



The County of San Diego

Planning Commission Hearing Report

Date:	July 20, 2018	Case/File No.:	Germann Tentative Map PDS2006-3100-5520 (TM) PDS2006-3910-06-14-048 (ER)
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Residential Development; Tentative Map
Time:	9:00 a.m.	Location:	9212 Westhill Road, Lakeside
Agenda Item:	#2	General Plan:	Village Residential (VR-4.3)
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	Single Family Residential (RS)
Applicant/Owner:	Don Mitchell/Robert Germann	Community:	Lakeside Community Plan Area
Environmental:	CEQA §15183 Exemption	APN:	382-121-05

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed project, which is a Tentative Map (TM) for a residential development, determine if the required findings can be made and, if so, take the following actions:

- a. Adopt the Environmental Findings, which includes a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Attachment D).
- b. Adopt TM PDS2006-3100-5520, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego (County) Regulations as set forth in the Resolution of Approval (Attachment B).

2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and policies of the County's General Plan?
- b. Does the project comply with the policies set forth under the Lakeside Community Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Is the proposed project consistent with the County's Subdivision Ordinance?
- e. Is the project consistent with other applicable County regulations?
- f. Does the project comply with CEQA?

Based on staff's analysis, it is the position of Planning & Development Services (PDS) that the required findings can be made, and staff recommends approval of the TM with the conditions noted in the attached Resolution of Approval (Attachment B).

B. DEVELOPMENT PROPOSAL

1. Project Description

The project proposes a TM for a residential development to subdivide a 5.2-acre property into 15 residential lots ranging in size from 10,013 square feet to 24,756 square feet (net), which meet the minimum lot size of 10,000 square feet (net). An existing single-family residence on the site will remain intact and be incorporated into the proposed subdivision. The number of residential lots in the subdivision will be dependent upon the final drainage design for the site, with either one or two lots used for an on-site retention basin. The subdivision will therefore yield either 13 or 14 residential lots.

Access

Access to the project is from Virgine View, a public road, which connects to Westhill Road to the east. In-tract improvements will include a new public road with a cul-de-sac, which will connect as a single access to Virgine View. Virgine View and the proposed public road will each be improved with a cul-de-sac, curb, gutter and sidewalk in accordance with public road standards. A 30-foot irrevocable offer of dedication (IOD) for Westhill Road will account for the road's ultimate improvement width. The project will relinquish access rights along Westhill Road with the exception of the existing single access point at Virgine View.

Earthwork

Earthwork consists of 14,600 cubic yards of cut, 10,850 cubic yards of fill, and 3,750 cubic yards of import. The imported dirt is already on-site as part of the accepted grading permit to correct an existing violation.

Municipal Services

Water and sewer will be provided by the Lakeside Municipal Water District and sewer will be provided by the Lakeside Sanitation District. Fire protection service will be provided by the Lakeside Fire Protection District.

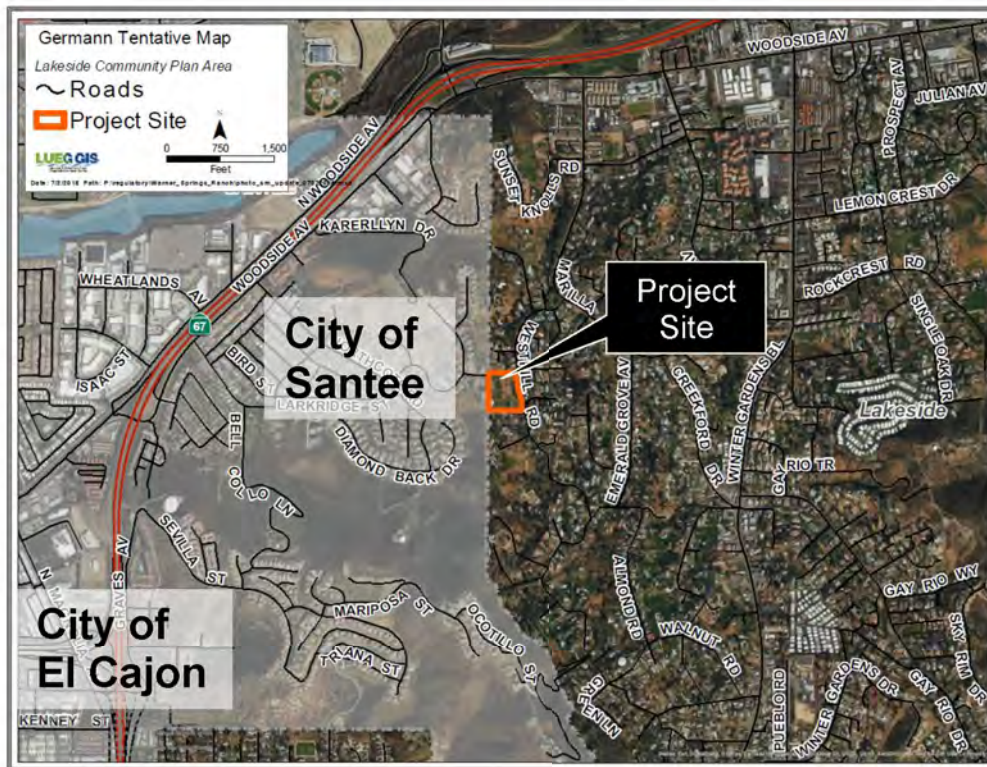


Figure 1: Vicinity Aerial Photograph

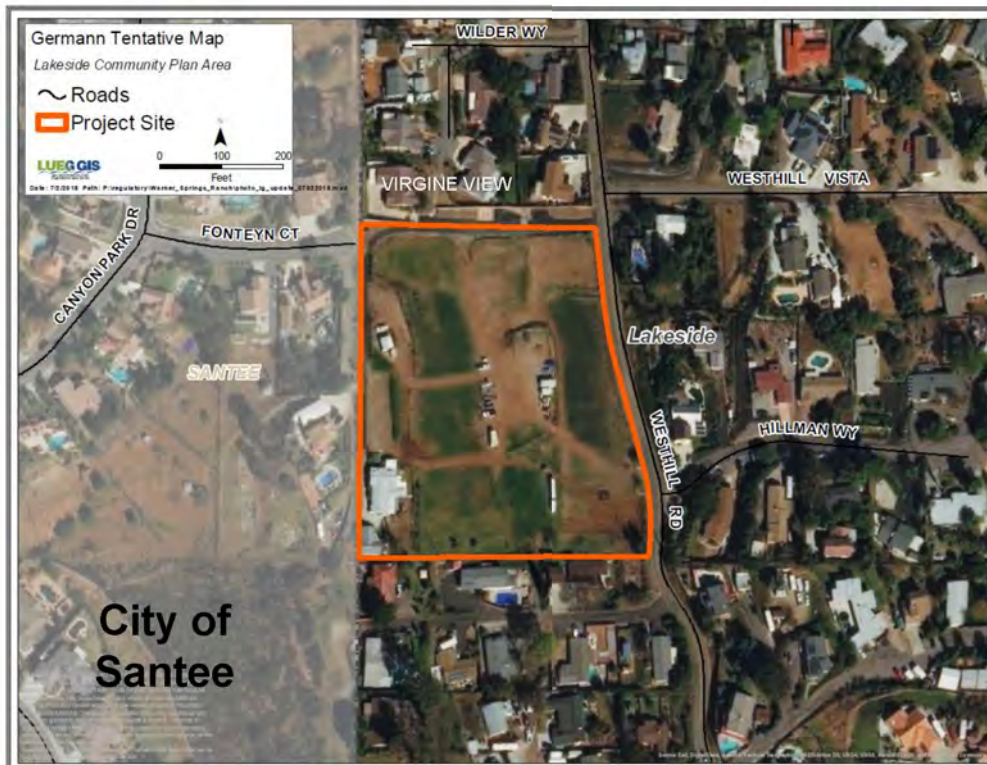


Figure 2: Aerial Photograph of Project Site

2. Subject Property and Surrounding Land Uses

The 5.2-acre site is located along Westhill Road in the Lakeside Community Plan Area (see Figure 3). The City of Santee abuts the property to the west. The site is relatively flat, with slopes along the western and southern property boundary. The site includes an existing single-family residence in the southwest corner of the property which will remain and be incorporated into the subdivision.

Surrounding land uses primarily consist of residential development (see Table B-1 and Figure 3). The surrounding residential development is similar in density and lot size. The lots in the nearby area range in size from 15,000 to 21,000 square feet.

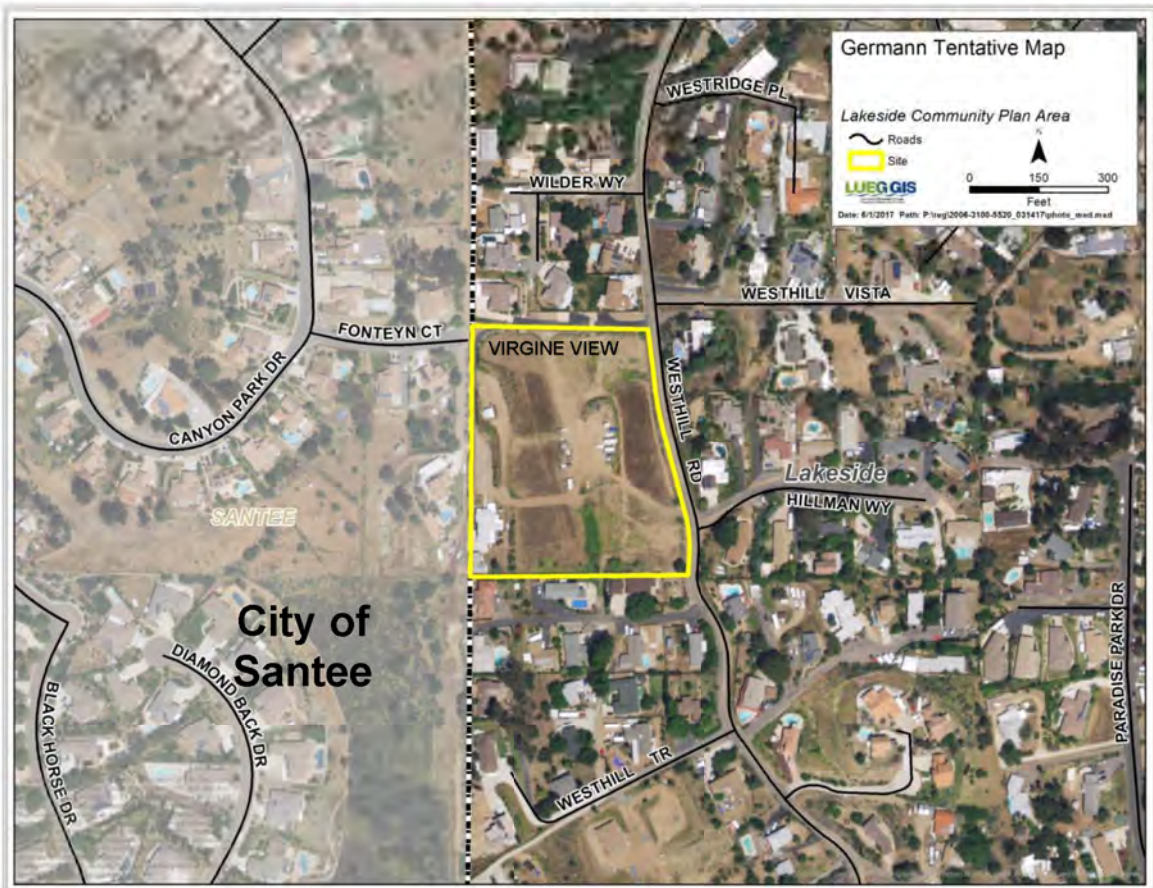


Figure 3: Aerial with Surrounding Property

Table B-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Village Residential	RS	Westhill Road, Hillvale Lane	Residential
East	Village Residential	RS	Westhill Road, Marilla Drive, Emerald Grove Avenue	Residential
South	Village Residential, Semi-Rural	RS, A70, RR	Westhill Terrace, Golden Ridge Road	Residential
West	City of Santee	City of Santee	Northcote Road, Diamond Back Drive, Canyon Park Drive	Residential

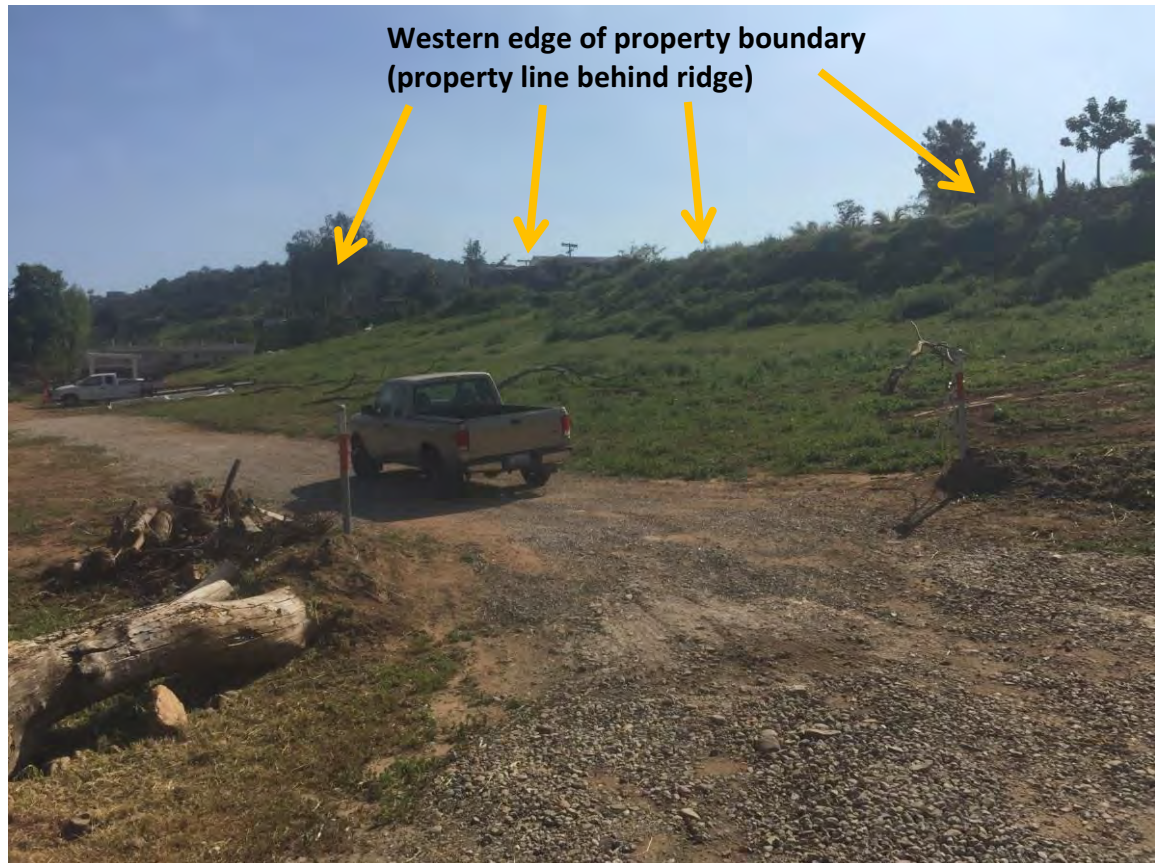


Figure 4: Photo from Northern Edge of Project (Retention Basin "A") – Looking Southwest



Figure 5: Photo from Western Edge of Project (Lot 13 of Option “A”) – Looking Southeast

C. ANALYSIS AND DISCUSSION

The project has been reviewed to ensure it conforms to all the relevant policies, ordinances, and guidelines, including, but not limited to, the San Diego County General Plan, Lakeside Community Plan, the County Zoning Ordinance, and CEQA Guidelines. A detailed discussion of the project’s technical analysis and consistency with applicable codes, policies, and ordinances is described below.

1. Project Site History

On October 24, 2006, the property owner submitted TM 5520 application. On August 30, 2011, the project was placed into “Idle Status,” allowing the application to remain on hold while the applicant worked on different design options. On November 12, 2013, the applicant met with PDS to discuss the project and stormwater regulation changes. The applicant formally submitted updated documents on June 13, 2016, which reactivated the project, allowing it to be removed from “Idle Status.”

The Germann TM 5520 was originally placed on the July 14, 2017 Planning Commission agenda. The applicant requested a continuance to correct a grading violation which included grading and importing dirt without a permit. The notice of violation was submitted as a complaint to Code Compliance one week before the July 2017 hearing. The Planning Commission approved the continuance request to a date unspecified. On May 18, 2018, Code Compliance and PDS approved the applicant’s grading plans and documentation demonstrating that the 3,750 cubic yards of

imported dirt was from a legal site, and confirmed there were no impacts to resources as a result of the grading activity. Due to the length of time since the project was continued, staff reissued a new notice of the July 20, 2018 public hearing.

2. Project Analysis

In addition to the above noted policies, ordinances, and guidelines, staff evaluated the application to ensure that the applicant addressed the project concerns from the neighbors. The main concern was drainage.

Drainage

The topography of the site is such that stormwater drains to the north into an existing drainage culvert and 24-inch pipe. The drainage facility was constructed by a previous off-site resident approximately 10 years ago and is undersized for the project. The drainage pipe runs north through three off-site residential properties. The concern of the neighbors is that the development of the subdivision will increase the volume and velocity of the water flowing into the drainage facility. To address their concerns, the applicant has designed two separate TM options (Option "A" and Option "B"). Both options provide adequate stormwater capacities and will not result in any increase to the amount, velocity, or direction of runoff to adjoining properties.

The applicant's preferred drainage design is Option "A", which incorporates one on-site retention basin and uses an existing off-site drainage facility north of the project site which traverses through three private residential lots (Figure 6a). Required improvements to the off-site storm drain system include a new 42-inch storm drain pipe to replace the existing 24-inch pipe and additional rip-rap at the outfall. On February 26, 2018, the applicant and one of the three neighbors immediately impacted by the existing drain pipe recorded a temporary construction easement (Document #2018-0073902). On April 2, 2018, the applicant and the second neighbor recorded an easement agreement to allow Option "A" to be constructed (Document#2018-0128538). An easement for construction and improvements of the drain already exists with the third neighbor (Document#2015-0633632).

As an alternative, the applicant proposed a second design, Option "B," to accommodate the drainage flows on-site. This option will use one additional retention basin, thereby yielding 13 buildable residential lots in the subdivision (Figure 6b). Option "B" is the less beneficial option for both the applicant and the neighbors to the north, since the applicant will have one less residential lot and the neighbors will be left with a substandard storm drain. Option "B" will comply with CEQA and State regulations for stormwater and drainage. Although the applicant prefers Option "A" (requiring off-site improvements and reliance upon easement agreements), Option "B" affords the applicant flexibility to address his project drainage improvements on-site.

Both design options are compliant with CEQA and State regulations for stormwater and drainage, with no resulting difference to project boundaries or street design. Either option will satisfy the conditions of approval for Final Map recordation, as both options are provided in the Resolution of Approval.

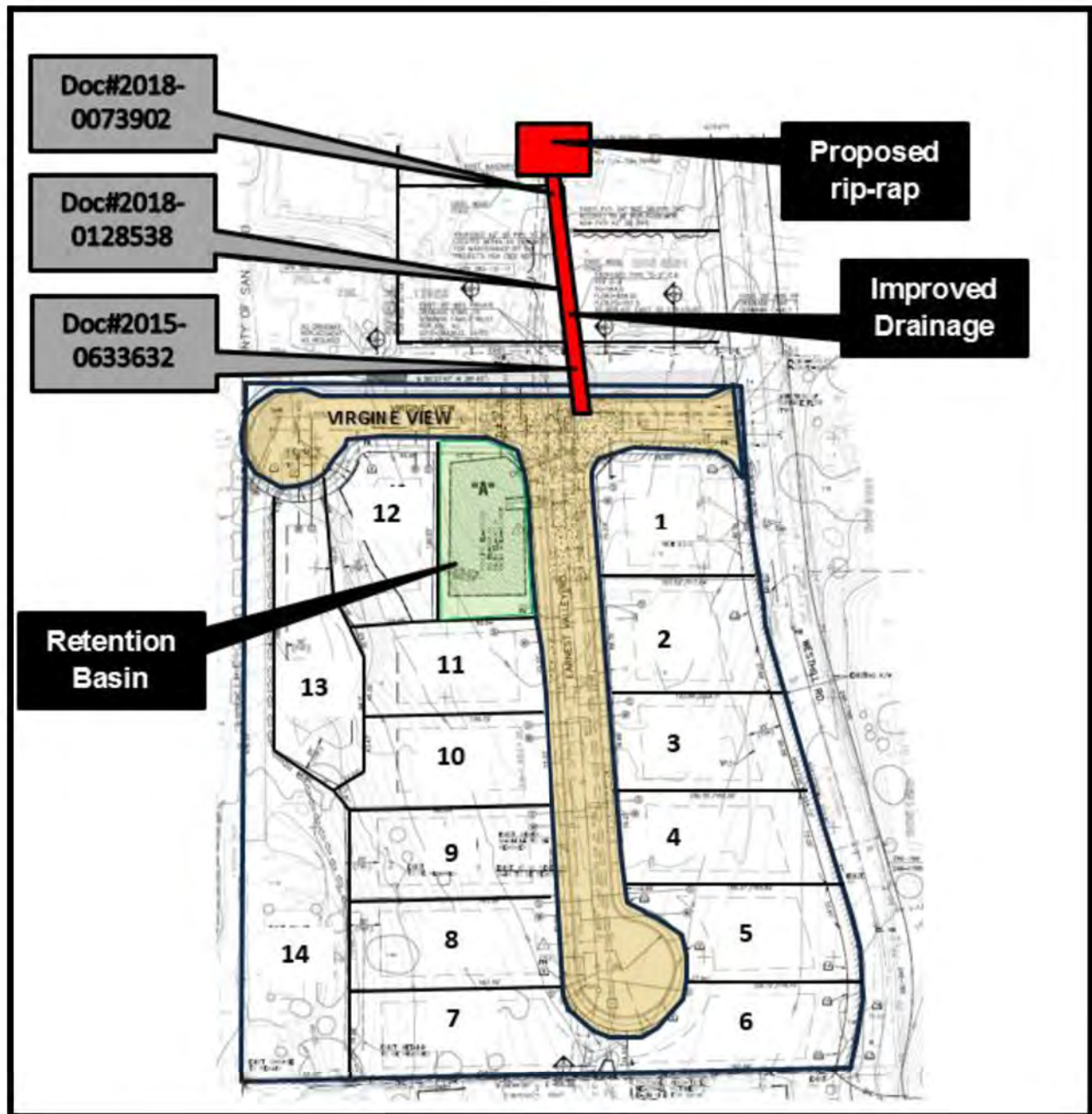


Figure 6a: Tentative Map (Option "A")

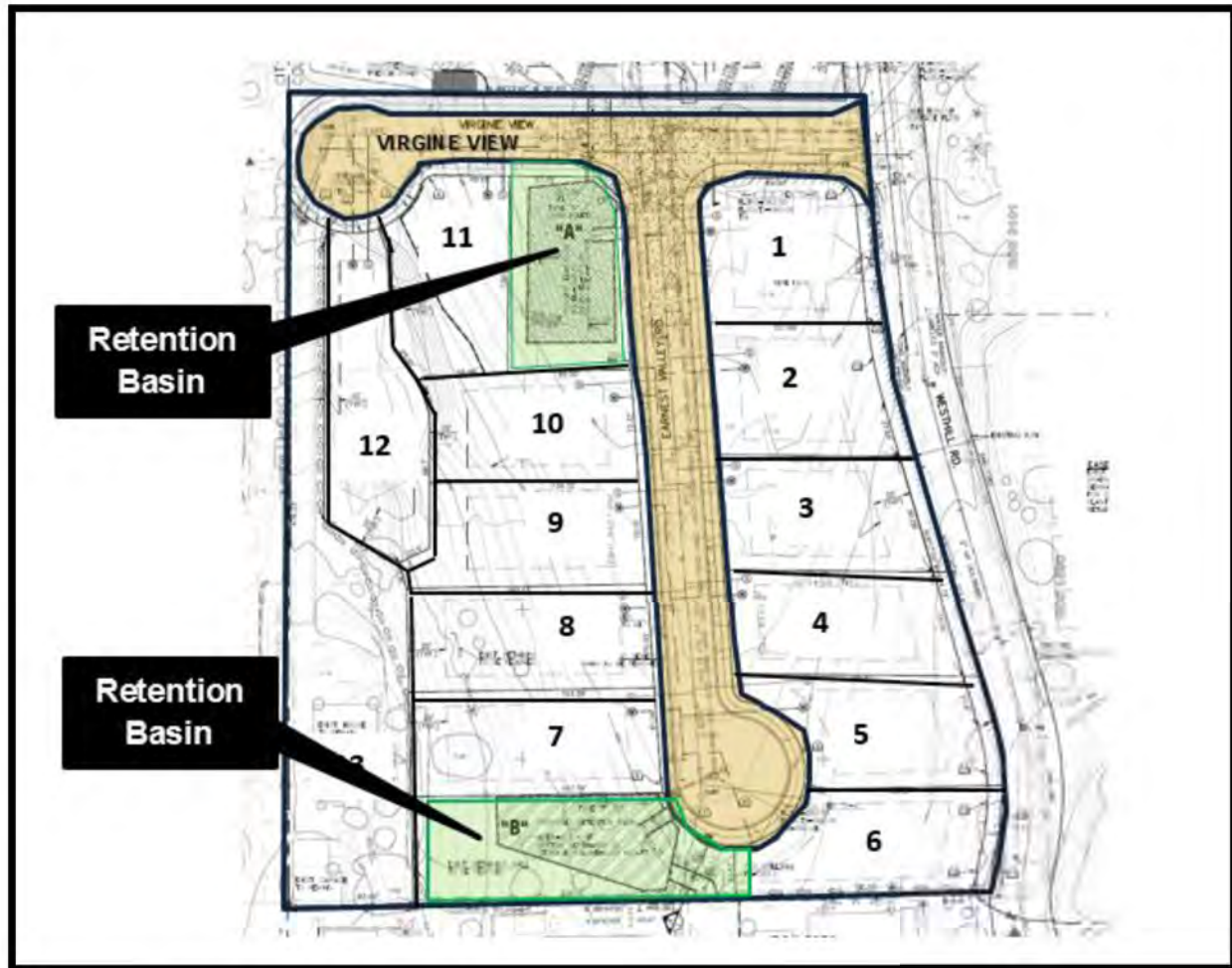


Figure 6b: Tentative Map (Option "B")

Project Density

The site is subject to the Village Residential (VR-4.3) General Plan Land Use Designation which authorizes a maximum density of 4.3 dwelling units per acre (du/ac), and the Zoning Ordinance Use Regulation of Single Family Residential (RS), with a building type development regulation that authorizes single-family detached residential structures. The project will develop residential units at an overall maximum density of 2.7 du/ac or 1 dwelling unit per 0.37 acres. Therefore, the proposed project complies with the density requirements of the General Plan and the Use Regulations of the Zoning Ordinance.

