

DOCUMENTATION: The applicant shall have a California licensed surveyor install and certify the installation of the temporary fencing in consultation with the Project Archaeologist. The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant’s surveyor.”

CULT#GR-2 - ARCHAEOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist, Kumeyaay Native American Monitor, and [PDS, PCC], shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to the Preconstruction Meeting,

and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Archaeological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

(AIR QUALITY)

AIR GR-#1-AIR QUALITY

INTENT: In order to ensure compliance with the Grading Ordinance to control emissions of particulates, nitrogen oxides and volatile organic compounds.

DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measures:

- a. Dust control measures of the Grading Ordinance will be enhanced with a minimum of three (3) daily applications of water to the construction areas, between dozer/scrapper passes and on any unpaved roads within the project limits.
- b. Grading is to be terminated in winds exceed 25 mph.
- c. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- d. Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures.
- e. Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading.
- f. A minimum of one - 15 mph sign shall be posted and enforced on unpaved areas during construction.

DOCUMENTATION: The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

(CULTURAL RESOURCES)

CULT#GR-3 - ARCHAEOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological

monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist or the Kumeyaay Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program to mitigate impacts to significant cultural resources shall be prepared by the Project Archaeologist in coordination with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- c. If any human remains are discovered, the Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources

Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

- d. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

DOCUMENTATION: The applicant shall implement the archaeological monitoring program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

(CULTURAL RESOURCES)

CULT#GR-4 - ARCHAEOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth disturbing activities that require monitoring:

- a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Kumeyaay Native American monitor must be included in the Negative Monitoring Report.
- b. If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to the [PDS, PCC] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe. **TIMING:** Upon completion of all earth disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be

completed. **MONITORING:** The [PDS, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(CULTURAL RESOURCES)

CULT#GR-5 - ARCHAEOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF**

REQUIREMENT: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated that includes the following:
 - (1) Evidence that all prehistoric archaeological materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

OR

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79 and shall not be repatriated or curated with a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation.

Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

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

on _____

Kristin Blackson, Planning Manager
Project Planning Division