Greenhouse Gas (GHG) Emissions

The County of San Diego Board of Supervisors adopted a Climate Action Plan (CAP) on February 14, 2018. A project is considered to have a less than significant cumulatively considerable contribution to climate change impacts if it is found to be consistent with the CAP. The CAP Consistency Review Checklist (Checklist) provides a streamlined CEQA review process for discretionary development projects that are consistent with the General Plan density/intensity to determine consistency with the CAP.

The project is consistent with the existing General Plan regional category, land use designation, and zoning and, therefore, will not result in an increase in density or intensity that would require additional GHG analysis. In addition, the project will be required to comply with the most recent California Building Code regulations at the time of building permits and has demonstrated compliance with the Checklist. Therefore, the project has been found to result in less than significant impacts to GHG emissions.

3. General Plan Consistency

The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table C-1.

Table C-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
LU-1.7: Maximum Residential Densities. Determine the maximum number of dwelling units permitted within the boundaries of any subdivision or single lot based on the applicable land use designation(s). When the total number of dwelling units is less than one, this shall be interpreted as permitting one dwelling unit. When more than one dwelling unit is permitted, fractional dwelling units are rounded down to the nearest whole number of dwelling units.	Based upon the minimum lot size of the residentially zoned portion of the property, the maximum number of dwelling units is 22 (10,000 square feet x 5.2 acres). The project is proposed with either 13 or 14 residential dwelling units (depending on the drainage option utilized). The project cannot build out to maximum capacity due to constraints such as the proposed roads and retention basin(s). Regardless, the project is consistent with this policy.
LU-1.9: Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.	The site is subject to General Plan Land Use Designation VR-4.3, which allows a maximum density of 4.3 units per acre, or 22 potential lots on the property. The proposed TM will result in a maximum of 13 or 14 residential lots (depending on the drainage option utilized). The amount of net land after the proposed roads is approximately 4.02 acres, which calculates to 17 units. The development will achieve 73-82% of the planned density after subtraction of the proposed roads, depending on the number of lots.

General Plan Policy	Explanation of Project Conformance
<p>LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.</p>	<p>The project is designed to minimize significant impacts to surrounding areas. The project proposes a residential subdivision and will not introduce a new use that would create or cause excessive noise or vibrations. The project will comply with the County's Grading Ordinance, which requires that appropriate measure be taken during site grading to minimize dust impacts and impacts from fugitive dust. Finally, the design of the project places development within the flattest area.</p>
<p>LU-6.1 Environmental Sustainability. Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.</p>	<p>Paleontological monitoring is required during grading and construction since the site has marginal potential levels of sensitive paleontological resources.</p>
<p>LU-6.5: Sustainable Stormwater Management. Ensure that development minimizes the use of impervious surfaces and incorporates other Low Impact Development (LID) techniques as well as a combination of site design, source control, and stormwater best management practices, where applicable and consistent with the County's LID Handbook.</p>	<p>The project incorporates LID techniques, as explained in the Stormwater Quality Management Plan (SWQMP). The applicant proposes LID design techniques, such as the installation of retention basin(s).</p>
<p>LU-6.9: Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.</p>	<p>The project will involve 14,600 cubic yards of balanced cut and fill for the residential lots and proposed public road. While the site slopes up to the south, the applicant has designed the pads to utilize the flattest areas of each proposed parcel, thereby reducing the amount of grading while preserving the natural topography.</p>
<p>LU-9.5 Village Uses. Encourage development of distinct areas within communities offering residents a place to live, work and shop, and neighborhoods that integrate a mix of uses and housing types.</p>	<p>The proposed project will provide additional housing opportunities in the established residential area, while being within two miles of commercial shopping, businesses, State Route 67, and employment centers.</p>

General Plan Policy	Explanation of Project Conformance
Goal LU-12: Infrastructure and Services Supporting Development. Adequate and sustainable infrastructure, public facilities, and essential services that meet community needs and are provided concurrent with growth and development.	The service providers (schools, fire, sewer, and water) have indicated that they are able to provide service to the project by having signed service availability forms. The project has been closely coordinated with all service providers and utility companies to ensure the availability of services and facilities concurrent with need.
LU-13.2: Commitment of Water Supply. Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.	The Lakeside Municipal Water District issued a Project Facility Availability Form for this project. A Commitment Letter from the Lakeside Municipal Water District will be required prior to approval of a Final Map.
LU-14.2: Wastewater Disposal. Require that development provide for the adequate disposal of wastewater concurrent with the development and that the infrastructure is designed and sized appropriately to meet reasonable expected demands.	The project is located within the Lakeside Sanitation District. A Project Facility Availability Form has been provided that indicates that sewer service is available. The project will extend a sewer line from Westhill Road, along the proposed public road to the proposed lots.
COS-4.1: Water Conservation. Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that minimize the County's dependence on imported water and conserve groundwater resources.	The project is required to comply with the San Diego County's Water Conservation in Landscaping Ordinance and the County Water Efficient Landscape Design Manual, which includes water conservation requirements and water efficient landscaping. These policies are enforced at the building permit phase.
COS-14.3: Sustainable Development. Require design of residential subdivisions and nonresidential development through "green" and sustainable land development practices to conserve energy, water, open space, and natural resources.	The project has been designed using sustainable land development practices, including the installation of retention basin(s) to treat stormwater runoff.
S-3.6: Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.	The project has been reviewed and approved by the Lakeside Fire Protection District. The project meets the County's requirements with the addition of three fire hydrants located throughout the site, sprinkler systems in all new dwelling units, and appropriate means of ingress and egress to the site.
S-6.4: Fire Protection Services for Development. Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station).	The maximum travel time based on the Regional Category is 5 minutes. The project demonstrates a response time of 2.5 minutes based on the Fire Service Availability Form. Therefore, the project complies with the minimum travel time as set forth in the General Plan.

4. Community Plan Consistency

The proposed project is consistent with the following relevant Lakeside Community Plan goals, policies, and actions as described in Table C-2.

Table C-2: Lakeside Community Plan Conformance

Community Plan Policy	Explanation of Project Conformance
Land Use Policy 3 - Confine higher density residential development to the areas that: have all necessary public facilities, are within the existing sewer districts, and are adjacent to major roads and commercial areas.	The project site has a General Plan density of 4.3 units per acre. Depending on the final number of residential lots, the design is 59-64% of the allowed density. The proposed project is located within the Village Boundary of Lakeside, which has all necessary public facilities, major roads, and commercial areas nearby.
Circulation Policy 15 - Consider the off-site, as well as the on-site circulation impacts, of new development proposals and require improvements accordingly.	The project will result in 140 Average Daily Trips (ADT). However, the project will not conflict with any established performance measures because the project trips do not exceed the thresholds established by County guidelines.

5. County Zoning Ordinance Consistency

The proposed project complies with all applicable County zoning requirements of the Single Family Residential (RS) Designation with the incorporation of conditions of approval. The Planning Commission should consider whether the proposed conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character (See Table C-3).

Table C-3: County Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	RS	Yes
Animal Regulation:	Q	Yes
Density:	-	N/A
Lot Size:	10,000 square feet	Yes
Building Type:	C	Yes
Height:	G	Yes
Lot Coverage:	-	N/A
Setback:	H	Yes
Open Space:	-	N/A
Special Area Regulations:	C	Yes

Development Standard	Proposed/Provided	Complies?
Section 2100 of the County Zoning Ordinance describes the permitted uses in the Single Family Residential (RS) Use Regulations.	The proposed project complies with the RS Use Regulations.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4200 of the County Zoning Ordinance describes the required minimum lot size.	The proposed project will comply with the minimum lot size.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4800 of the County Zoning Ordinance requires a setback of 50 feet in the front yard, 10 feet in the side yard, and 25 feet in the rear yard.	The proposed lots have been designed to contain building pads that are large enough for a single-family dwelling to be constructed outside of the required setbacks.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

6. County Subdivision Ordinance Consistency

The project has been reviewed for compliance with the County Subdivision Ordinance. The project is consistent with the requirements for major subdivisions including design (Section 81.401), dedication and access (Section 81.402), and improvements (Sections 81.403 and 81.404). The project includes requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Map Act and the Subdivision Ordinance.

7. Applicable County Regulations

Table C-4: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
1 Resource Protection Ordinance (RPO)	The project has been reviewed and found to be in conformance with the RPO. There are no RPO steep slopes, cultural resources, sensitive habitats, wetlands or wetland buffers, nor are there any flood plains on the property. Paleontological monitoring is proposed to ensure paleontological resources are not disturbed. Therefore, it has been found that the proposed project complies with the RPO.
2 Noise Ordinance	The project will not generate potentially significant noise levels which exceed the allowable limits of the County Noise Element of the Noise Ordinance.
3 County Fire Code	The project completed a Fire Protection Plan Letter Report (FPP) which demonstrates compliance with the County Fire Code. The FPP Letter Report was reviewed and accepted by the San Diego County Fire Authority.
4 Multiple Species Conservation Ordinance (MSCP)	The site is within the Metro-Lakeside-Jamul segment of the County's MSCP. The impact does not qualify as Biological Resource Core Area and is not located in proximity to any Pre-Approved Mitigation Areas.
5 Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan has been prepared for the project and found to be in compliance with the WPO. The project is conditioned to remain in compliance with the RPO.

8. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed for compliance with CEQA Guidelines and the project qualifies for an exemption from additional environmental review pursuant to CEQA Guidelines Section 15183. CEQA Guidelines Section 15183 provides an exemption from additional environmental review for projects that are consistent with the development density established by the General Plan for which an Environmental Impact Report (EIR) was certified. For the proposed project, the planning level document is the General Plan Updated EIR, certified by the Board of Supervisors on August 3, 2011. Additional environmental review is only for project-specific significant effects which are peculiar to the project or its site. The project will not cause any significant effects on the environment with mitigation measures incorporated. Details of these mitigation measures can be found in the Resolution (Attachment B).

D. COMMUNITY PLANNING GROUP

On December 22, 2006, the applicant met with the Lakeside Community Planning Group (CPG) to discuss the project as a 15-lot residential subdivision. The Lakeside CPG recommended approval by a vote of 7-6-0-2 (Ayes – 7; Noes – 6; Abstain – 0; Absent – 2). A second motion was proposed that the applicant address the drainage with either tanks or retention basins within the project. That motion was approved by a vote of 12-1-0-2 (Ayes – 12; Noes – 1; Abstain – 0; Absent – 2).

The applicant returned to the Lakeside CPG on August 7, 2007 with a revised project, but the item was continued to September 19, 2007. The applicant noted that the plans were updated to: 1) address the drainage concern; 2) incorporate a cul-de-sac at the end of the interior streets; 3) balanced grading (no import or export); and 4) add retention basin(s) and an off-site drainage pipe. Concerns were raised about the easement requirement for off-site drainage and potential drainage impacts from the development. The Lakeside CPG voted to recommend approval with a condition that the County ensure that the proposed drainage system works adequately to control water downstream. The recommendation for approval passed by a vote of 10-0-2-3 (Ayes – 10; Noes – 0; Abstain – 2; Absent – 3).

Due to the length of time since the Lakeside CPG's vote, staff contacted the Lakeside CPG on May 31, 2017, for acknowledgement of the proposed drainage options and receive their recommendation. The Lakeside CPG agreed that since the group recommended approval and the applicant has made the requested drainage improvements, no follow up meeting was necessary.

Since the continuance of the project, staff contacted the Lakeside CPG to discuss the current project status. The Lakeside CPG acknowledged the situation and reasons for continuance, but did not request to hear the item again.

The minutes from the three Lakeside CPG meetings can be found in Attachment E.

E. PUBLIC INPUT

Surrounding property owners were provided notice upon application submittal. Surrounding property owners, agencies, and organizations were also noticed of the County's intent to adopt Findings pursuant to CEQA Guidelines Section 15183 (Public Notification). Nine letters were received as a result of the

Public Notification. Of the nine letters, eight were received during the Public Notification period and one was received after the Public Notification had concluded. The topics included: drainage impacts, dust control, cultural monitoring, and density of the project. The drainage issues have been addressed, since either drainage option meets drainage regulations and will not cause a net increase in flow or change in drainage patterns. Dust control will be moderated with requirements in the County Grading Ordinance. Cultural Monitoring is not required due to analysis of County records and negative site surveys. Finally, the proposed density is consistent with the allowed density per the General Plan. All letters, along with responses to comments, are found in Attachment E.

F. **RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. Adopt the Environmental Findings, which includes a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Attachment D).
2. Adopt the Resolution of Approval of Tentative Map PDS2006-3100-5520, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County Regulations as set forth in the Resolution of Approval (Attachment B).

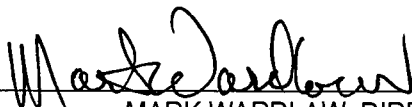
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AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment A – Planning Documentation
Attachment B – Resolution Approving PDS2006-3100-5520 (TM)
Attachment C – Environmental Documentation
Attachment D – Environmental Findings
Attachment E – Public Documentation
Attachment F – Ownership Disclosure

Attachment A – Planning Documentation

Germann Tentative Map

Vicinity Map

Lakeside
Community Plan Area



1:3,500,000



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LAND USE & ENVIRONMENTAL GROUP, INC.

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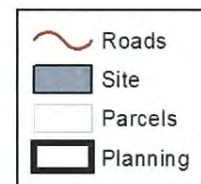
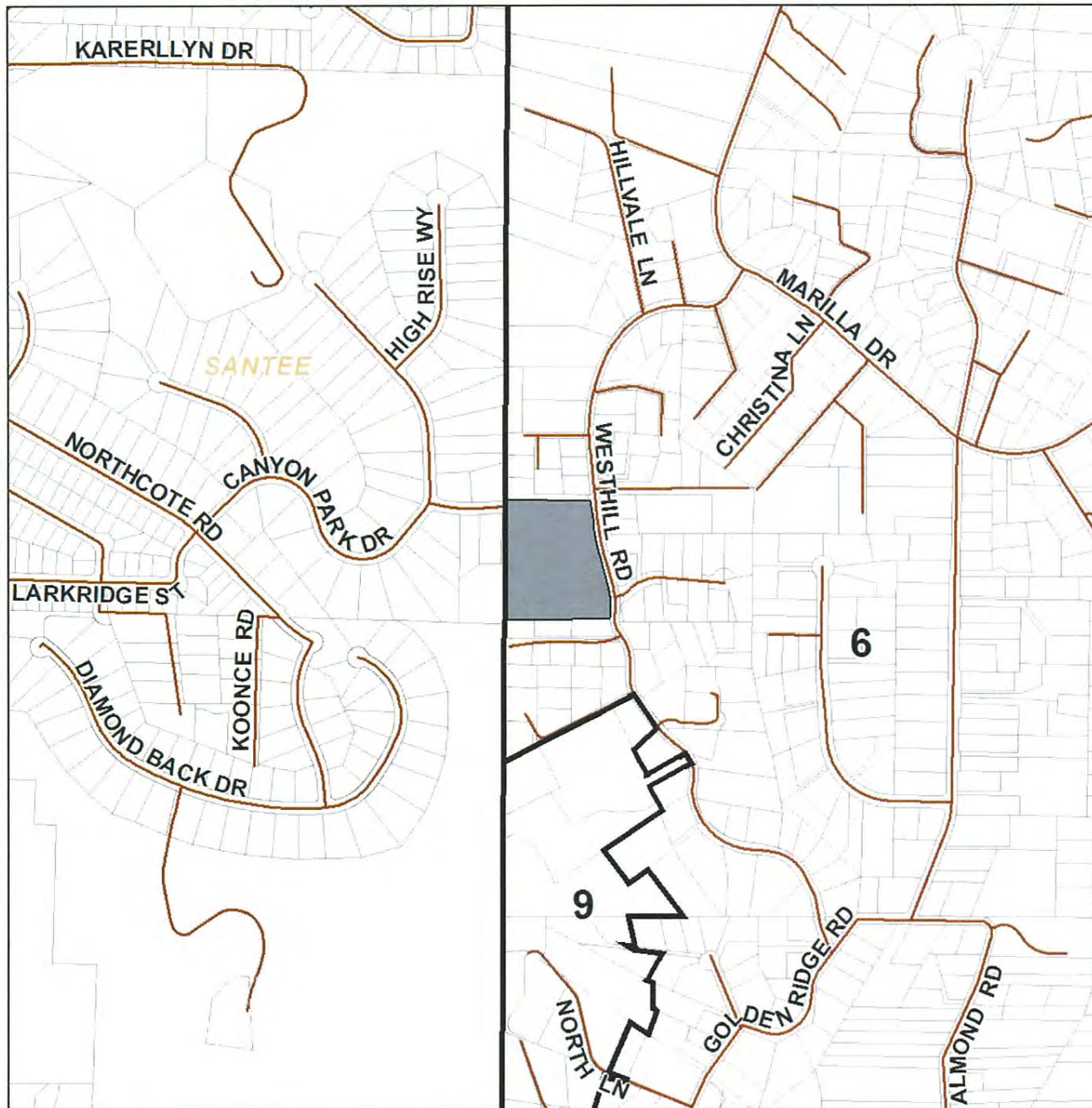
Germann Tentative Map

General Plan

Lakeside
Community Plan Area

(6) Village Residential (VR-4.3)

(9) Semi-Rural Residential (SR-1)



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LAND USE & ENVIRONMENTAL CONSULTING

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Germann Tentative Map

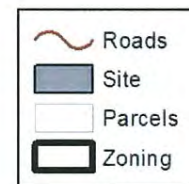
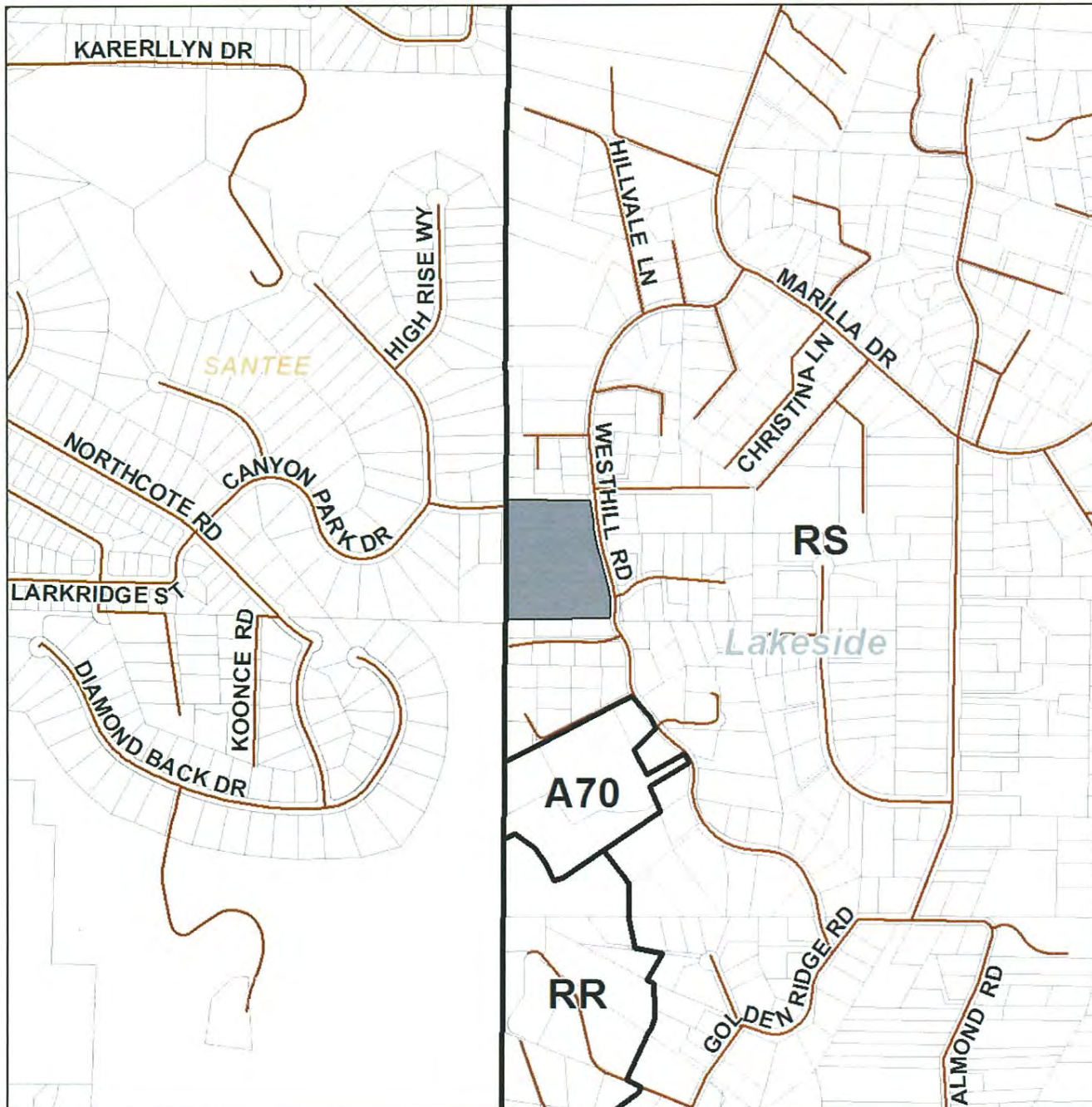
Zoning

Lakeside
Community Plan Area

A70 - Limited Agricultural

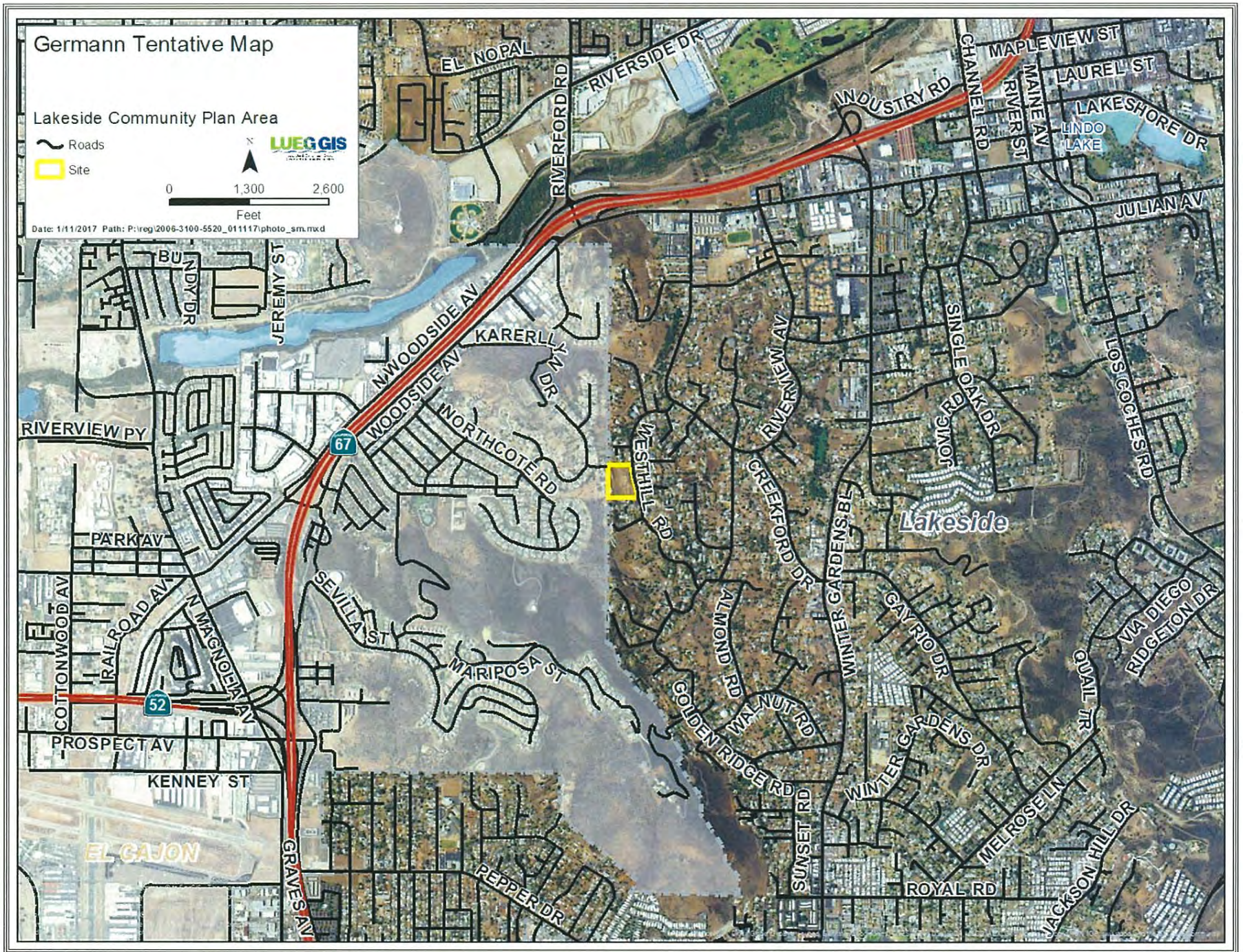
RR - Rural Residential

RS - Single Family Residential



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Lakeside Community Plan Area

Site



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Feet

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SANTEE

WESTHILL VISTA

Lakeside

WESTHILL RD

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1. The first step is to identify the main components of the system. This includes the hardware (CPU, memory, storage) and software (operating system, applications).
 2. Next, we need to understand the data flow and how the components interact. This can be done by creating a block diagram or a flowchart.
 3. Once the components and their interactions are understood, we can begin to optimize the system. This might involve upgrading hardware, optimizing software, or reconfiguring the system.
 4. Finally, we need to test the system to ensure that the optimizations have been successful. This can be done by running benchmarks or by monitoring the system's performance over time.

Source: Esri, DigitalGlobe, GeoEye, IGN, Aerogeomatics, GEBCO, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

COUNTY OF SAN DIEGO TRACT NO. 5520 RPL 1

GERMANN TENTATIVE SUBDIVISION MAP-ALTERNATIVE "A"

PRELIMINARY GRADING PLAN

PRELIMINARY GRADING PLAN NOTE:

THIS PLAN IS PREPARED TO ASSIST THE PROPERTY OWNER IN OBTAINING A PRELIMINARY GRADING PERMIT FROM THE COUNTY OF SAN DIEGO. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING WORK. THE PROPERTY OWNER SHALL OBTAIN A PRELIMINARY GRADING PERMIT FROM THE COUNTY OF SAN DIEGO BEFORE COMMENCING SUCH ACTIVITY.

NOTE "A"
FOR APT. 302-121-11, A COMPREHENSIVE EASEMENT AGREEMENT IN FAVOR OF THE EXISTING DEVELOPMENT SHALL BE OBTAINED BY THE PROPERTY OWNER. THE EASEMENT SHALL BE OBTAINED AT AN APPROPRIATE VALUE.

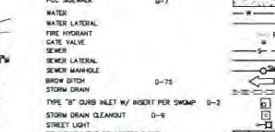
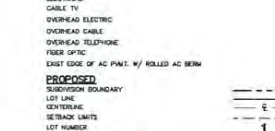
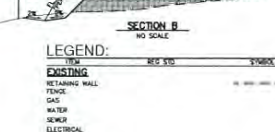
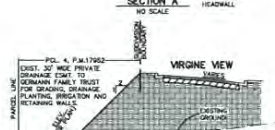
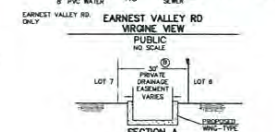
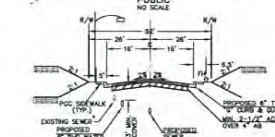
EASEMENT DATA:

- PROPOSED LOCATION OF EXISTING EASEMENT BASED UPON LOCATION OF EXISTING EASEMENT MAPS.
- PROPOSED 30' WIDE EASEMENT TO THE LANDSCAPE SANITATION DISTRICT.
- PROPOSED 30' WIDE EASEMENT TO THE LANDSCAPE SANITATION DISTRICT.

LOT AREA ANALYSIS:

1)	TOTAL GROSS AREA OF SUBDIVISION:	225,234 SF/0.34 AC
2)	TOTAL NET AREA (LESS STREETS):	175,015 SF/0.42 AC
3)	INDIVIDUAL LOT AREAS:	
	LOT	GROSS/NET AREA
	1	10,840 SF/0.24 AC
	2	10,827 SF/0.24 AC
	3	10,840 SF/0.24 AC
	4	10,840 SF/0.24 AC
	5	10,840 SF/0.24 AC
	6	10,840 SF/0.24 AC
	7	10,840 SF/0.24 AC
	8	11,319 SF/0.26 AC
	9	10,301 SF/0.24 AC
	10	10,013 SF/0.23 AC
	11	8,874 SF/0.20 AC
	12	10,013 SF/0.23 AC
	13	12,109 SF/0.28 AC
	14	24,758 SF/0.57 AC
a)	STREET AREAS:	

TYPICAL SECTIONS:



SHEET 1 OF 1 SHEET

LEGAL DESCRIPTION:

FOR LOT 10 TRACT 5520

OWNER/APPLICANT:

ROBERT BERNARD

1011 WILLIAM WAY

SAN DIEGO, CA 92104

PHONE (619) 584-0780

DATE

ENGINEER OF WORK:

FARRINGTON ENGINEERING CONSULTANTS, INC.

1875 W. FIVE

SAN DIEGO, CA 92108

PHONE (619) 577-8800

DATE

GENERAL NOTES:

- ASSIGNMENT PARCEL NO. 302-121-09-00
- TAX MAP AREA: 82003
- EXISTING ZONING:

USE REGULATIONS

ANNUAL REGULATIONS

LOT SIZE (SQ. FT.)

MINIMUM FLOOR AREA

FLOOR AREA RATIO

HEIGHT

REAR YARD SETBACK

OPEN SPACE

SPECIAL AREA REGULATIONS

COMMITTEE PLAN LAYOUT

GENERAL PLAN DESIGNATION: MIDDLE RESIDENTIAL (M-4.3)

TOTAL GROSS AREA: 225 AC.

TOTAL NET AREA: 4.00 AC.

MINIMUM LOT SIZE: 10,000 SF/0.23 AC.

TOTAL NO. OF LOTS: 15

ALL LOTS WITHIN THE SUBDIVISION HAVE A MINIMUM OF 100 SQUARE FEET OF SOLAR ACCESS FOR EACH FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION.

STREET LIGHTS TO BE INSTALLED AS REQUIRED BY THE COUNTY.

THERE ARE NO SPECIAL ASSESSMENTS PROPOSED FOR THIS DEVELOPMENT.

SOURCE OF TOPOGRAPHY: AERIAL PHOTOGRAPHY PREPARED BY WILSON ENGINEERING, PHOTO SURVEY 5/20/05. BENCHMARK IS AN ASSIGNED ELEVATION AT 1/2 IN. ROUND PIN IN A PAVED AREA, PLAN AT THE NORTHEAST PROPERTY CORNER AND WESTHILL ROAD, N-503618, E-503518, ELEV=578.1.

PARK FEES WILL BE PAID IN LIEU OF PARK LAND DEDICATIONS IF ACCORDING.

EXISTING QUANTITIES:

EXCAVATION: 14,800 CY

EMBANKMENT: 10,800 CY

IMPORT/EXPORT: 1,700 CY*

*IMPORT QUANTITY REFLECTS GRADING VOLUMES PER APPROVED MINOR GRADING PLAN (PG-2017-UD-2010)

SEE PRELIMINARY GRADING FOR PROPOSED GRADING.

THE LOT AREAS SHOWN INDICATE BOTH NET AND GROSS AREAS, UNLESS OTHERWISE NOTED.

ALL EXISTING TREES WITHIN THE SUBDIVISION ARE TO BE REMOVED. LANDSCAPING OF THE PROPOSED LOT WILL BE IN ACCORDANCE WITH COUNTY STANDARDS.

ALL PROPOSED IMPROVEMENTS TO BE PER COUNTY STANDARDS.

ALL LOTS WILL HAVE DETENTION PIPES TO BE OBTAIN THE READY FROM THE WATERSHED AREAS. THIS WILL BE APPROXIMATELY EQUAL TO 0.6 INCHES OF RAIN X ROOF AREA.

ALL IMPROVED PRIVATE DRIVEWAYS WILL DRAIN TO A LANDSCAPE STRIP TO REMOVE POLLUTANTS BEFORE ENTERING THE PUBLIC STREET.

PUBLIC SERVICES:

SEWER DISTRICT: LANDSCAPE SANITATION DISTRICT

SCHOOL DISTRICT: BROADVIEW UNION HIGH SCHOOL DISTRICT

LANDSCAPE FIRE PROTECTION DISTRICT: LANDSCAPE FIRE PROTECTION DISTRICT

CITY OF SAN DIEGO: CITY OF SAN DIEGO

STREET LIGHTING: SAN DIEGO GAS & ELECTRIC

TELEPHONE: SBC COMMUNICATIONS

GAS AND ELECTRIC: SBC COMMUNICATIONS

STREET NAMES APPROVAL:

THE PROPOSED STREET NAMES SHOWN HEREIN HAVE RECEIVED PRELIMINARY APPROVAL.

APPROVED BY: NORA BERNARD ON 10-30-08

DATE

DATE

DATE

DATE

DATE

DATE

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DATE

DATE

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DATE

DATE

WATER & SEWER DATA:

NO.	BEARING/DEG.	LENGTH	REMARKS
1	N 89°23'41"W	363.28' 8" PVC	
2	N 04°00'00"W	428.88' 8" PVC	
3	N 89°23'41"W	363.28' 8" PVC	
4	N 04°00'00"W	428.88' 8" PVC	
5	N 89°23'41"W	363.28' 8" PVC	
6	N 04°00'00"W	428.88' 8" PVC	
7	N 89°23'41"W	363.28' 8" PVC	
8	N 04°00'00"W	428.88' 8" PVC	
9	N 89°23'41"W	363.28' 8" PVC	
10	N 04°00'00"W	428.88' 8" PVC	
11	N 89°23'41"W	363.28' 8" PVC	
12	N 04°00'00"W	428.88' 8" PVC	
13	N 89°23'41"W	363.28' 8" PVC	
14	N 04°00'00"W	428.88' 8" PVC	

CURVE DATA:

NO.	BEARING/DEG.	RADIUS	LENGTH	REMARKS
1	N 89°23'41"W	48.00'	37.31'	
2	N 04°00'00"W	48.00'	33.00'	
3	N 89°23'41"W	48.00'	37.31'	
4	N 04°00'00"W	48.00'	33.00'	
5	N 89°23'41"W	48.00'	37.31'	
6	N 04°00'00"W	48.00'	33.00'	
7	N 89°23'41"W	48.00'	37.31'	
8	N 04°00'00"W	48.00'	33.00'	
9	N 89°23'41"W	48.00'	37.31'	
10	N 04°00'00"W	48.00'	33.00'	
11	N 89°23'41"W	48.00'	37.31'	
12	N 04°00'00"W	48.00'	33.00'	
13	N 89°23'41"W	48.00'	37.31'	
14	N 04°00'00"W	48.00'	33.00'	



VICINITY MAP

2 - 26

NAME & FARRINGTON FILE	38114	EXP	3/31/17	DATE
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COUNTY OF SAN DIEGO TRACT NO. 5520 RPL 1

GERMANN TENTATIVE SUBDIVISION MAP-ALTERNATIVE "B"

PRELIMINARY GRADING PLAN

PRELIMINARY GRADING PLAN NOTE:

THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCERNABLE REVIEW OF THE PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OF THIS PLAN BY THE COUNTY OF SAN DIEGO DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING WORK, AND AGREES TO OBTAIN A VALID GRADING PERMIT REPORT COMMENSAL WITH SUCH ACTIVITY.

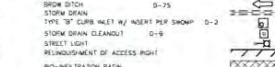
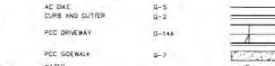
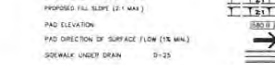
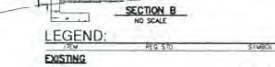
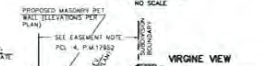
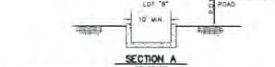
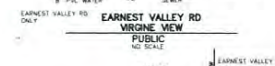
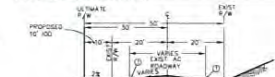
EASEMENT DATA:

APPROXIMATE LOCATION OF EXIST 10' SEWER EASEMENT BASED UPON LOCATION OF EXIST SEWER MANHOLES PORTION TO BE ABANDONED.

LOT AREA ANALYSIS:

1) TOTAL GROSS AREA OF SUBDIVISION	228,254 SF/6.24 AC
2) TOTAL NET AREA (LESS STREETS)	170,074 SF/4.92 AC
3) INDIVIDUAL LOT AREAS:	
LOT 1	10,865 SF/0.243 AC
LOT 2	10,865 SF/0.243 AC
LOT 3	10,865 SF/0.243 AC
LOT 4	10,865 SF/0.243 AC
LOT 5	10,865 SF/0.243 AC
LOT 6	10,865 SF/0.243 AC
LOT 7	10,865 SF/0.243 AC
LOT 8	10,865 SF/0.243 AC
LOT 9	10,865 SF/0.243 AC
LOT 10	10,865 SF/0.243 AC
LOT 11	10,865 SF/0.243 AC
LOT 12	10,865 SF/0.243 AC
LOT 13	10,865 SF/0.243 AC
LOT 14	10,865 SF/0.243 AC
LOT 15	10,865 SF/0.243 AC
LOT 16	10,865 SF/0.243 AC
LOT 17	10,865 SF/0.243 AC
LOT 18	10,865 SF/0.243 AC
LOT 19	10,865 SF/0.243 AC
LOT 20	10,865 SF/0.243 AC
LOT 21	10,865 SF/0.243 AC
LOT 22	10,865 SF/0.243 AC
LOT 23	10,865 SF/0.243 AC
LOT 24	10,865 SF/0.243 AC
LOT 25	10,865 SF/0.243 AC
LOT 26	10,865 SF/0.243 AC
LOT 27	10,865 SF/0.243 AC
LOT 28	10,865 SF/0.243 AC
LOT 29	10,865 SF/0.243 AC
LOT 30	10,865 SF/0.243 AC
LOT 31	10,865 SF/0.243 AC
LOT 32	10,865 SF/0.243 AC
LOT 33	10,865 SF/0.243 AC
LOT 34	10,865 SF/0.243 AC
LOT 35	10,865 SF/0.243 AC
LOT 36	10,865 SF/0.243 AC
LOT 37	10,865 SF/0.243 AC
LOT 38	10,865 SF/0.243 AC
LOT 39	10,865 SF/0.243 AC
LOT 40	10,865 SF/0.243 AC
LOT 41	10,865 SF/0.243 AC
LOT 42	10,865 SF/0.243 AC
LOT 43	10,865 SF/0.243 AC
LOT 44	10,865 SF/0.243 AC
LOT 45	10,865 SF/0.243 AC
LOT 46	10,865 SF/0.243 AC
LOT 47	10,865 SF/0.243 AC
LOT 48	10,865 SF/0.243 AC
LOT 49	10,865 SF/0.243 AC
LOT 50	10,865 SF/0.243 AC
LOT 51	10,865 SF/0.243 AC
LOT 52	10,865 SF/0.243 AC
LOT 53	10,865 SF/0.243 AC
LOT 54	10,865 SF/0.243 AC
LOT 55	10,865 SF/0.243 AC
LOT 56	10,865 SF/0.243 AC
LOT 57	10,865 SF/0.243 AC
LOT 58	10,865 SF/0.243 AC
LOT 59	10,865 SF/0.243 AC
LOT 60	10,865 SF/0.243 AC
LOT 61	10,865 SF/0.243 AC
LOT 62	10,865 SF/0.243 AC
LOT 63	10,865 SF/0.243 AC
LOT 64	10,865 SF/0.243 AC
LOT 65	10,865 SF/0.243 AC
LOT 66	10,865 SF/0.243 AC
LOT 67	10,865 SF/0.243 AC
LOT 68	10,865 SF/0.243 AC
LOT 69	10,865 SF/0.243 AC
LOT 70	10,865 SF/0.243 AC
LOT 71	10,865 SF/0.243 AC
LOT 72	10,865 SF/0.243 AC
LOT 73	10,865 SF/0.243 AC
LOT 74	10,865 SF/0.243 AC
LOT 75	10,865 SF/0.243 AC
LOT 76	10,865 SF/0.243 AC
LOT 77	10,865 SF/0.243 AC
LOT 78	10,865 SF/0.243 AC
LOT 79	10,865 SF/0.243 AC
LOT 80	10,865 SF/0.243 AC
LOT 81	10,865 SF/0.243 AC
LOT 82	10,865 SF/0.243 AC
LOT 83	10,865 SF/0.243 AC
LOT 84	10,865 SF/0.243 AC
LOT 85	10,865 SF/0.243 AC
LOT 86	10,865 SF/0.243 AC
LOT 87	10,865 SF/0.243 AC
LOT 88	10,865 SF/0.243 AC
LOT 89	10,865 SF/0.243 AC
LOT 90	10,865 SF/0.243 AC
LOT 91	10,865 SF/0.243 AC
LOT 92	10,865 SF/0.243 AC
LOT 93	10,865 SF/0.243 AC
LOT 94	10,865 SF/0.243 AC
LOT 95	10,865 SF/0.243 AC
LOT 96	10,865 SF/0.243 AC
LOT 97	10,865 SF/0.243 AC
LOT 98	10,865 SF/0.243 AC
LOT 99	10,865 SF/0.243 AC
LOT 100	10,865 SF/0.243 AC

TYPICAL SECTIONS:



SHEET 1 OF 1 SHEET

LEGAL DESCRIPTION:

PDF LOT 78 TRACT 5520

OWNER/APPLICANT:

ROBERT GERHARDT
10100 VIA FIVE
LAKEVIEW, CA 92046
PHONE (619) 441-8950

ROBERT GERHARDT

ENGINEER OF WORK:

FARRINGTON ENGINEERING CONSULTANTS, INC.
11070 VIA FIVE
SAN DIEGO, CA 92128
PHONE (619) 570-8950
email: merrill@farringtonengineering.com

MARY K. FARRINGTON REG. 30114
REGISTERED LANDSCAPE ARCHITECT 3/27/2017

GENERAL NOTES:

- 1) ASSESSOR'S PARCEL NO. 382-127-05-00
- 2) TAX RATE AREA: 80003
- 3) EXISTING ZONING:

USE REGULATIONS	RD
GENERAL REGULATIONS	D
LOT SIZE (MIN)	10,000 SF
LOT SIZE (MAX)	10,000 SF
MINIMUM FLOOR AREA	1,000 SF
FLOOR AREA W/OUT	1,000 SF
HEIGHT	10 FT
LOT COVERAGE	10%
SETBACK	10 FT
OPEN SPACE	10%
SPECIAL AREA REGULATIONS	C

- 4) COMMUNITY PLAN: LAFAYETTE
- 5) GENERAL PLAN DESIGNATION: VILLAGE RESIDENTIAL (VR-4.3)
- 6) REGIONAL CATEGORY: VILLAGE
- 7) TOTAL GROSS AREA: 224 AC
- 8) TOTAL NET AREA: 4.92 AC
- 9) MINIMUM LOT SIZE CREATED: 10,000 SF/0.243 AC
- 10) TOTAL NO. OF LOTS: 10

- 11) ALL LOTS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100' DOWNSIDE DRIVE TO ADJACENT PROPERTY LINE.
- 12) STREET LIGHTS TO BE INSTALLED AS REQUIRED BY THE COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS.

- 13) THERE ARE NO DISCREPANCIES IDENTIFIED FOR THIS DEVELOPMENT.
- 14) SOURCE OF INFORMATION: AERIAL PHOTOGRAPHY PROVIDED BY MORNING NEWS PHOTO SURVEY 5/20/05. BENCHMARK: 2 AN ASSUMED ELEVATION AT 1.12 IN ROUND PIN IN A PAVED DRIVEWAY AT THE NORTHEAST PROPERTY CORNER AND WESTHILL ROAD N-3038.19, E-5028.19, ELEVATION 9.78.

- 15) PARK FEES WILL BE PAID IN LIEU OF PARK LAND SELECTIONS IF REQUIRED.
- 16) EARTHWORK QUANTITIES:

A) EXCAVATION	14,800 CY
B) EMBANKMENT	10,800 CY
C) IMPORT/EXPORT	3,750 CY

- 17) SEE PRELIMINARY GRADING FOR PROPOSED GRADING.
- 18) THE LOT AREAS SHOWN INDICATE BOTH NET AND GROSS AREAS, UNLESS OTHERWISE NOTED.

- 19) ALL EXISTING TREES WITHIN THE SUBDIVISION ARE TO BE REMOVED, LANDSCAPING OF THE PROPOSED LOT WILL BE IN ACCORDANCE WITH COUNTY STANDARDS.
- 20) ALL PROPOSED IMPROVEMENTS TO BE PER COUNTY STANDARDS.

- 21) ALL LOTS WILL HAVE RETENTION PILES TO BE PLACED INSIDE THE PROPERTY FROM THE INTERFERING AREAS. THIS WILL BE APPROXIMATELY EQUAL TO 2.0 FEET OF RAIN & FLOOD AREA.
- 22) ALL INTERFERING PRIVATE DRIVEWAYS WILL DRAIN TO A LANDSCAPE SWALE TO MOVE POLLUTANTS BEFORE ENTERING THE PUBLIC STORM DRAIN.

PUBLIC SERVICES:

SEWER DISTRICT:	LAFAYETTE SANITATION DISTRICT
WATER DISTRICT:	LAFAYETTE WATER DISTRICT
SCHOOL DISTRICT:	GRANDVIEW UNION HIGH SCHOOL DISTRICT
FIRE DISTRICT:	LAFAYETTE UNION ELEMENTARY DISTRICT
STREET LIGHTING:	LAFAYETTE FIRE PROTECTION DISTRICT
TELEPHONE:	COUNTY OF SAN DIEGO
GAS AND ELECTRIC:	SDG
CABLE TELEVISION:	SAN DIEGO GAS & ELECTRIC
COX COMMUNICATIONS:	COX COMMUNICATIONS

STREET NAMES APPROVAL:

THE PROPOSED STREET NAMES SHOWN HEREIN HAVE RECEIVED PRELIMINARY APPROVAL.

APPROVED BY: NORA RIVERA ON 10-30-08

REVISION	DATE	COMMENT
1	10-30-08	REVISION FOR "PREFINAL" MAP
2	11-16-08	REVISION FOR "PREFINAL" MAP
3	12-24-08	REVISION FOR "PREFINAL" MAP
4	1-16-09	REVISION FOR "PREFINAL" MAP
5	2-19-09	REVISION FOR "PREFINAL" MAP
6	4-27-09	REVISION FOR "PREFINAL" MAP
7	6-18-09	REVISION FOR "PREFINAL" MAP

FARRINGTON ENGINEERING CONSULTANTS, INC.
11070 VIA FIVE
SAN DIEGO, CA 92128
PHONE (619) 570-8950
ISSN: 675-1410

APPROVED BY: NORA RIVERA ON 10-30-08

DATE: 3-18-2008

WATER & SEWER DATA:

NO.	BEARING/DELTA	RADIUS	LENGTH	REMARKS
1	N89°37'40"W	383.28'	8" PVC	
2	N04°00'00"W	426.86'	8" PVC	

CURVE DATA:

NO.	BEARING/DELTA	RADIUS	LENGTH	REMARKS
1	N44°43'00"W	48.00'	37.31'	
2	N30°37'14"W	48.00'	33.89'	
3	N49°50'36"W	48.00'	41.79'	
4	N87°37'33"W	10.00'	11.98'	
5	N48°02'14"W	20.00'	28.87'	
6	N10°56'11"W	48.00'	8.19'	
7	N75°37'27"W	48.00'	82.88'	
8	N37°52'47"W	48.00'	76.33'	

NO.	BEARING/DELTA	RADIUS	LENGTH	REMARKS
9	N43°52'37"W	48.00'	88.81'	
10	N48°17'04"W	30.00'	24.32'	
11	N44°30'28"W	30.00'	33.05'	
12	N47°50'40"W	30.00'	28.30'	
13	N48°04'10"W	30.00'	32.30'	
14	N48°17'04"W	165.79'	60.83'	
15	N11°37'50"W	130.00'	28.24'	

LEGEND:

EXISTING	PROPOSED
RETAINING WALL	SEWER DRAIN
FENCE	WATER LATERAL
GAS	FOR HIGHWAY
SEWER	GATE VALVE
ELECTRICAL	SEWER MANHOLE
CABLE TV	SEWER DRAIN
OVERHEAD ELECTRIC	TYPE "Y" CURB MEET W/ ADJUT PER SHOW" D-2
OVERHEAD TELEPHONE	STORM DRAIN CULVERT
POWER OPTIC	STREET LIGHT
EXIST EDGE OF AC PAVT W/ ROLLER AC BEW	REINFORCEMENT OF ACCESS RIGHT
	BIO-INTEGRATION BASIN
	REMOVED PAVEMENT
	RETAINING WALL

Scale 1"=30'

VICINITY MAP



**Attachment B – Resolution
Approving PDS2006-3100-5520 (TM)**

RESOLUTION OF SAN DIEGO COUNTY)
 CONDITIONALLY APPROVING)
 TENTATIVE MAP NO. 3100-5520)

WHEREAS, Tentative Map No. PDS2006-3100-5520 proposing the division of property located at 9212 Westhill Road, Lakeside, and generally described as:

PARCEL 1: (APN 382-121-05) Lot 78 of the Resubdivision of Lots 75, 78, 89, 100 and 108 of the Riverview Farms according to Map thereof No. 1695, filed in the office of the County Recorder of San Diego County, February 14, 1917.

Excepting from said Lot 78 that portion thereof described as commencing at the Southwest corner of said Lot 78;

Thence North 0°02' East along the West line of said Lot 78 a distance of 15 feet;

Thence North 88° 44' East 468.82 feet to a point on the Easterly line of said Lot 78, distant 25.84 feet Northerly thereon from the southeast corner of said lot, said last described point being on the arc of a curve concave Easterly, the center of which bears South 87 °42' East 120 feet;

Then Southerly along said last described curve 25.84 feet to the Southeast corner of said Lot 78;

Thence North 89° 34' West 470.20 feet along the South line of Lot 78 to the point of commencement.

EXCEPT therefrom all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in deeds of records.

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on April 27, 2017; and

WHEREAS, on July 20, 2018, the Planning Commission of the County of San Diego pursuant to Section 81.306 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, the Planning Commission of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and

conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, DETERMINED, AND ORDERED, that based on the findings, said Tentative Map is hereby approved subject to the following conditions:

MAP EXPIRATION: The approval of this Tentative Map Expires Thirty-Six (36) Months after the date of the approval of this Resolution at 4:00 P.M. Unless, prior to that date, an application for a Time Extension has been filed as provided by Section 81.313 of the County Subdivision Ordinance.

WAIVER(S) AND EXCEPTION(S): This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Subdivision Ordinance requirements to permit:

1. A modification to Public Road Standards Section 6.1.C.1 for proposed driveway access onto ***Virgine View***, a non-Circulation Element Road, to allow centerlines separation of less than 200 feet between the driveway for offsite property and public road, ***Earnest Valley Road***.
2. A modification to Public Road Standards Section 6.1.A.2 for 20-foot property line radius to be replaced with a corner cut-back from point of curve return (PCR) to PCR at the intersection of ***Virgine View*** and ***Earnest Valley Road***.

STANDARD CONDITIONS: The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk, as Resolution No. 00-199 (Attached Herein as Exhibit A), shall be made conditions of this Tentative Map approval. Only the following exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized. **The following Standard Subdivision Conditions are hereby waived:**

- (1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification allows the use of high pressure sodium (HPS) vapor light sources at the project site if desired. HPS vapor light sources are only prohibited within a 15 mile radius of Palomar or Mount Laguna observatories pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
- (2) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (3) Standard Condition 12: Said condition pertains to riding and hiking trails. There is no proposed riding and hiking trail in the project site.

- (4) Standard Condition 19(e): Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- (5) Standard Condition 22: Said condition pertains to construction of private subsurface sewage disposal system. The project is serviced by public sewer system.
- (6) Standard Condition 23.3: The project is located within the boundaries of a Fire Protection District, therefore, this does not apply.
- (7) Standard Condition 24: Said condition applies to the projects that are outside the boundaries of a fire protection agency. The project is within Lakeside Fire Protection District and the applicant has obtained the clearance from them.
- (8) 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.

PRELIMINARY GRADING PLAN: The approval of this Tentative Map here by adopts the Preliminary Grading Plans dated April 27, 2017, consisting of 5 sheets (Attached Herein as Exhibit B) pursuant to Section 81.305 of the County Subdivision Ordinance. In accordance with the Section 87.207 of the County Grading Ordinance, Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to County of San Diego Grading Ordinance (Sec 87.701 et. al.)

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

- 1-29.** The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, with the exception of those "Standard Conditions" waived above.

30. ROADS#1–ROAD DEDICATION (ONSITE)

INTENT: In order to improve the quality of the roads, promote orderly development, and to comply with the Subdivision Ordinance Sec. 81.402, road right of way shall be dedicated to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Dedicate onsite with the map, an easement for road purposes that provides fifty-two feet (52') feet along the proposed alignment of **Virgine View Road** in accordance with County of San Diego Public Road Standards for a Residential cul-de-sac with corner cut-back dedication (PCR to PCR) at **Virgine View Road** and **Earnest Valley Road** intersections and a thirty foot (30') radius corner rounding at **Virgine View Road** and **Westhill Road**, with a 48' Cul-de-sac radius at the end of the road, plus slope rights and drainage easements to the satisfaction of the Director of PDS.
- b. Dedicate onsite with the map, an easement for road purposes that provides fifty-two feet (52') feet along the proposed alignment of **Earnest Valley Road** in accordance with County of San Diego Public Road Standards for a Residential cul-de-sac with corner cut back dedication (PCR to PCR) at **Virgine View Road** and **Earnest Valley Road** intersections, with a 48' Cul-de-sac radius at the end of the road, plus slope rights and drainage easement to the satisfaction of the Director of PDS.
- c. 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 dedicate the easement on the map and show it as Accepted. **TIMING:** Prior to the recordation of the Final Map, the onsite dedication shall be provided. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Accepted by the County.

31. ROADS#2–ONSITE IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.402, an irrevocable offer of dedication (IOD) shall be granted by the map. **DESCRIPTION OF REQUIREMENT:** Grant an IOD for real property for public street as indicated below:

- a. Grant the onsite portion of **Westhill Road** to the County of San Diego for road purposes that provides a thirty-foot (30') wide, one-half right-of-way width of the centerline on the westerly side of the road, plus the right to construct and maintain slopes and drainage improvements as required beyond the ten-foot (10') limit for that portion within the land division for

the future possible widening of **Westhill Road**, including a thirty-foot (30') radius property line corner rounding at the street intersection.

- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the granting, dedication or offer of dedication is required, per Subdivision Ordinance Sec. 81.402.a, at the time of recordation of the Tract Map. All easements of any type must be plotted on the Tract Map. Or, the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall grant an IOD for those portions of the right-of-way within the map. **TIMING:** Prior to the recordation of the Final Map. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Accepted by the County

32. **ROADS#3—PUBLIC ROAD IMPROVEMENTS**

INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.404 and the Community Trails Master Plan **Virgine View Road** and **Earnest Valley Road** shall be improved.

DESCRIPTION OF REQUIREMENT:

- a. Improve or agree to improve and provide security for **Virgine View Road** in accordance with Public Roads Standards for a Residential cul-de-sac, to a graded width of fifty-two feet (52') with thirty-two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk/asphalt concrete dike with face of curb/dike at sixteen feet (16') from centerline. Curb return radii at the intersection with **Westhill Road** shall be thirty feet (30'). All of the above shall be to the satisfaction of the Director of Public Work/PDS.
- b. Improve or agree to improve and provide security for **Earnest Valley Road** in accordance with Public Roads Standards for a Residential cul-de-sac, to a graded width of fifty-two feet (52') with thirty-two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk/asphalt concrete dike with face of curb/dike at sixteen feet (16') from centerline. Corner cut-back at the intersection with **Virgine View Road** shall be twenty feet (20'). All of the above shall be to the satisfaction of the Director of Public Work/PDS.
- c. **Virgine View Road** and **Earnest Valley Road** shall terminate with a cul-de-sac graded to a radius of forty-eight feet (48') and surfaced to a radius of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb gutter and sidewalk/asphalt

concrete dike with face of curb/dike at thirty-eight feet (38') from the radius point.

All plans and improvements shall be completed pursuant to the County of San Diego Public Road Standards, the 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:

- d. Process and obtain approval of Improvement Plans to improve ***Virgine View Road*** and ***Earnest Valley Road***.
- e. Pursuant to Standard Condition 8 undergrounding of existing and future utility distribution facilities is required with the boundary of the project. If desired during final mapping, a design exception request can be filed to request that the existing facilities within ***Westhill Road*** and along the southerly boundary be allowed to remain above ground. If approved, the only utility distribution facilities required to be undergrounded would be for any new facilities required for development of the project.
- f. Provide Secured Agreement and post security in accordance with Subdivision Ordinance Sec. 81.408.
- g. Upon approval of the plans, pay all applicable inspection fees/deposits with [DPW, PDCI].
- h. If the applicant is a representative, then 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 the recordation of the Final Map, the plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the 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.

33. **ROADS#4–RELINQUISH ACCESS**

INTENT: In order to promote orderly development and to comply with the Mobility Element of the General Plan and County Subdivision Ordinance Section 81.401 (g), access shall be relinquished along ***Westhill Road***. **DESCRIPTION OF REQUIREMENT:** Relinquish access rights onto ***Westhill Road***. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the one access point is

permitted along **Westhill Road**. **DOCUMENTATION:** The applicant shall prepare the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map, the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

34. **ROADS#5–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 300 feet of unobstructed intersectional sight distance in both directions from the proposed public road, **Virgine View Road** along **Westhill Road**, 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 Residential Collector as described in Table 5 based on a speed of 30 MPH, 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 that: 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 the approval of the Final Map, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

35. **STRMWTR#1–STORMWATER FACILITIES MAINTENANCE AGREEMENT**

INTENT: In order to promote orderly development and to comply with the County Flood Damage Prevention Ordinance No. 10091 (Title 8, Division 11), and the County Watershed Protection Ordinance (WPO) No. 10410, County Code Section 67.801 et. seq., the maintenance agreements for any onsite and/or offsite public drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** To the satisfaction of the Director of PDS, complete one of the two following options.

- a. The downstream offsite private storm drain system shall be maintained by a maintenance mechanism such as a homeowners association or other private entity.
- b. Establish a maintenance agreement/mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines.

DOCUMENTATION: The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees. **TIMING:** Prior to the recordation of the Final Map, 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.

36. STRMWTR#2-EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the State Construction General Permit, Order No. 2009-00090-DWQ, or subsequent order and the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq. and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipaters, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to Subdivision Ordinance 81.408, for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the County of San Diego Grading Ordinance Section 87.304. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to recordation of the Map, and the approval of any plan and the issuance of any

permit, the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

37. **DRNG#1– ON-SITE AND OFFSITE DRAINAGE IMPROVEMENTS**

INTENT: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and to comply with the County Flood Damage Prevention Ordinance No. 10091 (Title 8, Division 11), County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., and the County Resource Protection Ordinance (RPO) No. 9842, drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for the construction private storm drains onsite and offsite. There are two viable options available for the proposed storm drain design. Alternative A proposes to mitigate the increase in the runoff volume by upgrades to the downstream private drain while Alternative B proposes to mitigate the impacts by construction of one additional retention basin onsite. The details of required improvements are shown below:

- a. Alternative A shown on Grading plan labeled as “Germann Tentative Subdivision Map- Alternative A,” received on April 27, 2017 proposes to mitigate the increase in drainage with one onsite retention basin and proposes to upgrade the downstream private storm drain from 24” to a 42” with a rip-rap structure extending about thirty-four feet (34’) into the private property (APN 382-121-10) from the existing masonry wall, all to be maintained privately. This option will require additional private easement dedication from northerly property owner (APN 382-121-11). All existing connections to the 24” storm drain will be restored to the new 42” privately maintained storm drain pipe. Any offsite drainage improvements including the grading within private property will require obtaining permission from the offsite property owners. Applicable restoration within the offsite private properties can be included as part of the easement language.

Or if the downstream offsite easement dedication cannot be obtained the following shall apply:

- b. Alternative B shown on grading plan labeled as “Germann Tentative Subdivision Map-Alternative B,” received on April 27, 2017 proposes to mitigate the increase in the drainage with two onsite retention basins (one additional basin compared to Alternative A) and proposes to connect to the existing downstream 24” private storm drain with no upgrades in size

to the downstream drainage system. The only proposed improvements to the downstream private drain, subject to cooperation of the property owner, will be the installation of the rip-rap structure extending about thirty-four feet (34') into the private property (APN 382-121-10) from the existing masonry wall.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and current 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, Community Trails Master Plan and Parkland Dedication Ordinance and County Flood Damage Protection Ordinance No. 10091 (Title 8, Division 11), Low Impact Development (LID) and Hydromodification requirements and the Land Development Improvement Plan Checking Manual. **DOCUMENTATION:** The applicant shall complete the following:

- c. Process and obtain approval of Improvement Plans to improve all onsite and offsite private storm drains.
- d. Provide Secured Agreements in accordance with Subdivision Ordinance Sec. 81.404 (a)(2).
- e. Pay all applicable inspection fees with [DPW, PDCI].
- f. If the applicant is a representative, then 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 the recordation of the Final Map, the plans, agreements, and securities shall be approved. The improvements shall be completed within 24 months from the recordation of Final Map or Parcel Map pursuant to Subdivision Ordinance Sec. 81.403. The execution of the agreements and acceptance of the securities shall be completed before the approval of any subdivision map.

MONITORING: The [PDS, LDR], [DPR, TC] shall review the plans for consistency with the 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.

38. PLN#1-AVIGATION/OVERFLIGHT EASEMENT

INTENT: In order to comply with the Gillespie Field Airport Land Use Compatibility Plan an Avigation Easement shall be granted. **DESCRIPTION OF**

REQUIREMENT: Grant by separate document to the County of San Diego, an Avigation easement over the entire property as shown on the approved Plot Plan. The easement 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 easement shall be executed. **MONITORING:** The [DGS, RP] shall prepare the easement 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.

39. **LNDSKP#1– LANDSCAPE DOCUMENTATION PACKATE**

INTENT: In order to provide adequate Landscaping that complies with the County of San Diego's Water Efficient Landscape Design Manual, the County's Water Conservation in Landscaping Ordinance, and the County's Climate Action Plan measure for Reducing Outdoor Water Use, a Landscape Plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Documentation Package shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer and include the following information:

- a. Preparation of a Water Exhibit in accordance with the County's Landscape Design Guidelines to demonstrate compliance with CAP requirement to achieve a 40% reduction in current Maximum Applied Water Allowance for outdoor use. The water exhibit shall identify baseline water use, the maximum allowable water usage on a lot by lot basis, as well as for common and open space areas, and the reduced water use in compliance with CAP measure.
- b. Preparation of a Water Exhibit in accordance with the County's Landscape Design Guidelines to demonstrate compliance with CAP requirement to plant, at a minimum, two trees per residential unit proposed. The water exhibit shall identify the number and type of trees provided on each private lot.
- c. 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 obtain a permit from DPW 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. Green Street Tree Wells shall require an Encroachment Maintenance Removal Agreement from DPW. Proof of this Agreement shall be provided prior to final approval of the Landscape Documentation Package.

- d. 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.
- e. 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.
- f. 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.
- g. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- h. 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.
- i. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- j. Sight Line Distances and applicable maintenance notes shall be provided as required by Section 86.709 c.9 of the Water Conservation in Landscaping Ordinance.
- k. Turf areas are not considered Recreational Areas and will not be counted as Special Landscape Areas in the Maximum Applied Water Allowance (MAWA) calculations. These areas will be considered High Water Use Hydrozones and must meet the requirements of the Estimated Total Water Use calculations and the Water Efficient Landscape Worksheet.
- l. Moisture sensors shall be used in the bottoms of all bioretention basin to effectively shut off individual irrigation stations when basins become flooded and remain wet in order to further conserve water. The lower portions of slopes that may become inundated with stormwater runoff may also require individual sensors to control irrigation times.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the Landscape Documentation Package Checklist (PDS Form #404), submit them to

the [PDS, PCC], and pay all applicable review fees. **TIMING:** Prior to the approval of the final map and prior to the approval of any plan and issuance of any permit, the Landscape Plans shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Plans for compliance with this condition.

GRADING/IMPROVEMENT PLAN NOTES:

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. An email or disc will be provided with an electronic copy of the grading plan note language.

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

(NOISE RESOURCES)

39. NOISE#GP1-TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].

INTENT: In order to minimize temporary construction noise for grading operations associated with TM-5520 and to comply with County Noise Ordinance 36.409. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

- a. Turn off equipment when not in use.
- b. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- c. Use equipment with effective mufflers.
- d. Minimize the use of back up alarm.
- e. Equipment staging areas should be placed at locations away from noise sensitive receivers.
- f. Operations of construction equipment shall be limited to comply with the County Noise Ordinance.

DOCUMENTATION: The applicant shall comply with the temporary construction noise measures of this condition and Sections 36.408 & 409 of the County Noise Ordinance. **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 construction noise control measures of

this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

(PALEONTOLOGICAL RESOURCES)

40. PALEO#GR-1-PALEONTOLOGICAL MONITORING: [DPW, PDCI] [PDS, PCC] [PC] [PDS, FEE X2]

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2006-3100-5520 (TM), a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** This project site has marginal levels of sensitive Paleontological resources. All grading activities are subject to the County of San Diego Grading Ordinance Section 87.430, if any significant resources (Fossils) are encountered during grading activities.

- a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations.
- b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego County Guidelines for Determining Significance for Paleontological Resources.

TIMING: The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact PDS if the grading contractor or applicant fails to comply with this condition.

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

(PALEONTOLOGICAL RESOURCES)

41. PALEO#GR-2-PALEONTOLOGICAL MONITORING: [PDS, PCC] [RG, BP] [PDS, FEE].

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2006-3100-5520, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** One of the following letters shall be performed upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.
- b. If paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the letter report to PDS for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the letter report shall be completed. **MONITORING:** PDS shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDC] that the requirement is completed.

IT IS FURTHER RESOLVED, THEREFORE, that the Planning Commission of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map all of which are herein incorporated by reference:

1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the VR-4.3 Land Use Designation of the Lakeside Community Plan because it proposes a residential use type at a density of 1 dwelling unit per 10,000 square feet, and complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
2. The Tentative Map is consistent with The Zoning Ordinance because it proposes a residential use type with a minimum net lot size of 10,000 square feet in the Single Family Residential (RS) Use Regulation;
3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the Lakeside Community Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;
4. The site is physically suitable for the residential type of development because the site has relatively flat topography and is large enough to accommodate the proposed development;

5. The site is physically suitable for the proposed density of development because imported water supply will be provided by the Lakeside Water District; sewer will be provided by the San Diego County Sanitation District, Lakeside Fire Protection District, and the site is located along a public road;
6. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the 15183 Checklist dated March 16, 2017 and revised July 20, 2018.
8. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

The division and development of the property in the manner set forth on the approved Tentative Map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

9. The discharge of sewage waste from the subdivision into the San Diego County Sanitation District sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
10. Because adequate facilities and services have been assured and adequate environmental review and documentation have been prepared, the regional housing opportunities afforded by the subdivision outweigh the impacts upon the public service needs of County residents and fiscal and environmental resources; and
11. Determinations and findings pursuant to the California Environmental Quality Act, the Resource Protection Ordinance, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Planning Commission.

MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts.

Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide [that] the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

INTENT: An explanation of why the mitigation measure (MM) was imposed on the project.

DESCRIPTION: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

DOCUMENTATION: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

TIMING: The specific project milestone (point in progress) when the specific required actions are required to implemented.

MONITORING: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

39, 40, 41

MAP PROCESSING REQUIREMENTS: The parcel map shall comply with the following processing requirements pursuant to the Sections 81.801 through 81.811 of the Subdivision Ordinance and the Subdivision Final Map Processing Manual.

- ☐ The Final map shall show an accurate and detailed vicinity map.
- ☐ The Basis of Bearings for the Final Map shall comply with Section 81.506 of the Subdivision Ordinance.

- ☐ Prior to the approval of the Final Map, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.
- ☐ The following notes shall appear on the Final Map:
 - ☐ All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.
 - ☐ At the time of recordation of the Final Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
 - ☐ The public and private easement roads serving this project shall be named. The responsible party shall contact the Street Address Section of Planning & Development Services (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.
 - ☐ Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Final Map.
- ☐ The Zoning regulations require that each parcel shall contain a minimum net area of 10,000 square feet. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Final Map with the County Recorder.

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION PROGRAM/susmppdf/lid_handbook_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

DRAINAGE: The project shall be in compliance with the County of San Diego Flood Damage Prevention Ordinance No. 10091, adopted December 8, 2010.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of movement of material or eight feet (8') of cut/fill per criteria of Section 87.201 of Grading Ordinance.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, 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.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

NOTICE: The project will be required to pay Planning & Development Services Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to PDS, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the **[PDS, FEE]** designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.307 of the Subdivision Ordinance and as provided in Section 66452.5 of the Government Code. An appeal shall be filed with the appellant body and/or the Board of Supervisors within **TEN CALENDAR DAYS** of the date of this Resolution AND MUST BE ACCOMPANIED

BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of the Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the appeal board has sustained the determination of this advisory body. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of adoption of this Resolution.

ON MOTION of _____, seconded by _____, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 20th day of July, 2018, in Planning & Development Services Conference Center Hearing Room, 5520 Overland Avenue, San Diego, California, by the following vote:

AYES:

NOES:

ABSENT:

DPL/WP 001-TM (06/29/09)

cc: Robert Germann, 9111 Hillman Way, Lakeside, CA 92040
Don Mitchell, 986 Peppervilla Court, El Cajon, CA 92021
Mark A. Farrington, RCE, 11679 Via Firul, San Diego, CA 92128
Wayne Chang, Chang Consultants, PO Box 9496 Rancho Santa Fe, CA 92067

email cc:
Ed Sinsay, Team Leader, Land Development/Engineering, PDS
David Sibbet, Planning Manager, Planning & Development Services

Attachment C – Environmental Documentation



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds
PHONE (858) 694-2962 FAX (858) 694-2555

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist Pursuant to CEQA Guidelines §15183

Date: March 16, 2017 (Public Notification), updated July 20, 2018
Project Title: Germann Tentative Map
Record ID: PDS2006-3100-5520 (TM), LOG NO. PDS2006-3910-06-14-048 (ER)
Plan Area: Lakeside Community Plan Area
GP Designation: Village Residential (VR-4.3)
Density: 4.3 units per gross acre
Zoning: Single Family Residential (RS)
Min. Lot Size: 10,000 square feet
Special Area Reg.: Airport Review (C)
Lot Size: 5.2 acres
Applicant: Don Mitchell, Engineer (619) 244-8481
Staff Contact: Marisa Smith - (858) 694-2621
marisa.smith@sdcounty.ca.gov

Project Description

The project is a major subdivision to divide a 5.2-acre property into either 13 residential lots or 14 residential lots, depending on the drainage option. The project would be conditioned to allow for either scenario. The project site is located at 9212 Westhill Road in the Lakeside Community Plan Area. Access to each lot would be provided by individual driveways connecting to a proposed private road easement, which would connect to Westhill Road, a public road. Water would be provided by Padre Dam and Sewer would be provided by Lakeside Sanitation District. Earthwork will consist of 14,600 cubic yards of balanced cut and fill.

The project site is subject to the Village Residential General Plan Regional Category, Land Use Designation Village. Zoning for the site is Single Family Residential (RS). The project is consistent with density and lot size requirements of the General Plan and Zoning Ordinance.

Overview

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the

project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent, (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

General Plan Update Program EIR

The County of San Diego General Plan Update (GPU) establishes a blueprint for future land development in the unincorporated County that meets community desires and balances the environmental protection goals with the need for housing, agriculture, infrastructure, and economic vitality. The GPU applies to all of the unincorporated portions of San Diego County and directs population growth and plans for infrastructure needs, development, and resource protection. The GPU included adoption of new General Plan elements, which set the goals and policies that guide future development. It also included a corresponding land use map, a County Road Network map, updates to Community and Subregional Plans, an Implementation Plan, and other implementing policies and ordinances. The GPU focuses population growth in the western areas of the County where infrastructure and services are available in order to reduce the potential for growth in the eastern areas. The objectives of this population distribution strategy are to: 1) facilitate efficient, orderly growth by containing development within areas potentially served by the San Diego County Water Authority (SDCWA) or other existing infrastructure; 2) protect natural resources through the reduction of population capacity in sensitive areas; and 3) retain or enhance the character of communities within the unincorporated County. The SDCWA service area covers approximately the western one third of the unincorporated County. The SDWCA boundary generally represents where water and wastewater infrastructure currently exist. This area is more developed than the eastern areas of the unincorporated County, and would accommodate more growth under the GPU.

The GPU EIR was certified in conjunction with adoption of the GPU on August 3, 2011. The GPU EIR comprehensively evaluated environmental impacts that would result from Plan implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

Summary of Findings

The Germann Tentative Map (PDS2006-3100-5520) is consistent with the analysis performed for the GPU EIR. Further, the GPU EIR adequately anticipated and described the impacts of the proposed project, identified applicable mitigation measures necessary to reduce project specific impacts, and the project implements these mitigation measures. See

[http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00 Mitigation Measures_2011.pdf](http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00_Mitigation_Measures_2011.pdf) for complete list of GPU Mitigation Measures.

A comprehensive environmental evaluation has been completed for the project as documented in the attached §15183 Exemption Checklist. This evaluation concludes that the project qualifies for an exemption from additional environmental review because it is consistent with the development density and use characteristics established by the County of San Diego General Plan, as analyzed by the San

15183 Statement of Reasons

Diego County General Plan Update Final Program EIR (GPU EIR, ER #02-ZA-001, SCH #2002111067), and all required findings can be made.

In accordance with CEQA Guidelines §15183, the project qualifies for an exemption because the following findings can be made:

1. **The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**

The project would subdivide a 5.2-acre property into either 13 residential lots or 14 residential lots, depending on the drainage option. This proposal is consistent with the Village Residential development density established by the General Plan and the certified GPU EIR.

2. **There are no project specific effects which are peculiar to the project or its site, and which the GPU EIR Failed to analyze as significant effects.**

The subject property is no different than other properties in the surrounding area, and there are no project specific effects which are peculiar to the project or its site. The project site is located in an area developed with similarly sized, estate residential lots with associated accessory uses. The property does not support any peculiar environmental features, and the project would not result in any peculiar effects.

In addition, as explained further in the 15183 Checklist below, all project impacts were adequately analyzed by the GPU EIR. The project could result in potentially significant impacts to Paleontology and water quality resources. However, applicable mitigation measures specified within the GPU EIR have been made conditions of approval for this project.

3. **There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.**

The proposed project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the General Plan. The GPU EIR considered the incremental impacts of the proposed project, and as explained further in the 15183 Exemption Checklist below, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

4. **There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.**

As explained in the 15183 exemption checklist below, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.

5. **The project will undertake feasible mitigation measures specified in the GPU EIR.**

As explained in the 15183 exemption checklist below, the project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation measures will be undertaken through project design, compliance with regulations and ordinances, or through the project's conditions of approval.

Signature

Marisa Smith

Printed Name

July 20, 2018

Date

Project Manager

Title

CEQA Guidelines §15183 Exemption Checklist

Overview

This checklist provides an analysis of potential environmental impacts resulting from the proposed project. Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the project would result in a potentially significant impact triggering additional review under Guidelines section 15183.

- Items checked “Significant Project Impact” indicates that the project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant, unmitigated impact.
- Items checked “Impact not identified by GPU EIR” indicates the project would result in a project specific significant impact (peculiar off-site or cumulative that was not identified in the GPU EIR.
- Items checked “Substantial New Information” indicates that there is new information which leads to a determination that a project impact is more severe than what had been anticipated by the GPU EIR.

A project does not qualify for a §15183 exemption if it is determined that it would result in: 1) a peculiar impact that was not identified as a significant impact under the GPU EIR; 2) a more severe impact due to new information; or 3) a potentially significant off-site impact or cumulative impact not discussed in the GPU EIR.

A summary of staff’s analysis of each potential environmental effect is provided below the checklist for each subject area. A list of references, significance guidelines, and technical studies used to support the analysis is attached in Appendix A. Appendix B contains a list of GPU EIR mitigation measures.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
1. AESTHETICS – Would the Project:			
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- 1(a) The project would be visible from public roads and trails; however, the site is not located within a viewshed of a scenic vista.
- 1(b) The property is not within the viewshed of a County or state scenic highway. The project site also does not support any significant scenic resources that would be lost or modified through development of the property.
- 1(c) The project would be consistent with existing community character. The project is located in an area characterized by residential uses. The addition of 13 or 14 new residential lots would not substantially degrade the visual quality of the site or its surroundings.
- 1(d) Residential lighting would be required to conform with the County's Light Pollution Code to prevent spillover onto adjacent properties and minimize impacts to dark skies.

Conclusion

As discussed above, the project would not result in any significant impacts to aesthetics; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
2. Agriculture/Forestry Resources			
– Would the Project:			
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15183 Exemption Checklist

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

☐☐☐

d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

☐☐☐

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

☐☐☐**Discussion**

2(a) The project and surrounding properties do not support any Farmland of Local Importance, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

2(b) The project site is not located within or adjacent to a Williamson Act contract or agriculturally zoned land.

2(c) There are no timberland production zones on or near the property.

2(d) The project site is not located near any forest lands.

2(e) The project site is not located near any important farmlands or active agricultural production areas.

Conclusion

As discussed above, the project would not result in any significant impacts to agricultural resources; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

Significant
Project
Impact

Impact not
identified by GPU
EIR

Substantial
New
Information

3. Air Quality – Would the Project:

a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

☐☐☐

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

☐☐☐

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which

☐☐☐

15183 Exemption Checklist

exceed quantitative thresholds for ozone precursors)?

d) Expose sensitive receptors to substantial pollutant concentrations?

☐☐☐

e) Create objectionable odors affecting a substantial number of people?

☐☐☐

Discussion

- 3(a) The project proposes development that was anticipated and considered by SANDAG growth projections used in development of the RAQS and SIP. As such, the project would not conflict with either the RAQS or the SIP. In addition, the operational emissions from the project are below screening levels, and will not violate any ambient air quality standards.
- 3(b) Short-term construction activities would result from fuel combustion and exhaust from construction equipment and vehicle traffic (i.e., worker commute and delivery truck trips), grading and site work, and evaporative emissions of volatile organic compounds (VOCs) from architectural coatings. The project would require 1,437 cubic yards of cut, 14,264 cubic yards of fill and 12,828 cubic yards of imported material. Grading operations associated with the construction of the project would be subject to County of San Diego Grading Ordinance, which requires the implementation of dust control measures and San Diego Air Pollution Control District (SDAPCD) Rule 55. The project would be required to water the site as needed and replace ground cover in disturbed areas when they become inactive. Emissions from the construction phase would be minimal, temporary and localized, resulting in pollutant emissions below the screening level criteria established by County air quality guidelines for determining significance. In addition, according to County Guidelines, the operational emissions trigger the screening levels if the project produces more than 300 single family units or 370 apartments or condominiums. The project is a 13 or 14-lot residential development, and would fall below the screening criteria of 300 units. Therefore, operational air emissions would not exceed the County's screening level thresholds, and there would be a less-than cumulatively considerable impact.
- 3(c) The project would contribute PM₁₀, NO_x, and VOCs emissions from construction/grading activities; however, the incremental increase would not exceed established screening thresholds (see question 3(b) above)). Therefore, the project will not result in a cumulatively considerable net increase of any criteria pollutant.
- 3(d) The project will introduce additional residential homes which are considered new sensitive receptors; however, the project site is not located within a quarter-mile of any identified point source of significant emissions. Similarly, the project does not propose uses or activities that would result in exposure of these sensitive receptors to significant pollutant concentrations and will not place sensitive receptors near any carbon monoxide hotspots.
- 3(e) The project could produce objectionable odors during construction and operation; however, these substances, if present at all, would only be in trace amounts (less than 1 µg/m³).

Conclusion

As discussed above, the project would not result in any significant impacts to air quality; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
4. Biological Resources – Would the Project:			
Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- 4(a) Based on an analysis of the County's Geographic Information System (GIS) records, aerial imagery of the site, and site photos, it has been determined that no native vegetation communities or habitats exist on or adjacent to the site. The site has been historically cleared in accordance with Section 86.503(a)(7) of the Biological Mitigation Ordinance (BMO) which permits clearing of up to 10 acres on parcels containing a home prior to October 22, 1997. Based on these considerations, no direct and indirect impacts to sensitive natural communities supporting candidate, sensitive, or special status species would occur.

15183 Exemption Checklist

- 4(b) Based on an analysis of the County's GIS records, aerial imagery of the site, and site photos, it has been determined that the proposed project site does not contain any riparian habitat or other sensitive natural communities as defined by the County of San Diego Multiple Species Conservation Program (MSCP), County of San Diego Resource Protection Ordinance (RPO), Natural Community Conservation Plan (NCCP), Fish and Wildlife Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations. Therefore, the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community.
- 4(c) The proposed project site does not contain any wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, stream, lake, river or water of the U.S., that could potentially be impacted through direct removal, filling, hydrological interruption, diversion or obstruction by the proposed development. Therefore, no impacts will occur to wetlands defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.
- 4(d) Based on a GIS analysis, aerial imagery of the site, and site photos, it has been determined that the site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site would not assist in local wildlife movement as it lacks connecting vegetation and visual continuity with other potential habitat areas in the general project vicinity. Adjoining properties surrounding the project site are already developed with residential uses.
- 4(e) Please refer to the attached Ordinance Compliance Checklist for further information on consistency with any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional, or state habitat conservation plan, including Habitat Management Plans, Special Area Management Plans (SAMP), or any other local policies or ordinances that protect biological resources, including the Multiple Species Conservation Program (MSCP), Biological Mitigation Ordinance, Resource Protection Ordinance (RPO), and Habitat Loss Permit (HLP).

Conclusion

The project could result in potentially significant impacts to biological resources; however, further environmental analysis is not required because:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR will be applied to the project.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
5. Cultural Resources – Would the Project:			
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Directly or indirectly destroy a unique paleontological resource or site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

5(a) Based on an analysis of records maintained by the County and the South Coastal Informational Center, it has been determined that there are no impacts to historical resources. Building records indicate that the existing single-family residence was constructed in 1949. However, the structure has been modified with several additions. A kitchen and flat was added approximately in 1960. The structure is a typical frame duplex structure on a concrete foundation. The structure will remain as part of the subdivision.

5(b) Based on an analysis of records maintained by the County and the South Coastal Informational Center, it has been determined that there are no impacts to archaeological resources because they do not occur within the project site. The project in infill development that is surrounded by small single-family residential lots. A residence is located in the southwestern portion of the parcel. The undeveloped portion of the property has been disturbed and graded historically as evidenced by the use of this portion of the property as a dirt bike track.

As considered by the GPU EIR, potential impacts to cultural resources will be mitigated through compliance with the Grading Ordinance and through conformance with the County's Cultural Resource Guidelines if resources are encountered. Because the potential for the presence of subsurface deposits is very low, archaeological monitoring will not be required.

5(c) The site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor does the site support any known geologic characteristics that have the potential to support unique geologic features.

5(d) A review of the County's Paleontological Resources Maps and data on San Diego County's geologic formations indicates that the project is located on Upper Jurassic and Lower Cretaceous Marine and Non-Marine formations that have a marginal potential to contain unique paleontological resources.

As considered by the GPU EIR, potential impacts to paleontological resources will be mitigated through ordinance compliance and through implementation of the following mitigation measures: paleontological monitoring and conformance with the County's Paleontological Resource Guidelines and the Grading Ordinance. The GPU EIR identified these mitigation measures as Cul-3.1 and Cul-3.2.

- 5(e) Based on an analysis of records maintained by the County and the South Coastal Information Center, it has been determined that the project site does not include a formal cemetery or any archaeological resources that might contain interred human remains.
- 5(f) Based on an analysis of records, cultural surveys of the property, and Native American consultation, it has been determined that tribal cultural resources are not present within the project site.

Native American consultation included a Sacred Lands check which was initiated with the Native American Heritage Commission (NAHC) on July 25, 2016. The Sacred Lands check conducted by the NAHC resulted in positive findings. The NAHC recommended that the Ewiiapaayp Band be contacted. The NAHC also provided a list of 13 tribes (Barona, Campo, Ewiiapaayp, Inaja, Jamul, Kwaaymii, La Posta, Manzanita, Mesa Grande, San Pasqual, Santa Ysabel, Sycuan, Viejas) who may have information related to the subject parcel. The 13 tribes including the Ewiiapaayp Band were contacted on October 5, 2016. To date, no tribal responses have been received.

Conclusion

The project could result in potentially significant impacts to cultural resources; however, further environmental analysis is not required because:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR will be applied to the project.

6. Geology and Soils – Would the Project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, and/or landslides?

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b) Result in substantial soil erosion or the loss of topsoil?

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Significant
Project
Impact

Impact not
identified by
GPU EIR

Substantial
New
Information

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- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☐
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ☐ ☐ ☐
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ☐ ☐ ☐

Discussion

- 6(a)(i) The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault.
- 6(a)(ii) To ensure the structural integrity of all buildings and structures, the project must conform to the Seismic Requirements as outlined within the California Building Code. Compliance with the California Building Code and the County Building Code will ensure that the project will not result in a significant impact.
- 6(a)(iii) The project site is not within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. In addition, the site is not underlain by poor artificial fill or located within a floodplain.
- 6(a)(iv) The site is located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. However, compliance with the California Building Code and the County Building Code will ensure that the project will not result in a significant impact.
- 6(b) According to the Soil Survey of San Diego County, the soils on-site are identified as Visalia sandy loam that has a soil erodibility rating of severe and Vista coarse sandy loam, that has a erodibility rating of moderate. However, the project will not result in substantial soil erosion or the loss of topsoil because the project will be required to comply with the Watershed Protection Ordinance (WPO) and Grading Ordinance which will ensure that the project would not result in any unprotected erodible soils, will not alter existing drainage patterns, and will not develop steep slopes. Additionally, the project will be required to implement Best Management Practices (BMPs) to prevent fugitive sediment.
- 6(c) The project is not located on or near geological formations that are unstable or would potentially become unstable as a result of the project.
- 6(d) The project is underlain by Visalia sandy loam and Vista coarse sandy loam, both of which are not considered to be an expansive soil as defined within Table 18-I-B of the Uniform Building Code (1994). Regardless, the project will not result in a significant

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impact because compliance with the Building Code and implementation of standard engineering techniques will ensure structural safety.

- 6(e) The project will rely on public water and sewer for the disposal of wastewater. No septic tanks or alternative wastewater disposal systems are proposed.

Conclusion

As discussed above, the project would not result in any significant impacts to/from geology/soils; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
7. Greenhouse Gas Emissions – Would the Project:			
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- 7(a) The project would produce GHG emissions through construction activities, vehicle trips, and residential fuel combustion. The annual 900 metric ton carbon dioxide equivalent (MT CO₂e) screening level referenced in the California Air Pollution Control Officers Association (CAPCOA) white paper is used as a conservative screening criterion for determining which projects require further analysis and identification of project design features or potential mitigation measures with regards to GHG emissions. The proposed project falls below the size-based screening criteria that were developed to identify project types and sizes that will have less than cumulatively considerable GHG emissions (i.e., the project will result in less than 70 multi-family residential units). The screening criteria are based on various land use densities and project types. Projects that meet or fall below the screening thresholds are expected to result in 900 MT per year of GHG emissions or less and would not require additional analysis. The project's proposed 13 or 14 residential lots would be below this screening criterion.

The County of San Diego Board of Supervisors adopted a Climate Action Plan (CAP) on February 14, 2018. The CAP was prepared pursuant to CEQA Guidelines Section 15183.5 as a qualified plan for reduction of GHG emissions, which allows development applicants to use CEQA streamlining tools for analysis of GHG emissions and related impacts for projects that are consistent with the CAP. A project would have a less than significant cumulatively considerable contribution to climate change impacts if it is found to be consistent with the CAP. The CAP Consistency Review Checklist (Checklist) provides a streamlined CEQA review process for discretionary development projects that are consistent with the General Plan density/intensity to determine consistency with the CAP. The following specific applicable requirements outlined in the Checklist, shall be required as a condition of project approval or at the Building Permit stage:

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- Install storage electric water heaters;
- The maximum flow rate of kitchen faucets shall not exceed 1.5 gallons per minute at 60 psi;
- Install at least one qualified Energy Star dishwasher or clothes washer per residential dwelling unit;
- Avail of incentives to install one rain barrel per every 500 square feet of available roof area;
- Submit a Landscape Document Package that is compliant with the County's water Conservation in Landscaping Ordinance and demonstrates a 40 percent reduction in current Maximum Applied Water Allowance for outdoor use; and
- Plant, at a minimum, two trees per residential dwelling unit.

The project proposes either 13 or 14 residential lots, and therefore will fall below the screening criterion of 70 units. For projects of this size, it is presumed that the construction and operational GHG emissions would not exceed 900 MT CO₂e per year. The project would be required to comply with the most recent California Building Code regulations at the time of building permit. Furthermore, the project would be consistent with the CAP, which is determined through the Checklist; therefore, the project would not result in a significant impact due to GHG emissions.

- 7(b) As described above, the project would not result in a cumulatively considerable contribution to global climate change. The project complies with the applicable requirements outlined in the CAP Consistency Review Checklist; therefore, the project is consistent with the CAP. Because the project is consistent with the density allowed in the General Plan, it would be consistent with the SANDAG Regional Plan. Thus, the project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHGs.

Conclusion

As discussed above, the project would not result in any significant impacts to greenhouse gas emissions; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

8. Hazards and Hazardous Materials – Would the Project:

a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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- b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐
- c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☐
- d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐
- e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐
- g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ☐ ☐ ☐
- h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances? ☐ ☐ ☐

Discussion

- 8(a) The project will not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity. In addition, the project does not propose to demolish any existing structures onsite which could produce a hazard related to the release of asbestos, lead based paint or other hazardous materials.
- 8(b) The project is not located within one-quarter mile of an existing or proposed school.
- 8(c) Based on a site visit and a comprehensive review of regulatory databases (see attached Hazards/Hazardous Materials references), the project site has not been subject to a release of hazardous substances. Additionally, the project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a

parcel identified as containing burn ash (from the historic burning of trash), and is not on or within 1,000 feet of a Formerly Used Defense Site.

- 8(d) The proposed project is located within an Airport Land Use Compatibility Plan (ALUCP), an Airport Influence Area, or a Federal Aviation Administration Height Notification Surface. The project is a residential subdivision, and the lot is surrounded by existing residences. The proposed Tentative Map would be an allowed use for the area, as residential uses are compatible for the area. However, the project has been conditioned to add an aviation easement over the property, which would ensure that the land would not pose a hazard to any aircraft using Gillespie Field. This easement would also ensure that future property owners would be aware of the lands proximity to Gillespie Field.

In addition, the proposed project would not involve any distracting visual hazards, including but not limited to, distracting lights, glare, sources of smoke or other obstacles, or an electronic hazard that would interfere with aircraft instruments or radio communications. The project is a residential subdivision that would not involve construction of any structure equal to or greater than 150 feet in height, thereby resulting in the creation of a safety hazard to aircraft and/or operations from an airport or heliport. Further, the project does it include any artificial bird attractor, including but not limited to reservoirs, golf courses with water hazards, large detention and retention basins, wetlands, landscaping with water features, wildlife refuges, or agriculture. Therefore, the project would not constitute a safety hazard for people residing or working in the project area.

- 8(e) The proposed project is not within one mile of a private airstrip.
- 8(f)(i) OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN: The project will not interfere with this plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.
- 8(f)(ii) SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN: The property is not within the San Onofre emergency planning zone.
- 8(f)(iii) OIL SPILL CONTINGENCY ELEMENT: The project is not located along the coastal zone.
- 8(f)(iv) EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN: The project would not alter major water or energy supply infrastructure which could interfere with the plan.
- 8(f)(v) DAM EVACUATION PLAN: The project is not located within a dam inundation zone.
- 8(g) The proposed project is adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code. The project location and design did not require a Fire Protection Plan; however, the Preliminary Grading Plan and Drainage Study were reviewed by the County Fire Marshal and Lakeside Fire Protection District. A Fire Service Availability Letter dated December 18, 2014, has been received from the Lakeside Fire Protection District which indicates the expected emergency travel time to

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the project site to be 2.6 minutes which is within the 5 minute maximum travel time allowed by the County Public Facilities Element. In addition, a Fire Protection Letter Report dated April 20, 2009 was accepted by County Fire Marshals.

- 6(h) The project does not involve or support uses that would allow water to stand for a period of 72 hours or more (e.g. artificial lakes, agricultural ponds). Also, the project does not involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Moreover, based on a site visit conducted by County staff, there are none of these uses on adjacent properties.

Conclusion

As discussed above, the project would not result in any significant impacts to/from hazards/hazardous materials; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
9. Hydrology and Water Quality – Would the Project:			
a) Violate any waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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|--|--------------------------|--------------------------|--------------------------|
| g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| k) Expose people or structures to a significant risk of loss, injury or death involving flooding? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| l) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| m) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

- 9(a) The project will require a NPDES General Permit for Discharges of Storm Water Associated with Construction Activities. The project applicant has provided a Stormwater Management Plan (SWMP) which demonstrates that the project will comply with all requirements of the WPO. The project will be required to implement site design measures, source control BMPs, and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable. These measures will enable the project to meet waste discharge requirements as required by the San Diego Municipal Permit, as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).
- 9(b) The project lies in the 907.12/ Santee hydrologic subareas, within the San Diego hydrologic unit. According to the Clean Water Act Section 303(d) list, a portion of this watershed is impaired for pollutants/ stressors. Constituents of concern in the San Diego River (Lower) watershed include Enterococcus, Fecal Coliform, Low Dissolved Oxygen, Manganese, Nitrogen, Phosphorus, Total Dissolved Solids, Toxicity. The project could contribute to release of these pollutants; however, the project will comply with the WPO and implement site design measures, source control BMPs, and treatment control BMPs to prevent a significant increase of pollutants to receiving waters.
- 9(c) As stated in responses 9(a) and 9(b) above, implementation of BMPs and compliance with required ordinances will ensure that project impacts are less than significant.
- 9(d) The project will obtain its water supply from the Lakeside Water District that obtains water from surface reservoirs or other imported sources. The project will not use any groundwater. In addition, the project does not involve operations that would interfere substantially with groundwater recharge.

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- 9(e) As outlined in the project's SWQMP, the project will implement source control and/or treatment control BMP's to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff.
- 9(f) The project will not significantly alter established drainage patterns or significantly increase the amount of runoff for the following reasons: based on a Drainage Study prepared by Chang Consultants (Wayne W. Chang) on December 14, 2016, drainage will be conveyed to either natural drainage channels or approved drainage facilities.
- 9(g) The project proposed to mitigate any increase in runoff volume by two alternatives. In the first alternative, the applicant will mitigate any increase in runoff by upgrading the downstream privately maintained storm drain system from 24" to 42". In the second alternative, the applicant will mitigate any increase in the runoff volume by constructing an additional on-site detention basin. Both of these alternatives have been thoroughly examined in the drainage study and it has been concluded that no impact is expected after the implementation of these mitigation measures.
- 9(h) The project has the potential to generate pollutants; however, site design measures, source control BMPs, and treatment control BMPs will be employed such that potential pollutants will be reduced to the maximum extent practicable.
- 9(i) No FEMA mapped floodplains, County-mapped floodplains or drainages with a watershed greater than 25 acres were identified on the project site or off-site improvement locations.
- 9(j) No 100-year flood hazard areas were identified on the project site or offsite improvement locations.
- 9(k) The project site lies outside any identified special flood hazard area.
- 9(l) The project site lies outside a mapped dam inundation area for a major dam/reservoir within San Diego County. In addition, the project is not located immediately downstream of a minor dam that could potentially flood the property.
- 9(m)(i) SEICHE: The project site is not located along the shoreline of a lake or reservoir.
- 9(m)(ii) TSUNAMI: The project site is not located in a tsunami hazard zone.
- 9(m)(iii) MUDFLOW: Mudflow is type of landslide. See response to question 6(a)(iv).

Conclusion

As discussed above, the project would not result in any significant impacts to/from hydrology/water quality; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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10. Land Use and Planning – Would the Project:

a) Physically divide an established community?

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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

☐☐☐**Discussion**

10(a) The project does not propose the introduction of new infrastructure such as major roadways, water supply systems, or utilities to the area.

10(b) The project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, including policies of the General Plan and Community Plan.

Conclusion

As discussed above, the project would not result in any significant impacts to land use/planning; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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11. Mineral Resources – Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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11(a) The project site has been classified by the California Department of Conservation – Division of Mines and Geology as undetermined mineral resources (MRZ-3). However, the project site is surrounded by residential uses which are incompatible to future extraction of mineral resources on the project site. A future mining operation at the project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, the project will not result in the loss of a known mineral resource because the resource has already been lost due to incompatible land uses.

11(b) The project site is not located in an Extractive Use Zone (S-82), nor does it have an Impact Sensitive Land Use Designation (24) with an Extractive Land Use Overlay (25).

Conclusion

As discussed above, the project would not result in any significant impacts to mineral resources; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
12. Noise – Would the Project:			
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- 12(a) Noise measures would ensure that the project would not expose people to potentially significant noise levels that exceed the allowable limits of the General Plan, Noise Ordinance, or other applicable standards for the following reasons:

General Plan – Noise Element: The project consists of 5.24 acres to be subdivided into 13 or 14 residential lots. The project is subject to the County Noise Element exterior noise threshold of 60 dBA CNEL for proposed exterior sensitive outdoor areas. Based on the location of the site and intervening topography and existing structures, the proposed subdivision would not be exposed to future traffic noise exceeding the 60 dBA CNEL sound level requirements pursuant to the County Noise Element. Additionally, exposure to 60 dBA CNEL at habitable structures would typically require an interior noise study to ensure interior Noise Element requirement of 45 dBA is met. This interior noise study requirement is not apply to this project and no noise mitigation is required for Noise Element conformance. Project traffic contributions on nearby roadways were determined to result in less than significant off-site direct and cumulative impacts. Traffic would not result in a substantial contribution to the existing noise levels along these nearby roadways pursuant to the County Noise Guidelines. The project is in conformance with the County Noise Element.

Noise Ordinance – Section 36-404:

Non-transportation noise generated by the project is not expected to exceed the standards of the Noise Ordinance at or beyond the project's property line. Therefore, staff anticipates that the project would not exceed the most restrictive 45 dBA nighttime one-hour average sound level limit.

Noise Ordinance – Section 36-408 and-409:

Temporary construction noise was assessed and would be subject to the County 75 dBA eight hour average requirement at the boundary of any occupied property, specifically an existing residence. Earth movement proposed would be a balance cut and fill with no import or export. Impulsive construction activities along with drilling and blasting are not proposed. No materials are to be processed on site. The site will be mass graded and site preparation would take approximately one month. Incorporation of construction equipment measures would help reduce the overall construction equipment noise as temporary construction operations are not anticipated to exceed county noise standards.

- 12(b) The project proposes residences where low ambient vibration is essential for interior operation and/or sleeping conditions. However, the facilities are typically setback more than 50 feet from any County Mobility Element (ME) roadway using rubber-tired vehicles with projected groundborne noise or vibration contours of 38 VdB or less; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses. A setback of 50 feet from the roadway centerline for heavy-duty truck activities would insure that these proposed uses or operations do not have any chance of being impacted significantly by groundborne vibration or groundborne noise levels (Harris, Miller Miller and Hanson Inc., Transit Noise and Vibration Impact Assessment 1995, Rudy Hendriks, Transportation Related Earthborne Vibrations 2002). This setback insures that this project site will not be affected by any future projects that may support sources of groundborne vibration or groundborne noise related to the adjacent roadways.

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area.

Therefore, the project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

- 12(c) As indicated in the response listed under Section 12(a), the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of any applicable noise standards. Also, the project is not expected to expose existing or planned noise sensitive areas to direct and cumulative noise impacts over existing ambient noise levels.
- 12(d) The project does not involve any operational uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity. Temporary construction noise was assessed and would be subject to the County 75 dBA eight hour average requirement at the boundary of any occupied property, specifically an existing residence. Earth movement proposed would be a balance cut and fill with no import or export. Impulsive construction activities along with drilling and blasting are not proposed. No materials are to be processed on site. The site will be mass graded and site preparation would take approximately one month. Incorporation of construction

15183 Exemption Checklist

equipment measures would help reduce the overall construction equipment noise as temporary construction operations are not anticipated to exceed county noise standards.

12(e) Although the project is located within 2 miles of the Gillespie Field airport, the project site is located outside of the 60 dBA overflight noise contours. Airport noise associated with this project is considered less than significant.

12(f) The project is not located within a one-mile vicinity of a private airstrip.

Conclusion

The project could result in potentially significant impacts related to noise; however, further environmental analysis is not required because:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR under Noi-4.1 and 4.2 will be applied to the project as notes on the grading plan. Mitigation measures Noi-5.1 has been applied as it relates to Airport Land Use Compatibility Plans.

13. Population and Housing – Would the Project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

☐
☐
☐

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐
☐
☐

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐
☐
☐

Discussion

13(a) The project will not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area.

13(b) The project will not displace existing housing.

15183 Exemption Checklist

- 13(c) The proposed project will not displace a substantial number of people. The site currently has one single family dwelling on the property. If approved, the project would yield additional lots.

Conclusion

As discussed above, the project would not result in any significant impacts to populations and/or housing; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

14. Public Services – Would the Project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios for fire protection, police protection, schools, parks, or other public facilities?

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
----------------------------------	--	-----------------------------------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

- 14(a) Based on the project's service availability forms, the project would not result in the need for significantly altered services or facilities.

Conclusion

As discussed above, the project would not result in any significant impacts to public services; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

15. Recreation – Would the Project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
----------------------------------	--	-----------------------------------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Discussion

- 15(a) The project would incrementally increase the use of existing parks and other recreational facilities; however, the project will be required to pay fees or dedicate land for local parks pursuant to the Park Land Dedication Ordinance.

15183 Exemption Checklist

- 15(b) The project does not include trails, but a pathway/sidewalk is proposed along Westhill Road. Impacts from these amenities have been considered as part of the overall environmental analysis contained elsewhere in this document.

Conclusion

As discussed above, the project would not result in any significant impacts to recreation; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
16. Transportation and Traffic – Would the Project:			
a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- 16(a) The project will result in an additional 140 ADT. However, the project will not conflict with any established performance measures because the project trips do not exceed the thresholds established by County guidelines. In addition, the project would not conflict with policies related to non-motorized travel such as mass transit, pedestrian or bicycle facilities.

15183 Exemption Checklist

- 16(b) The additional 140 ADTs from the project do not exceed the 2400 trips (or 200 peak hour trips) required for study under the region's Congestion Management Program as developed by SANDAG.
- 16(c) The proposed project is located within of an Airport Influence Area and is not located within two miles of a public or public use airport. However, the proposal is for a residential subdivision, which would not result in a change in air traffic patterns because the allowable land uses within airport safety zones are created for the purpose of ensuring ongoing airport safety, including maintenance of air traffic patterns. Furthermore, the project would not exceed the FAR Part 77 criteria related to airspace obstructions. Therefore, the proposed project would not have a significant impact on air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- 16(d) The proposed project will not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create curves, slopes or walls which would impede adequate sight distance on a road.
- 16(e) The Lakeside Fire Protection District and the San Diego County Fire Authority have reviewed the project and its Fire Protection Plan and have determined that there is adequate emergency fire access.
- 16(f) The project will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities.

Conclusion

As discussed above, the project would not result in any significant impacts to transportation and traffic; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
17. Utilities and Service Systems – Would the Project:			
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15183 Exemption Checklist

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

- 17(a) The project would discharge domestic waste to a community sewer system that is permitted to operate by the Regional Water Quality Control Board (RWQCB). A project facility availability form has been received from the San Diego County Sanitation District (Lakeside) that indicates that there is adequate capacity to serve the project.
- 17(b) The project involves new water and wastewater pipeline extensions. However, these extensions will not result in additional adverse physical effects beyond those already identified in other sections of this environmental analysis.
- 17(c) The project involves new storm water drainage facilities. However, these extensions will not result in additional adverse physical effects beyond those already identified in other sections of this environmental analysis.
- 17(d) A Service Availability Letter from the Lakeside Water District has been provided which indicates that there is adequate water to serve the project.
- 17(e) A Service Availability Letter from the San Diego County Sanitation District (Lakeside) has been provided, which indicates that there is adequate wastewater capacity to serve the project.
- 17(f) All solid waste facilities, including landfills require solid waste facility permits to operate. There are five, permitted active landfills in San Diego County with remaining capacity to adequately serve the project.
- 17(g) The project will deposit all solid waste at a permitted solid waste facility.

Conclusion

As discussed above, the project would not result in any significant impacts to utilities and service systems; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

Attachments:

Appendix A – References

Appendix B – Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067

Appendix A

The following is a list of project specific technical studies used to support the analysis of each potential environmental effect:

Chang Consultants, Wayne W. Chang (December 14, 2016). Stormwater/HMP Study
Chang Consultants, Wayne W. Chang (December 14, 2016). Drainage Study
David Evans and Associates, Patricia McColl, RCE (April 20, 2009). Fire Protection Plan (Letter Report)

For a complete list of technical studies, references, and significance guidelines used to support the analysis of the General Plan Update Final Certified Program EIR, dated August 3, 2011, please visit the County's website at:

[http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_5.00 -
References_2011.pdf](http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_5.00_-_References_2011.pdf)

Appendix B

A Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067 is available on the Planning and Development Services website at:

[http://www.sdcounty.ca.gov/pds/gpupdate/GPU FEIR Summary 15183 Reference.pdf](http://www.sdcounty.ca.gov/pds/gpupdate/GPU_FEIR_Summary_15183_Reference.pdf)

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
GERMANN TENTATIVE MAP
PDS2006-3100-5520 (TM), PDS2006-3910-06-14-048 (ER)

July 20, 2018

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

☐

NO

☐

NOT APPLICABLE/EXEMPT

☒

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated January 10, 2017.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

The project will obtain its water supply from the Lakeside Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

Steep Slopes: Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats: Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: Based on an analysis of records (including archaeological surveys) maintained by the County and the South Coastal Information Center, it has been determined that the property does not contain any archaeological and/or historical sites. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
☒

NO
☐

NOT APPLICABLE
☐

The project Storm Water Quality Management Plan has been reviewed and is found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
☒

NO
☐

NOT APPLICABLE
☐

Staff has evaluated the grading plans for TM5520 also known as the Germann Subdivision. Documentation is considered acceptable and staff has final noise recommendations. The project consists of 5.24 acres to be subdivided into 13 or 14 residential lots. The project is subject to the County Noise Element exterior noise threshold of 60 dBA CNEL for proposed exterior sensitive outdoor areas. Based on the location of the site and intervening topography and existing structures, the proposed subdivision would not be exposed to future traffic noise exceeding the 60 dBA CNEL sound level requirements pursuant to the County Noise Element. Additionally, exposure to 60 dBA CNEL at habitable structures would typically require an interior noise study to ensure interior Noise Element requirement of 45 dBA is met. This interior noise study requirement does not apply to this project and no noise mitigation is required for Noise Element conformance. Project traffic contributions on nearby roadways were determined to result in less than significant off-site direct and cumulative impacts. Traffic would not result in a substantial contribution to the existing noise levels along these nearby roadways pursuant to the County Noise Guidelines.

The project is also subject to the County Noise Ordinance which regulates temporary project related noise sources. Temporary construction noise is a 75 dBA eight hour average requirement at the boundary of any occupied property, specifically any existing residences. Earth movement proposed would be a balance cut and fill with no import or export. Impulsive construction activities along with drilling and blasting are not proposed. No materials are to be processed on site. The site will be mass graded and site preparation would take approximately one month. Incorporation of construction equipment measures would help reduce the overall construction equipment noise as temporary construction operations are not anticipated to exceed county noise standards. As part of the grading plan approval associated with the Tentative Map, grading plan notes requiring noise reducing measures will be required. Therefore, incorporation of noise measures would ensure the project is in conformance with the County Noise Element and is in compliance with the County Noise Ordinance.

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: **FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

Project Name: Germann Tentative Map, PDS2006-3100-5520 (TM), PDS2006-3910-06-14-048 (ER)

Project Location: 9212 Westhill Road, Lakeside, in the unincorporated San Diego County

Project Applicant: Robert Germann, 9111 Hillman Way, Lakeside, CA 92040 (619) 654-0785

Project Description: The project is a major subdivision to divide a 5.2-acre property into 13 or 14 residential lots, depending on the drainage option (one or two detention basins). The project site is located at 9212 Westhill Road, in the Lakeside Community Plan Area. The property is zoned Single Family Residential (RS) and the General Plan is Village Residential (VR-4.3). The project is consistent with both density and lot size requirements of the General Plan and Zoning Ordinance. Access to all lots would be via a proposed private road which would connect to Westhill Road. Water would be provided by Padre Dam and sewer would be provided by Lakeside Sanitation District. Earthwork will consist of 14,600 cubic yards of balanced cut and fill.
APN 382-121-05

Agency Approving Project: County of San Diego

County Contact Person: Marisa Smith Telephone Number: (858) 694-2621

Date Form Completed: July 20, 2018

This is to advise that the County of San Diego Planning Commission has approved the above described project on July 20, 2018, and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
 - ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
 - ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
 - ☐ Statutory Exemption. C Section:
 - ☒ Categorical Exemption. G Section: 15183
 - ☐ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
 - ☐ G 15182 - Residential Projects Pursuant to a Specific Plan
 - ☐ G 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning
 - ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378
2. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan ☒ was ☐ was not adopted for this project.

Statement of reasons why project is exempt: the project is consistent with the development density established by existing zoning, community plan, or general plan polices for which an EIR was certified. The project shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: (858) 694-2621

Name (Print): Marisa Smith Title: Land Use/Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.



State of California - Department of Fish and Wildlife

2017 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/01/17) Previously DFG 753.5a

Print

Sign Over

Finalize & Email

RECEIPT NUMBER:

37 — 03082017 — 014

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

PLANNING & DEVELOPMENT SERVICES

LEAD AGENCY EMAIL

DATE

03082017

COUNTY/STATE AGENCY OF FILING

San Diego

DOCUMENT NUMBER

PROJECT TITLE

PDS2006-3100-5520

PROJECT APPLICANT NAME

ROBERT GERMANN

PROJECT APPLICANT EMAIL

PHONE NUMBER

(619) 654-0785

PROJECT APPLICANT ADDRESS

9214 WESTHILL RD

CITY

LAKESIDE

STATE

CA

ZIP CODE

92040-3623

PROJECT APPLICANT (Check appropriate box)

☐

Local Public Agency

☐

School District

☐

Other Special District

☐

State Agency

☒

Private Entity

CHECK APPLICABLE FEES:

☐

Environmental Impact Report (EIR)

\$3,078.25

\$

0.00

☐

Mitigated/Negative Declaration (MND)(ND)

\$2,216.25

\$

0.00

☐

Certified Regulatory Program document (CRP)

\$1,046.50

\$

0.00

☐

Exempt from fee

☐

Notice of Exemption (attach)

☐

CDFW No Effect Determination (attach)

☐

Fee previously paid (attach previously issued cash receipt copy)

☐

Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☒

County documentary handling fee

\$

50.00

☐

Other

\$

PAYMENT METHOD:

☒

Cash

☐

Credit

☐

Check

☐

Other

TOTAL RECEIVED

\$

50.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

Cara Trieu / Cashier

Attachment D – Environmental Findings

ENVIRONMENTAL FINDINGS

Germann Tentative Map

PDS2006-3100-5520 (TM), PDS2006-3910-06-14-048 (ER)

July 20, 2018

- 1) In accordance with State CEQA Guidelines Section 15183, find the project is exempt from further environmental review for the reasons stated in the Notice of Exemption dated July 14, 2017, because the project is consistent with the General Plan for which an Environmental Impact Report dated August 2011 on file with Planning & Development Services as Environmental Review Number 02-ZA-001 (GPU EIR) was certified, there are no project specific effects which are peculiar to the project or its site, there are no project impacts which the GPU EIR failed to analyze as significant effects, there are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate, there is no substantial new information which results in more severe impacts than anticipated by the GPU EIR, and that the application of uniformly applied development standards and policies, in addition to feasible mitigation measures included as project conditions would substantially mitigate the effects of the project, as explained in the 15183 Statement of Reasons dated March 16, 2017.
- 2) In accordance with State CEQA Guidelines Section 15183(e)2, the Planning Commission, at a duly noticed public hearing on July 20, 2018, found that feasible mitigation measures identified in the General Plan Update EIR will be undertaken.
- 3) Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, Section 86.601 et seq.).
- 4) Find that plans and documentation have been prepared for the proposed project that demonstrates that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, Section 67.801 et seq.).
- 5) Find that the project is consistent with the Multiple Species Conservation Plan (MSCP) and the County Subarea Plan and that the project is exempt from the Biological Mitigation Ordinance (County Code, Section 86.501 et seq.) as explained in the MSCP Conformance Statement dated January 10, 2017, on file with Planning & Development Services as Environmental Review Number PDS2006-3910-06-14-048 (ER).

**MULTIPLE SPECIES CONSERVATION PROGRAM
CONFORMANCE STATEMENT
(Germann TM, PDS2006-3100-5520, APN 382-121-05)**

January 10, 2017

Summary

The project proposes a major subdivision of 5.24 acres into 13 or 14 lots (depending on drainage option). The lots would range in size from 0.23 to 0.63 acres. Construction activities associated with subdivision include the grading for 14 residential pads, driveways, and improvement of Ernest Valley Road and Virgine View. An existing residence on proposed Lot 15 is to remain. Existing structures towards the northern property boundary are to be removed. Earthwork will consist of equal cut and fill of 14,600 cubic yards of material. Access to Lots 1 through 11 is from Ernest Valley Road. Access to Lots 12 through 15 is from Virgine View. Zoning: RS, General Plan designation: VR-4.3, Regional Category: Village. The project site is located within the Metro Lakeside Jamul segment of the County's Multiple Species Conservation Program (MSCP) Subarea Plan. The project is therefore required to conform to the MSCP and the Biological Mitigation Ordinance.

Statement of Fact

There are no sensitive habitats or species within the proposed project area. The site is entirely urban/developed and does not support native vegetation. As a Tier IV habitat, no on-site preservation is required and impacts to urban/developed do not require mitigation under the Biological Mitigation Ordinance. No impacts to wildlife corridors or linkages will occur as the project site does not support geological, topographic or habitat features that would function in a corridor capacity. Furthermore, the site is not classified as a Biological Resource Core Area as it is not within the Pre-Approved Mitigation Area, is not within or adjacent to a large block of undisturbed habitat, is not mapped as having high habitat value and does not support sensitive species. Given the current site conditions and the surrounding land uses, development of this project will not hinder the formation of a future preserve system.

Conclusion

After consideration of the above facts, the proposed project is found to be in conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance.

Attachment E – Public Documentation

Recording Requested By

When Recorded Mail To:

Robert Germann
9214 Westhill Road
Lakeside, CA 92040

Mail Tax Statement To:

Not Applicable-Easement Deed

DEED OF EASEMENTS

(Private Improvements)

The undersigned grantor declares:

Documentary Transfer Tax is \$ None (easements).

() computed on full value of property conveyed; or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(x) Unincorporated area; () City of _____.

A.P.N. 382-121-11-00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, STERLING MOFFETT AND LINDA PARADISE, TRUSTEES OF THE MOFFETT/PARADISE FAMILY TRUST, UTD 11/10/2015 ("**Grantor**"), hereby grants to ROBERT E. GERMANN, TRUSTEE OF THE GERMANN FAMILY TRUST, UTD 3/17/80 ("**Grantee**"), an easement to install, maintain, and repair storm drain improvements under and across the real property in the County of San Diego, State of California, described in Exhibit A attached hereto and made a part hereof (the "**Easement Area**").

The easements granted hereby shall be appurtenant to the real property owned by Grantee in the County of San Diego, State of California, described in Exhibit B attached hereto and made a part hereof (the "**Benefitted Property**"). In addition, Grantee shall have the right to transfer these easements, in whole or in part, to an owners association established for the Benefitted Property.

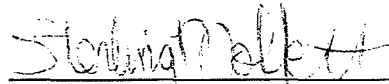
No permanent buildings, walls or other structures shall be constructed, placed or maintained, nor shall any trees be planted or kept in the Easement Area.

IN WITNESS WHEREOF, this instrument has been executed on 3 - 29, 2018

"Grantor"

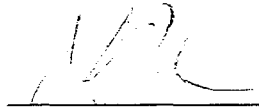
STERLING MOFFETT AND LINDA PARADISE, TRUSTEES OF
THE MOFFETT/PARADISE FAMILY TRUST, UTD 11/10/15

By:



Sterling Moffett, an individual and Trustee of the
Moffett/Paradise Family Trust

By:



Linda Paradise, an individual and Trustee of the
Moffett/Paradise Family Trust

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

) ss.

COUNTY OF SAN DIEGO)

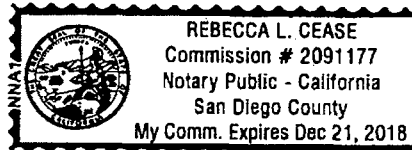
On March 29, 2018, before me, Rebecca L. Cease,
 Notary Public in and for said State, personally appeared,
Sterling Moffett and Linda Paradise who proved
 to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed
 to the within instrument and acknowledged to me that he/she/they executed the same in
 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
 the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Rebecca L. Cease



(Seal)

EXHIBIT A

Legal Description of Easement Area

IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 2
ACCORDING TO PARCEL MAP THEREOF NO. 17952, FILED IN THE OFFICE OF SAID COUNTY
RECORDER ON DECEMBER 5, 1997 AS FILE NO. 1997-0616517 AND DESCRIBED AS FOLLOWS:

THE EASTERLY 20.00 FEET OF SAID PARCEL 2;

THE SIDELINES OF SAID STRIP SHALL BE EXTENDED AND / OR SHORTENED TO TERMINATE
NORTHERLY AND SOUTHERLY ON THE NORTHERLY AND SOUTHERLY LINES OF SAID PARCEL 2.

EXHIBIT B

Legal Description of Benefitted Property

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 78 OF THE RESUBDIVISION OF LOTS 75, 78, 89, 100 AND 108 OF THE RIVERVIEW FARMS ACCORDING TO MAP THEREOF NO. 1695, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 14, 1917.

EXCEPTING FROM SAID LOT 78 THAT PORTION THEREOF DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 78;

THENCE NORTH 0° 02' EAST ALONG THE WEST LINE OF SAID LOT 78 A DISTANCE OF 15 FEET;

THENCE NORTH 88° 44' EAST 468.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 78, DISTANT 25.84 FEET NORTHERLY THEREON FROM THE SOUTHEAST CORNER OF SAID LOT, SAID LAST DESCRIBED POINT BEING ON THE ARC OF A CURVE CONCAVE EASTERLY, THE CENTER OF WHICH BEARS SOUTH 87° 42' EAST 120 FEET;

THENCE SOUTHERLY ALONG SAID LAST DESCRIBED CURVE 25.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 78;

THENCE NORTH 89° 34' WEST 470.20 FEET ALONG THE SOUTH LINE OF LOT 78 TO THE POINT OF COMMENCEMENT

DOC# 2018-0128538



Apr 02, 2018 11:56 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$212.00 (SB2 Atkins: \$150.00)

PAGES: 17

17F
1CC
Recording requested by
Steven E. Boehmer

When recorded mail to
Steven E. Boehmer
8100 La Mesa Blvd., Ste. 200
La Mesa, CA 91942

APN 382-121-05-00 ± 382-121-11-00

Space above this line for recorder's use only

EASEMENT AGREEMENT

Preamble and Recitals

This Easement Agreement is entered into on September 1, 2017, by and between Sterling Moffett and Linda Paradise Co-Trustees U/D/T dated November 10, 2015 Known as the Moffett/Paradise Family Trust (collectively "Grantors") and Robert E. Germann, Successor Trustee of the Earnest O. Germann and Virginia M. Germann Trust UTD March 17, 1980 ("Grantee").

A. Grantors are the owners of certain real property ("Parcel No. 1") located in the County of San Diego, State of California. The legal description for Parcel No. 1 owned by Grantors is set forth in Exhibit "A." which is attached to this agreement and hereby incorporated by reference.

B. Grantee is the owner of certain real property ("Parcel No. 2") located in the County of San Diego, State of California. The legal description for Parcel No. 2 owned by Grantee is set forth in Exhibit "B." which is attached to this agreement and hereby incorporated by reference.

C. There is an intent to develop the real property owned by Grantee and described in Recital B of this agreement (Parcel No. 2) into single family residences and related improvements ("Project").

D. The Grantors shall grant to Grantee an easement across and through Parcel No. 1.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the parties agree as follows:

Grant of Easement

1. The Grantors grant to Grantee the following nonexclusive Easement across and through the designated areas of Parcel No. 1. ("Designated Area"), as defined by the legal description attached hereto as Exhibit "C." This Easement is appurtenant to Parcel No. 2 and all parcels into which the same may hereafter be divided. The nonexclusive Easement shall be

memorialized by way of Grant Deed. The proposed Grant Deed is attached hereto as Exhibit "D."

- (i) For the installation, maintenance, removal, and replacement of a storm drainage system or structures in the Designated Area pursuant to the improvement plans and specifications attached hereto as Exhibit "E." In the event Grantee does not obtain approval from the County of San Diego in connection with the Tentative Map Option A, then this Easement Agreement shall be void. The storm drainage system or structure shall be located underground and the initiation of construction and any nonemergency maintenance thereof shall be done with 72 and 24 hour written notice, respectively.
- (ii) In connection with the scope of work outlined in subparagraph (i) above, Grantee shall (1) document the existing condition of Parcel No. 1 by way of photographs; (2) Existing landscaping on or for the benefit of Parcel No. 1 shall be restored or replaced to its preconstruction condition as near as practically and reasonably possible; (3) existing yard drains shall be connected to the 42" storm drain; (4) temporary fencing shall be installed ten (10) feet beyond the Designated Area pre-construction and remain until project completion to maintain the health and safety of person or property in connection with the project; (5) Grantors shall receive a baseline schedule in connection with the project and any recovery schedules related thereto; and (6) Grantors shall be named as additional insureds on the Commercial General Liability Insurance Policy of the licensed contractors performing the work.

In consideration for the easement and upon recordation thereof, Grantee shall pay the Grantors a sum equal to the appraised value of the easement. The appraisal shall be performed by a licensed appraiser selected by Grantors and Grantee. Grantee shall pay all costs and expenses in connection with the appraisal. Both parties agree to be bound by the appraised value so obtained and waive any right to contest or review the same.

In addition, Grantee or its successors and/or assignors shall pay all costs and expenses in connection with the initial installation, maintenance, removal and replacement of the storm drainage systems and structures. The maintenance, removal and replacement of the storm drainage system and structures shall be funded by the association fees, reserves or assessments collected by Grantee or its successors and/or assignors.

Character of Easement

2. For purposes of the easement granted in paragraph 1 of this agreement, the parcel benefitted by the easement constitutes the Dominant Estate, and the parcel burdened by the easement constitutes the Servient Estate. No easement may be transferred, assigned or encumbered except as an appurtenance to the benefitted Parcel.

Term

3. The easement granted in this agreement shall be in perpetuity, and shall run with the land and be binding on successors in interest and assigns.

Nonexclusive Easement

4. The easement granted in this agreement is nonexclusive. The Grantors retain the right to make any use of the Servient Estate, including the right to grant concurrent easements in the Servient Estate to third parties that do not interfere unreasonably with Grantee's free use and enjoyment of the easement.

Covenants Running; Binding Effect

5. This agreement and the easement granted hereunder shall constitute covenants running with the land and shall inure to the benefit of and be binding upon the parties and the parties' successors and assigns who acquire any interest in the parcels. All of the provisions of this agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including, but not limited to, Section 1468 of the California Civil Code. It is expressly acknowledged that each covenant to do or refrain from doing some act on each parcel hereunder (i) is for the benefit of each other parcel, (ii) runs with each parcel, and (iii) shall be binding upon each successive owner during its ownership of each parcel, or any portion thereof, and each person having any interest therein derived in any manner through any owner of any parcel, or any portion thereof, and shall benefit each party and its parcel and each other person acquiring any interest in the parcels and its interest therein.

Attorney's Fees

6. If any legal action or proceeding arising out of or relating to this agreement is brought by either party to this agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorney's fees, costs, and expenses incurred in the action or proceeding by the prevailing party.

No Termination

7. No breach of this agreement shall entitle any party to cancel, rescind, or otherwise terminate this agreement or excuse the performance of such party's obligations hereunder; provided, however, that this limitation shall not affect in any manner any other rights or remedies which any party may have by reason of such breach.

Property Free of Liens: Work Permitted

8. It shall be the obligation and duty of Grantee while performing work within the easement on the Servient Estate to keep the Grantor's Parcel free of any liens or other charges on the Grantor's Parcel in any way related to the work being performed on the Servient Estate.

Government Regulations

9. Grantee shall obtain, at its sole cost and expense, all governmental permits and authorizations of whatever nature required by any and all governmental agencies for such party's use of or entry onto the Grantor's Parcel and shall provide the Grantor with copies of all such permits or authorizations prior to entry. While on the Grantor's Parcel, Grantee and its representatives will comply with all applicable governmental laws and regulations, including without limitation laws relating to hazardous materials or substances. All persons who enter upon the Grantor's Parcel pursuant to the easement do so at their own risk and shall comply with any and all reasonable instructions and directions of the Grantor.

Indemnity

10. To the fullest extent permitted by law, Grantee ("Indemnifying Party") shall indemnify, defend and hold the Grantors ("Indemnified Party") harmless from and against any and all claims, expenses, liabilities, losses, damages and costs, including reasonable attorney's fees, and any actions or proceedings in connection therewith (collectively, "Claims"), whether made or incurred by the Grantee or any other party, incurred in connection with, arising from, due to or as a result of the death of any person or any accident, injury, loss or damage to any person or property resulting from the sole negligence or willful act or omission of the Indemnifying Party or its permittees pursuant to the rights granted hereunder.

Notices

11. All notices, demands and requests (collectively, "Notices") required or permitted to be given under this agreement must be in writing and shall be deemed to have been given as of the date such Notice is (i) delivered to the addressee, (ii) delivered to the then current address of the addressee, or (iii) rejected at the then current address of the addressee, provided such Notice was sent prepaid. Each party shall have the right to change its address for Notices upon written notice to the other parties. All Notices under this agreement shall be deemed given, received, made or communicated on the date personal delivery is affected or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

To: Sterling Moffett
and Linda Paradise

11505 Wilder Way
Lakeside, CA 92040

To: Robert E. Germann

9214 West hill Road
Lakeside, CA 92040

With a copy to:

Steven E. Boehmer
McDougal Love Boehmer Foley
Lyon & Canlas
8100 La Mesa Blvd, Suite 200
La Mesa, CA 91942
Phone: (619) 440-4444
Email: sboehmer@mcDougalLove.com

To Don Mitchell:

986 Pepper Villa Court
El Cajon, CA 92021
Phone: (619) 244-8481
Email: dmitchell@damrce.com

Severability

12. Invalidation of any of the provisions contained in this agreement, or of the application thereof to any person by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other persons and the same shall remain in full force and affect.

Amendment by Parties

13. This agreement may be amended by, and only by, a written agreement signed by all of the parties of the parcels, and shall be effective only when recorded in the official records of San Diego County, California. No amendments of this agreement shall be binding on any Lienholder unless such Lienholder consented thereto in writing.

Subordination and Bond

14. If any of the parties has a lienholder on such party's parcel, then such party shall use their best efforts to obtain the subordination to this agreement of such lienholder, including, but not limited to, any mortgage holder. In addition, Grantee shall procure both a performance bond and payment bond as required by the County of San Diego equivalent to the engineering estimate for the scope of work to be performed on Parcel 1.

Authority

15. The person executing this agreement on behalf of each party warrants that (a) they are duly authorized to execute and deliver this agreement on behalf of such party, and (b) by so executing this agreement such party is formally bound to the provisions of this agreement.

Entire Agreement

16. This agreement constitutes the entire agreement between the parties relating to the above easement. Any prior agreements, promises, negotiations, or representations not expressly set forth in this agreement are of no force and effect. Any amendment to this agreement shall be of no force and effects unless it is in writing and signed the parties.

Binding Effect

17. This agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties and is conditioned upon County of San Diego ("County") approving Option A of the tentative map submitted to the County in connection with the development of Parcel No. 2.

Recordation

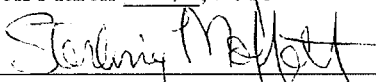
18. The parties agree that this agreement shall be recorded with the San Diego County Recorder's Office provided the conditions set forth in paragraph 17 and escrow instructions are satisfied and become binding upon recordation.


Exhibits

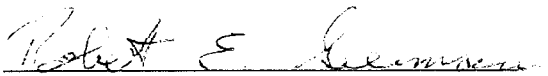
19. The following Exhibits are incorporated herein as if fully set forth in the body of this agreement.

- A. Legal Description for Parcel No. 1.
- B. Legal Description for Parcel No. 2.
- C. Legal Description for Easement or Designated Area.
- D. Grant Deed shown as Deed of Easements
- E. Tentative Map "A" Option.

Executed on March 29, 2018


By: Sterling Moffett, an individual and
Trustee of the Moffett/Paradise Family Trust


By: Linda Paradise, an individual and
Trustee of the Moffett/Paradise Family Trust


By: Robert E. Germann, Trustee of the
Earnest O. Germann and Virginia M. Germann Trust UTD March 17, 1980

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

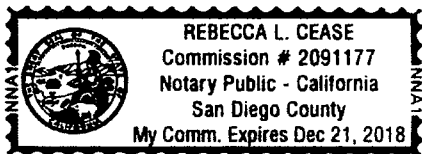
State of California

County of San DiegoOn March 29, 2018 before me, Rebecca L. Cease, Notary Public,
Date Here Insert Name and Title of the Officerpersonally appeared Sterling Moffett and Linda
Name(s) of Signer(s)
Paradise

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Rebecca L. Cease
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

San Diego

On

April 2, 2018

Date

before me,

Rebecca L. Cease, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Robert E. Germann

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

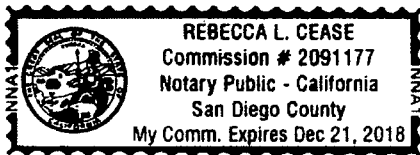
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Rebecca L. Cease

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

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Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

EXHIBIT "A"

LEGAL DESCRIPTION FOR GRANTOR PROPERTY

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 2 IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP THEREOF NO. 17952, FILED IN THE OFFICE OF THE COUNTY RECORDER ON DECEMBER 5, 1997 AS FILE NO. 1997-0616517.

EXHIBIT "B"

LEGAL DESCRIPTION OF BENEFITTED PROPERTY

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. DESCRIBED AS FOLLOWS:

LOT 78 OF THE RESUBDIVISION OF LOTS 75, 78, 89, 100 AND 108 OF THE RIVERVIEW FARMS ACCORDING TO MAP THEREOF NO. 1695, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 14, 1917.

EXCEPTING FROM SAID LOT 78 THAT PORTION THEREOF DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 78;

THENCE NORTH 0° 02' EAST ALONG THE WEST LINE OF SAID LOT 78 A DISTANCE OF 15 FEET;

THENCE NORTH 88° 44' EAST 468.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 78, DISTANT 25.84 FEET NORTHERLY THEREON FROM THE SOUTHEAST CORNER OF SAID LOT, SAID LAST DESCRIBED POINT BEING ON THE ARC OF A CURVE CONCAVE EASTERLY, THE CENTER OF WHICH BEARS SOUTH 87° 42' EAST 120 FEET;

THENCE SOUTHERLY ALONG SAID LAST DESCRIBED CURVE 25.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 78;

THENCE NORTH 89° 34' WEST 470.20 FEET ALONG THE SOUTH LINE OF LOT 78 TO THE POINT OF COMMENCEMENT.

EXHIBIT "C"

LEGAL DESCRIPTION FOR DRAINAGE EASEMENT DEDICATION

IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 2 ACCORDING TO PARCEL MAP THEREOF NO. 17952, FILED IN THE OFFICE OF SAID COUNTY RECORDER ON DECEMBER 5, 1997 AS FILE NO. 1997-0616517 AND DESCRIBED AS FOLLOWS:

THE EASTERLY 20.00 FEET OF SAID PARCEL 2:

THE SIDELINES OF SAID STRIP SHALL BE EXTENDED AND / OR SHORTENED TO TERMINATE NORTHERLY AND SOUTHERLY ON THE NORTHERLY AND SOUTHERLY LINES OF SAID PARCEL 2.

Exhibit "D"

Recording Requested By

When Recorded Mail To:

Robert Germann
9214 Westhill Road
Lakeside, CA 92040

Mail Tax Statement To:

Not Applicable-Easement Deed

DEED OF EASEMENTS

(Private Improvements)

The undersigned grantor declares:

Documentary Transfer Tax is \$ None (easements).

() computed on full value of property conveyed; or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(x) Unincorporated area; () City of _____.

A.P.N. 382-121-11-00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, STERLING MOFFETT AND LINDA PARADISE, TRUSTEES OF THE MOFFETT/PARADISE FAMILY TRUST, UTD 11/10/2015 ("**Grantor**"), hereby grants to ROBERT E. GERMANN, TRUSTEE OF THE GERMANN FAMILY TRUST, UTD 3/17/80 ("**Grantee**"), an easement to install, maintain, and repair storm drain improvements under and across the real property in the County of San Diego, State of California, described in Exhibit A attached hereto and made a part hereof (the "**Easement Area**").

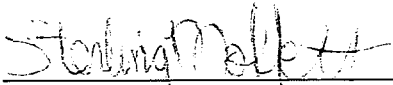
The easements granted hereby shall be appurtenant to the real property owned by Grantee in the County of San Diego, State of California, described in Exhibit B attached hereto and made a part hereof (the "**Benefitted Property**"). In addition, Grantee shall have the right to transfer these easements, in whole or in part, to an owners association established for the Benefitted Property.


No permanent buildings, walls or other structures shall be constructed, placed or maintained, nor shall any trees be planted or kept in the Easement Area.

IN WITNESS WHEREOF, this instrument has been executed on 3 - 29, 2018

"Grantor"

STERLING MOFFETT AND LINDA PARADISE, TRUSTEES OF
THE MOFFETT/PARADISE FAMILY TRUST, UTD 11/10/15

By: 
Sterling Moffett, an individual and Trustee of the
Moffett/Paradise Family Trust

By: 
Linda Paradise, an individual and Trustee of the
Moffett/Paradise Family Trust

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

) ss.

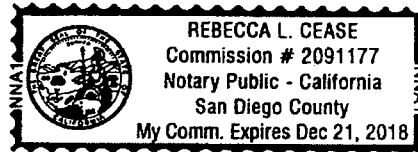
COUNTY OF SAN DIEGO)

On March 29, 2018 before me, Rebecca L. Cease
 Notary Public in and for said State, personally appeared,
Sterling Moffett and Linda Paradise who proved
 to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed
 to the within instrument and acknowledged to me that he/she/they executed the same in
 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
 the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rebecca L. Cease



(Seal)

EXHIBIT A

Legal Description of Easement Area

IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 2
ACCORDING TO PARCEL MAP THEREOF NO. 17952, FILED IN THE OFFICE OF SAID COUNTY
RECORDER ON DECEMBER 5, 1997 AS FILE NO. 1997-0616517 AND DESCRIBED AS FOLLOWS:

THE EASTERLY 20.00 FEET OF SAID PARCEL 2;

THE SIDELINES OF SAID STRIP SHALL BE EXTENDED AND / OR SHORTENED TO TERMINATE
NORTHERLY AND SOUTHERLY ON THE NORTHERLY AND SOUTHERLY LINES OF SAID PARCEL 2.

EXHIBIT B

Legal Description of Benefitted Property

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 78 OF THE RESUBDIVISION OF LOTS 75, 78, 89, 100 AND 108 OF THE RIVERVIEW FARMS ACCORDING TO MAP THEREOF NO. 1695, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 14, 1917.

EXCEPTING FROM SAID LOT 78 THAT PORTION THEREOF DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 78;

THENCE NORTH 0° 02' EAST ALONG THE WEST LINE OF SAID LOT 78 A DISTANCE OF 15 FEET;

THENCE NORTH 88° 44' EAST 468.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 78, DISTANT 25.84 FEET NORTHERLY THEREON FROM THE SOUTHEAST CORNER OF SAID LOT, SAID LAST DESCRIBED POINT BEING ON THE ARC OF A CURVE CONCAVE EASTERLY, THE CENTER OF WHICH BEARS SOUTH 87° 42' EAST 120 FEET;

THENCE SOUTHERLY ALONG SAID LAST DESCRIBED CURVE 25.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 78;

THENCE NORTH 89° 34' WEST 470.20 FEET ALONG THE SOUTH LINE OF LOT 78 TO THE POINT OF COMMENCEMENT

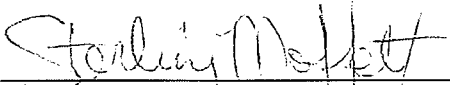
Escrow Instructions
between
Moffett/Paradise Family Trust
and


Earnest O. Germann and Virginia M Germann Trust

Pursuant to the "Easement Agreement" specifically Section 18 First American Title is directed to do the following:

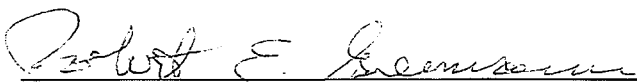
1. Hold the Easement Deed executed by Sterling Moffett and Linda Paradise as Trustees on behalf of the Moffett/Paradise Family Trust.
2. Upon receipt of a cashier's check in the amount of the appraised value of the easement First American Title will record the Easement Deed and forward the collected funds to the Moffett/Paradise Family Trust.

STERLING MOFFETT AND LINDA PARADISE,
TRUSTEES OF THE MOFFETT/PARADISE FAMILY
TRUST, UTD 11/10/15

By: 
Sterling Moffett, an individual and Trustee of
the Moffett/Paradise Family Trust

By: 
Linda Paradise, an individual and Trustee of
the Moffett/Paradise Family Trust

Robert E. Germann, Successor Trustee of the
Earnest O. Germann and Virginia M Germann Trust

By: 
Robert E. Germann an individual and
Successor Trustee of the Earnest O. Germann
and Virginia M Germann Trust

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE PUBLIC DISCLOSURE NOTICE**

**GERMANN TENTATIVE MAP
PDS2006-3100-5520 (TM), PDS2006-3910-06-14-048 (ER)**

A draft version of the Public Notification was circulated for public notification from March 16, 2017 to April 14, 2017. The following is a listing of the names and addresses of persons, organizations, and public agencies that commented during this public notification period.

NAME**ADDRESS****FEDERAL AGENCIES****STATE AGENCIES****COUNTY, CITY, AND OTHER
LOCAL AGENCIES**

John O'Donnell
(Planner, City of Santee)

10601 Magnolia Avenue, Santee, CA 92071

ORGANIZATIONS

Viejas Tribal Government

PO Box 908
Alpine, CA 91903

INDIVIDUALS

Joseph Parsons

9226 Westhill Road, Lakeside, CA 92040

Sharon A. Jones

9209 Westhill Road, Lakeside, CA 92040

Candace Newkirk

115115 Wilder Way, Lakeside, CA 92040

Linda Paradise

115105 Wilder Way, Lakeside, CA 92040

Pauline White

9240 Westhill Road, Lakeside, CA 92040

Steven E. Boehmer

8100 La Mesa Boulevard, Ste. 200, La Mesa,
CA 91942

Gail Fiebig

9250 Westhill Road, Lakeside, CA 92040



County of San Diego, Planning & Development Services
Project Planning Division

TO: File
FROM: Marisa Smith, Land Use/ Environmental Planner
SUBJECT: Germann Tentative Map, PDS2006-3100-5520 (TM), PDS2006-3910-06-14-048 (ER)
DATE: May 15, 2017

The following are staff's responses to comments received during the public disclosure period for the draft 15183 Exemption Findings dated March 16, 2017. The draft 15183 Exemption Findings were available for public disclosure from March 16, 2017 through April 14, 2017. Comments were not received that require changes to the CEQA Document 15183 and/or the project.

Response to comments received from Joseph Parsons, neighbor

A - 1 **Comment** - I would like this project to proceed if the following items are addressed that affect my property.

1. Plan A plan does not replace the full length of the existing pipe which could compromise my property with back flow flooding behind my retaining wall. Current design needs to extend the 42-inch drain beyond the existing retaining wall.

Response – Plan A would extend the pipe with an underground vault and connect to the retaining wall. The pipe cannot be extended further due to the difference in grade. However, rip rap has been added.

A-2 **Comment** - 2. The existing drain doesn't contain all of the runoff during heavy rains and flows into my property. Then over flows my yard and flows into the neighbors pool and downstairs. I would prefer the proposed 42-inch drain be installed, eliminating all of the existing drainage problems.

Response – Both options (Plan A and Plan B) are offered by the applicant. The existing drain and the inlet structure were not designed to accommodate the flows that have historically entered the offsite properties. If Plan B is chosen, a retention basin is proposed. This proposed retention basin would restrict the flow to the capacity of the existing 24-inch storm drain.

A-3 **Comment** - 3. There are no details showing my existing yard drainage tie-ins. I have three drains that currently tie into the existing drain. Without these three drains (one at each end and one in the middle of my property my property will have no drainage, flooding my property and will overflow into my neighbor's pool and downstairs. I need my drains to be tied into the new drain at no cost to me.

Response - Any existing private yard drains will be connected to the new storm drain.

- A-4 **Comment** - 4. Water runoff from the street level (Westhill Rd) and north of the new road currently doesn't dump into the existing drain. I would like that water to be diverted into the new drain.

Response – Regardless which Plan (A or B) is chosen, the water runoff from the Westhill Road would be picked up in an inlet and directed into the projects storm drain system.

- A-5 **Comment** - 5. There is no mention my fence and landscape restoration at no cost to me and an acceptable timeline with penalties for failure to complete by agreed upon timelines. The current project has taken many years to get to this point and I don't want my property being disrupted past an agreed upon amount of time.

Response - Preliminary designs appear not to impact the fence or the landscaping. If during final design or construction, there is a need to enter Mr. Parson's property, the contractor and developer would work with all applicable land owners to replace any impacted area to the pre-construction design.

- A-6 **Comment** - 6. My landscaping irrigation will be disrupted during this time and needs to be addressed.

Response – Comment noted. See response to comment A-5.

- A-7 **Comment** - 7. I need to know if there will be an easement going through my yard and how that will affect my property. Will I be able to build a shed or pool if there is an easement?

Response - No permanent easement is proposed or required on the commenter's property.

- A-8 **Comment** - 8. I need temporary fencing to keep my pets safe during this time at no cost to me.

Response - Should any existing fencing need to be removed for the construction of the storm drain, a temporary fence will be installed to secure the property and maintain a safe work area.

- A-9 **Comment** – 9. My property has already suffered flooding since the existing the pipe has been installed, so Plan B raises concerns that it may not be stable enough to provide a path for long term use by the development.

Response - If Plan B is selected, a retention basin would be built to restrict the drainage to the capacity of the existing 24-inch storm drain.

A-10 **Comment** - I appreciate your attention to my concerns and will provide a formal letter to you for inclusion to the Planning Commission. Please contact me with any questions

Response – Closing statement. Comment noted.

Response to comments received from Joseph Parsons, neighbor (separate letter)

A-11 **Comment** – I am requesting the following conditions be required for the above (Germann TM 5520) project.

- A. Connecting my drains to the new 48-inch drain.
- B. Restoring my landscaping & irrigation to the conditions it was prior it was prior to the project starting.
- C. Have the plans show the water runoff from the street level (Westhill Rd) and north of the new road to my parcel (382-121-08).

Response – Opening statement. These requested conditions are further discussed below.

A-12 **Comment** – I would like the project to proceed if the above conditions are required. If they are not, it can highly impact my property. Below are my concerns:

Response – Comment noted. These requested conditions are further discussed below.

A-13 **Comment** – (Plan A Issues) Currently, there is a 24-inch storm drain that is buried in my neighbor's (Moffet/Paradise) yard. Plan A is proposing to replace the storm drain with a 42-inch pipe. Plan A plan does not replace the full length of the existing pipe which could compromise my property with back flow flooding behind my retaining wall, leading to the eventual collapse of my retaining wall. Current design needs to extend the 42-inch drain beyond the existing retaining wall.

Response – See response to comments A-1, A-2, and A-3.

A-14 **Comment** – (Plan A Issues) Currently, the plans don't show the water runoff from the street level (Westhill Rd) and north of the new road to my parcel (382-121-08-00) draining into the new drain. I would like the plans to show that runoff being diverted into the new drain.

Response – See response to comment A-4.

- A-15 **Comment** – (Plan B Issues) My property has already suffered flooding since the existing pipe has been installed, so Plan B raises concerns that it may not be stable enough to provide a path for long term use by the development.

Response – See response to comment A-9.

- A-16 **Comment** – (Plan B Issues) Plan A sounds like a better option for all involved parties. Mr. Germann gets to build an extra house, and his down-stream neighbors are content with their yards not being flooded.

Response – Comment noted.

- A-17 **Comment** – I am supportive of Mr. Germann building his development. However, both the planning dept. and Mr. Germann have not fully taken into consideration the consequences to the downstream neighbors.

Response – Staff has analyzed the Preliminary Grading Plan, Stormwater Management Plan, and Drainage Study, and found them to be acceptable for CEQA purposes. However, the applicant has redesigned the project in response to comments received.

- A-18 **Comment** – Even though, Plan A is preferred, the lack of detail on the Tentative Map leave my property at risk of destruction and flooding.

Response – See response to comment A-17.

Response to comments received from Sharon A. Jones, neighbor

- B-1 **Comment** - My husband and I live directly across the street from the property in question. I need to protest this development. The owner of this property has been moving truckloads of dirt and driving around this 5 acre plot for years moving dirt and stirring up dust.

Response – Thank you for your comment. The County of San Diego requires that Best Management Practices (BMP's) be adhered to pre- and post-construction, which includes dust control. This process should resolve the current issue dust issue.

- B-2 **Comment** - I have been diagnosed with COPD as a result of his refusal to use water to keep the dust to a minimum.

Response – Comment noted.

B-3 Comment - I have contacted the EPA, the police and the office of code enforcement. No one will help me.

Response – Staff has checked Country records for any violations on the property which the Tentative Map is proposed. No records have been found. If you believe there is a violation, please contact Code Compliance at (858) 694-2705 or at PDS.CodeCompliance@sdcounty.ca.gov

B-4 Comment - The thought of earth work consisting of 14,600 cubic yards of dirt arriving to this sight makes me extremely upset and fearful of the harmful effect on my health. Is there anything I can do to prevent this from happening?

Response – The Preliminary Grading Plan demonstrates a balanced cut and fill of 14,600 cubic yards. Any materials brought in would be reviewed through an approved Haul Route Plan.

B-5 Comment - Thank you for considering my request.

Response - Closing statement. Comment noted.

Response to comments received from Candace Newkirk, neighbor

C-1 Comment - I wanted to introduce myself, Candace Newkirk, Linda Paradise's next door neighbor. I wanted to share some of my husband, Ryan, and I's concerns with Germann's proposed/approved plans which is included in email correspondence (below) that I had with the previous planner which reiterates my current concerns.

Response - Opening comment. Comment noted.

C-2 Comment - Wayne Chang, Don Mitchel and ourselves had come up with a suggestion that would help save our properties from potential flooding. With a double the size pipe feeding run off into all our yards, I feel Option A could be a disaster for all our properties and only benefits one person. Option B could be a better plan, as long as the current pipe does not fail.

Response - The flooding issue has been caused by several factors, all of which are not related to the project. The installation of an undersized, unpermitted storm drain with an inadequate inlet caused water to overtop and flood the two properties adjacent to the project (APN 382-121-08 and 11) which then led to the flooding to subsequent properties (APN 382-121-07). Additionally, existing retaining walls have constricted the historic channel which has caused erosion along the fence lines. It is unclear if these retaining walls obtained proper permits.

- C-3 **Comment** - I understand that the county will be coming out to check our properties this Friday. I hope you will be able to see and understand where we are all coming from.

Response - The applicant, engineer of work, and staff visited the project site and off-site areas, along with several neighbors, on March 27, 2017.

- C-4 **Comment** - Thank you for your time and consideration. Please email or call with any questions.

Response - Closing statement. Comment noted.

Response to comments received from John O'Donnell, Planner, City of Santee

- D-1 **Comment** – Thank you for the opportunity to review the documents regarding the Germann Tentative Map. The city of Santee has no comments. Please contact me at (619) 258-4100, Extension 182 if you have any questions or require additional information.

Response - Comment noted.

Response to comments received from Linda Paradise and Sterling Moffett, neighbors

- E-1 **Comment** - Here are our preliminary questions and concerns:
Plan "A": (1) We need a detail drawing that shows the pipe exit at Moffett - Newkirk property line in relationship to the existing retaining wall. We also need actual footages of the proposed pipe replacement.

Response - The storm drain, as shown on the Tentative Map, discharges into an underground vault that is extended to the retaining wall. The pipe replacement is approximately 110-feet ±.

- E-2 **Comment** - Plan "A": (2) Our major concern is that the proposed pipe replacement appears to stop short of the property line on the current drawings. If the pipe is not extended to the existing retaining wall with rip rap to start at Newkirk boundary, it will leave an open pit of about 7-feet deep that could compromise the integrity of the retaining walls that exist on the boundaries of 3 properties.

Response - The pipe and vault extend to the retaining wall. There is no open pit with the proposed design.

- E-3 **Comment** - Plan "A": (3) If the proposed pipe plan is to stop short, we need a detailed explanation of how the open pit, surrounding soils and retaining walls are going to be managed.

Response – See response to comment E-2.

- E-4 **Comment** - Plan “A”: (4) 4. Plan “A” drawings omit important details such as: existing residential drainage tie-ins from our property, replacement of landscape and yard reconstruction.

Response - Any existing private yard drains would be connected to the new storm drain. Prior to construction the existing yard will be photo documented and upon completion will be restored to the existing condition. In addition, a condition has been placed within the Resolution to ensure this occurs.

- E-5 **Comment** - Plan “A”: (5) Leaving an open pit with rip rap and/or changing the elevation of our yard is an unacceptable solution and compromises our ability to negotiate the easement.

Response – As noted previously, there is no proposal for an open pit. In addition, the elevation of the rear yard would remain unchanged.

- E-6 **Comment** - Plan “B”: (1) We are unsure as to the soundness of the existing pipe in our yard. It is a known concern that the existing pipe was placed by the previous property owners without permits, nor to code.

Response - The concern for the existing pipe would be an issue regardless of the proposed project. If a structural issue with the existing pipe were to occur within their property boundaries, it would be assumed that that property owner would need to make necessary repairs to fix the pipe. However, the applicant has offered design features within Option A which would improve the existing drainage situation.

- E-7 **Comment** - Plan “B”: (2) We want to ensure that this pipe will not create a liability to us and/or surrounding neighbors by relying on this as the primary path to support a new major subdivision.

Response - If Plan B is the chosen alternative, the flow will be detained to the capacity of the 24-inch pipe, which should reduce liability for the existing unpermitted and undersized storm drain.

- E-8 **Comment** - Plan “B”: (3) We have a pipe inspection planned by a NASSCO certified company to ensure that we are fully informed as to the condition of the pipe.

Response - Staff requests a copy of the certification once it becomes available.

- E-9 **Comment** - We need an explanation from the County on the process required to have Plan “A” re-evaluated to address our concerns prior to being presented to

Planning Commission for approval. Any guidance you can provide would be greatly appreciated.

Response – The applicant has met with the neighbors during and after the Public Notification period to show the updated designs of Option “A.” Staff has followed up with the neighbors and was told that an agreement has been reached.

Response to comments received from Pauline White, neighbor

- F-1 **Comment** - Thank you for including me in this information chain of this long standing proposed project. I have reviewed the projects materials as provided as much as a layperson is able.

Response - Opening comments. Comment noted.

- F-2 **Comment** - I know there have been many meetings of the surrounding neighbors, however, I have never been invited to provide comment. I am not as impacted as others by far.

Response – The discussions and/or meetings with neighbors were requested by the neighbors. Staff does not typically request meetings with surrounding property owners. There are Community Planning Group meetings, which are open to the public, and comments or questions from the public are welcome. The Public Notification process is another forum where the community or general public can comment about the project.

- F-3 **Comment** – There are two homes between myself and the “project” on Westhill Rd. I am south of the project on the same side of the street. The drainage area borders my westerly property line and back yard.

Response – The commenter’s property is north of the project. Comment noted.

- F-4 **Comment** – For the past few years, after human intervention in several ways, the drainage area “ditch” has been eroding the ground more and more with each rain. I had a 60ft palm tree removed for fear of its compromise and fall. My professionally installed chain link fencing is barely erect as I write, due to ground erosion from increased water flow, not previously present.

Response – During a field visit with the applicant and neighbors, it appears that previously erected structures have encroached into the historic channel, causing the velocity to increase and channel alignment to be modified due to this restriction. There is no nexus for the developer to repair the damage created by the construction of the neighbor’s improvements. However, the outlet pipe would be designed as to not allow any increase in drainage. In addition, rip-rap would be added to the design to potentially improve the existing situation.

- F-5 **Comment** – There has been much grading over the past 10 or so years of the proposed project property. The natural terrain is no longer visible for consideration of that degree of intervention of the natural planned terrain.

Response – Staff has researched County records for any grading permits or violations, however, no documentation has been found. Regardless, the project has been reviewed for stormwater and drainage purposes pre- and post-development. The County of San Diego must ensure from a CEQA level review that the proposed project would not cause any additional runoff, increase in velocity, or change in drainage patterns from what currently exists. The Stormwater Report and Drainage Report have identified both Options A and B, and both studies been accepted for either scenario.

- F-6 **Comment** – The home south of, and next to the project, brought in many dozens of truckloads of fill dirt over 3 days, to fill their sloping backyard so as to be level with their house. 10-15 feet? Some sort of drainage pipe was installed along with a retaining wall. The wall very soon collapsed sending dirt onto the yard/home next to me, including a swimming pool and onto my property over the next rains post wall failure (soon another retaining wall was installed).

Response – The commenter's property is actually north of the proposed project. Comment noted.

- F-7 **Comment** – My impression is that significant change in the downhill topography greatly altered the natural drainage that had been without problem or erosion and often decay odor in a huge open muddy ditch that is continually wet and musty, and a river flowing of increased erosion when it rains. I have great health concerns, as the ground cannot absorb the water waste and the flow interrupted too much to dry out. The Fiebig neighbors just south of me, across Wilder Way, have a soggy swath across their property, as their reserved area for natural water flow was undisturbed, until the increased problems since the disruption of the natural downhill flow, from "upstream."

Response – Staff noted during a field visit with the applicant and neighbors that existing, unpermitted 24-inch storm drain (along with the restriction of the drainage way by the construction of retaining walls) has created drainage/flooding issues in this area. Should Option "A" be chosen, the applicant proposes the following improvements: replace the existing 24-inch pipe with a 42-inch pipe, add rip-rap to help alleviate the existing erosion, and add a security gate to the opening of the pipe.

It should also be noted that the Fiebig's property is located north of the commenter's property.

- F-8 **Comment** – Did the massive amount of dirt installed to fill in that yard next to the project property have proper oversight and guidance from the County? And is that being taken into consideration in the management of water diversion flow downhill, in what is not being managed or tolerated well by some of us in the downhill altered path.

Response – There is no record of a grading plan or storm drain improvement plan being submitted or reviewed by the County. It has been previously noted that the existing pipe was built without permits, and is undersized for the area.

- F-9 **Comment** – What measures will prevent this erosion and soggy odor from worsening?

Response – No soggy odor was noted during the site visit. As previously stated, erosion is caused due the restricted channel from the construction of retaining walls. A rip rap energy dissipater will be constructed at the outlet of the pipe to slow the water's velocity.

- F-10 **Comment** – Please consider or require containment drainage pipe to carry the water downhill to a position where it can be let go in the natural unobstructed path to run down to Woodside Ave and beyond.

Response – This request would exceed the nexus for the project's improvements. Also, a new pipe would interfere with the existing sewer pipe that is within an easement to the County of San Diego.

- F-11 **Comment** – I am not opposed to property growth or investment property development. I do not feel that anyone else's property should be expected to be compromised or have negative impact in that development. As Michael Turko of the Turko Files says: "It ain't right."

Response – Closing comment. Comment noted.

Response to comments received from Ray Teran, Resource Management, Viejas Tribal Government

- G-1 **Comment** – The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to Viejas.

Response - The comment is introductory and is not at variance with the environmental document. No changes were made to the environmental documentation as a result of this comment.

- G-2 **Comment** – Viejas Band requests that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

Response – The County acknowledges and appreciates this comment. The project site has been evaluated by County staff and it has been determined that neither a cultural study nor monitoring is required because the project site has been graded historically. In addition, tribal outreach was conducted to determine whether tribal cultural resources are present onsite. No response was received from the tribes that were noticed. Furthermore, the surrounding area is developed and the nearest resource (isolate) is 0.4 mile from the project site. Based on the cultural evaluation, tribal outreach, and the existing project conditions, monitoring is not required. No changes were made to the environmental documentation as a result of this comment.

- G-3 **Comment** – Please call Ernest Pingleton for scheduling or email. Thank you.

Response – Closing comment. Comment noted.

Response to comments received from Steven E. Boehmer, Paralegal, McDougal, Love, Boehmer, Foley, Lyon & Canlas

- H-1 **Comment** – The law firm of McDougal, Love, Boehmer, Foley, Lyon & Canlas had been retained by Sterling Moffett and Linda Paradise (Moffett-Paradise), who own Parcel No. 382-121-11-00, which is within 300 feet of the proposed project and will be adversely impacted by the project in the event the County of San Diego does not address the concerns outlined below. If you have any questions, please contact the undersigned.

Response – Comment noted.

- H-2 **Comment** – First, the only proposal acceptable to Moffett-Paradise is the installation of a 42-inch storm drain extending from the curb inlet through the Moffett-Paradise property and terminating either on or past the real property owned by Candice and Ryan Newkirk. The 42-inch storm drain will be installed pursuant to specifications, and industry standards and a mutually acceptable easement agreement, acquired by the anticipated homeowners association.

Response – If Plan A is the chosen alternative the above is agreed subject to a successful easement negotiation.

- H-3 **Comment** – The homeowners association will have responsibility for maintenance and repair of the proposed storm drain system. The construction will be performed at the cost of the homeowners association. All landscaping will be restored and/or replaced to the pre-construction condition. In conjunction with the design and construction, no rip-rap will be visible on the Moffett-Paradise

property. Moffett-Paradise will be allowed to connect existing yard drains into the 42-(inch) storm drain system at a cost of which will be born by the homeowners association.

Response – The cost of the improvement would be by the developer. If Plan A is the chosen alternative the above is agreed subject to a successful easement negotiation.

- H-4 **Comment** – During construction, temporary fencing will be installed to maintain a safe work area. The homeowners association will provide a construction schedule and shall be allowed on the property to perform the work at reasonable and necessary times Monday through Friday.

Response – If Plan A is the chosen alternative the above is agreed subject to a successful easement negotiation.

- H-5 **Comment** – A second proposal that may be addressed at the Planning Commission meeting includes the utilization of the existing storm drain inlet and private 24-inch system that runs through the Moffett-Paradise property. Under no circumstances does the homeowners association have the authority to utilize this private system. I have enclosed photographs depicting in part the private 24-inch storm drain system. I have also outlined in these photos the flood risk factors we would like the Planning Commission to consider in the event the homeowners association proposes to utilize the existing 24-inch storm drain system.

Response – The existing 24-inch storm extends south past the ownership of this property owner into a drainage easement in favor of the project property. This pipe has taken flows from the project property and other areas upstream and should be allowed to continue to do so. The project would build a retention basin that will limit the outflow to the capacity of the 24-inch storm drain.

- H-6 **Comment** – In the event that the Planning Commission approves the project, then it should be subject to the first alternative outlined above. The approval should also be contingent upon the homeowners association and Moffett-Paradise and any other impacted property owners preparing and executing a satisfactory easement agreement in favor of the homeowners association, along with any other transactional documentation necessary to fulfil the intent of the parties.

Response – If Plan A is the chosen alternative the above is agreed subject to a successful easement negotiation.

- H-7 **Comment** – It is respectfully requested that the Planning Commission review, consider, and adopt the conditions set forth under the first alternative in connection with this project. If the Planning Commission desires any additional information, it can be provided to it for consideration at a subsequent meeting.

Response – Comment noted.

- H-8 **Comment** – In the meantime, if you have any questions, please do not hesitate to contact the undersigned. Thank you for your anticipated cooperation.

Response – Closing comment.

Response to comments received from Gail Fiebig, neighbor

- I-1 **Comment** – I live down the hill from proposed location, at 9250 Westhill Road. I am not on list of concern properties. However, whatever drainage is done, stopped, or changed at said location ends up in my front yard.

Response - Comment noted.

- I-2 **Comment** – When I purchased my home, I was told I could not divide my property because of the natural drainage.

Response – Comment noted. Each potential discretionary permit is reviewed for conformance with the County of San Diego General Plan, Subdivision Ordinance, CEQA, Zoning, Community Plan, and various other factors. The details of your meeting with the County regarding your potential subdivision are unknown. However, you are welcome to file for a Pre-Application Meeting to determine more information for a potential subdivision of your parcel.

- I-3 **Comment** – I don't understand why everyone else can change the drainage and I catch it all in the destruction of my front yard, and yards farther downhill.

Response – The County of San Diego has reviewed the project to ensure that the drainage pattern is not altered, nor would it cause any greater runoff than what is currently occurring. The Drainage Study (dated December 14, 2016) has been accepted, for CEQA purposes, as it would not cause any greater runoff or alter drainage patterns.

- I-4 **Comment** – There is talk about a holding tank. Does this mean after the rain stops, there will be a constant runoff and I will not dry out?

Response - The retention and bio retention basin will both continue to release drainage after the storm has ended. However, it would not be a constant release.

- I-5 **Comment** – There is already an unauthorized pipe headed down behind the three houses in between myself and 9212 Westhill. It has taken out fence behind two houses and flooded/destroyed pool at another.

Response – See response to comments C-2, F-7 and F-9.

- I-6 **Comment** – The first lot down from 9212, added (on weekends) truckloads of dirt to change the natural drainage and put in the unauthorized pipe, which for months they did not cover opening.

Response – Comment noted.

- I-7 **Comment** – I am opposed to so many homes and a street being built on proposed location.

Response – Staff has reviewed the project design, as well as all technical studies. The proposal is to subdivide the 5.2-acre property into 13 or 14 residential lots, depending on the drainage option. The General Plan density for this lot would allow for 22 homes. However, due to various improvements and requirements (roads, drainage basins, setbacks, etc.) the actual lots would be less. All residential lots would meet or exceed the minimum lot size of 10,000 square feet (net).

Staff visited the site on several occasions, and determined that the project would meet community character, since they would be similar in size to the surrounding existing homes.

- I-8 **Comment** – It is against the natural drainage of this hill, which has already been compromised.

Response – Closing comment. Comment noted.

Note: *Do not include responses to late comments in this memo. Create a separate memo for the late responses to comments.*

Smith, Marisa

From: The Newkirk's <cancan9148@aol.com>
Sent: Thursday, April 27, 2017 8:51 PM
To: Smith, Marisa
Subject: Re: Letter-Germann Property

Thank you for the explanation. Yes, we are in agreement with this new proposed plan. Hopefully we haven't overlooked anything.

Thank you for all your help, Marissa. We appreciate it.

Have a nice Friday!

Candace

-----Original Message-----

From: Smith, Marisa <Marisa.Smith@sdcounty.ca.gov>
To: The Newkirk's <cancan9148@aol.com>
Sent: Wed, Apr 26, 2017 8:29 am
Subject: RE: Letter-Germann Property

Sure, I can explain.

At this stage, this is Public Notification (which actually ended on the 14th). This is the opportunity for the public to comment about the project. These letters/emails from the public do not go to the Commissioners at this time. However, all correspondence will be part of the Planning Commission report, and available to the Commission (and public) about 2 weeks prior to Planning Commission (PC) hearing. The Commissioners may elect to ask questions about any letters at the hearing.

I understand that you met w/ Don Mitchell and Mr. Germann yesterday, but I don't know all the details yet. I'm hoping an agreement has been reached? If so, have any of your concerns been met? I want to make sure we have everything addressed prior to PC so I'm representing the project accurately.

In addition, I don't have a hearing date yet. I will let the commenters know as soon as we have approval from the Director. It would not be May or June due to timelines to prepare for PC.

Thanks!

Marisa Smith
Land Use and Environmental Planner
Planning & Development Services
T. 858-694-2621

From: The Newkirk's [<mailto:cancan9148@aol.com>]
Sent: Wednesday, April 26, 2017 8:19 AM
To: Smith, Marisa
Subject: Re: Letter-Germann Property

Hi Marissa - I was wondering if all our letters were presented to the planning commission and if they had any feedback? Not sure how this all works.

Thank you,
Candace

-----Original Message-----

From: Smith, Marisa <Marisa.Smith@sdcounty.ca.gov>
To: The Newkirk's <cancan9148@aol.com>
Sent: Fri, Apr 14, 2017 5:27 am
Subject: RE: Letter-Germann Property

Thank you for your email/letter.

I know Don is working on some improvement documents, but he has not disclosed anything at this point. I will let you know as soon as I hear. I spoke w/ Linda yesterday and let her know the same.

Thanks, and I'll incorporate your comments into the report. There's no scheduled Planning Commission date yet, but you will be informed prior to the hearing.

Thanks! Have a good weekend.

Marisa Smith
Land Use and Environmental Planner
Planning & Development Services
5510 Overland Avenue, 3rd Floor
San Diego, CA 92123
PDS Website <http://www.sdcounty.ca.gov/pds/index.html>
Phone: (858) 694-2621
Fax: (858) 694-3373

From: The Newkirk's [<mailto:cancan9148@aol.com>]
Sent: Thursday, April 13, 2017 7:51 PM
To: Smith, Marisa
Subject: Letter-Germann Property

Hi Marisa - I mailed a letter to the Planning Commission regarding my concerns with Germann's plans. I have attached the copy in case the other letter was misplaced.

By chance, have you received an Intent to Improve from Don Mitchel for our property? I just got home from a trip and have not seen anything in our mail or email.

Thank you and have a nice Easter!

Candace Newkirk



Smith, Marisa

From: Joseph Michael Parsons <mparsons911@msn.com>
Sent: Tuesday, March 28, 2017 6:58 AM
To: Smith, Marisa
Subject: 2nd notice : German Tentative map (Westhill rd)

Marisa,

RE:

<http://www.sandiegocounty.gov/content/sdc/pds/ceqa/Germann-Tentative-Map.html>

I'm Joseph Parsons. I live directly North of this project.
 9226 Westhill Rd
 Lakeside CA 92040

****Please make connecting my drains and restoring my landscaping & irrigation a condition of this project.****

I would like this project to proceed if the following items are addressed that affect my property.

1. Plan A plan does not replace the full length of the existing pipe which could compromise my property with back flow flooding behind my retaining wall. Current design needs to extend the 42" drain beyond the existing retaining wall.
2. The existing drain doesn't contain all of the runoff during heavy rains and flows into my property. Then over flows my yard and flows into the neighbors pool and downstairs. I would prefer the proposed 42" drain be installed, eliminating all of the existing drainage problems.
3. There are no details showing my existing yard drainage tie-ins. I have three drains that currently tie into the existing drain. Without these three drains (one at each end and one in the middle of my property my property will have no drainage, flooding my property and will overflow into my neighbors pool and downstairs. I need my drains to be tied into the new drain at no cost to me.
4. Water runoff from the street level (Westhill rd) and north of the new road currently doesn't dump into the existing drain. I would like that water to be diverted into the new drain.
5. There is no mention my fence and landscape restoration at no cost to me and an acceptable timeline with penalties for failure to complete by agreed upon timelines. The current project has taken many years to get to this point and I don't want my property being disrupted past an agreed upon amount of time.
6. My landscaping irrigation will be disrupted during this time and needs to be addressed.
7. I need to know if there will be an easement going through my yard and how that will affect my property. Will I be able to build a shed or pool if there is an easement?
8. I need temporary fencing to keep my pets safe during this time at no cost to me.
9. My property has already suffered flooding since the existing the pipe has been installed, so Plan B raises concerns that it may not be stable enough to provide a path for long term use by the development.

2 - 130

I appreciate your attention to my concerns and will provide a formal letter to you for inclusion to the planning commission.

Please contact me with any questions

Joseph "Mike" Parsons
9226 Westhill Rd
Lakeside CA 92040
619-549-4212 Cell

A

Joseph Michael Parsons

Parcel 382-121-08-00

9226 Westhill Rd

Lakeside, CA 92040

619-549-4212

mparsons911@msn.com

4/10/17

County of San Diego

Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

Re: PDS2006-3100-5520 (TM), Log No. PDS2005-3910-06-14-048 (ER) Germann Property, Lakeside

To Whom It May Concern;

I am requesting the following conditions be required for the above project;

- A. Connecting my drains to the new 48" drain.
- B. Restoring my landscaping & irrigation to the condition it was prior to the project starting.
- C. Have the plans show the water runoff from the street level (Westhill Rd) and North of the new road to my parcel (382-121-08-00) being diverted into the new drain.

I would like the project to proceed if the above conditions are required. If they are not, it can highly impact my property. Below are my concerns;

PLAN A ISSUES

Currently, there is a 24" storm drain that is buried in my neighbor's (Moffett/Paradise) yard. Plan A is proposing to replace the storm drain with a 42" pipe. Plan A plan does not replace the full length of the existing pipe which could compromise my property with back flow flooding behind my retaining wall, leading to the eventual collapse of my retaining wall. Current design needs to extend the 42" drain beyond the existing retaining wall.

Currently, the plans don't show the water runoff from the street level (Westhill rd) and north of the new road to my parcel (382-121-08-00) draining into the new drain. I would like the plans to show that runoff being diverted into the new drain.

PLAN B ISSUES

My property has already suffered flooding since the existing the pipe has been installed, so Plan B raises concerns that it may not be stable enough to provide a path for long term use by the development.

Plan A sounds like a better option for all involved parties. Mr. Germann gets to build an extra house, and his down-stream neighbors are content with their yards not being flooded.

I am supportive of Mr. Germann building his development,. However, both the planning dept. and Mr. Germann have not fully taken into consideration the consequences to the downstream neighbors. Even though, Plan A is preferred, the lack of details on the tentative map leave my property at risk of destruction and flooding.

Thank You,

Joseph Parsons

(B)

Smith, Marisa

From: chrisandsharon5@cox.net
Sent: Wednesday, March 29, 2017 12:07 PM
To: Smith, Marisa
Subject: 9212 Westhill Road, Lakeside CA 92040

Dear Ms. Smith,

My husband and I live directly across the street from the property in question. I need to protest this development. The owner of this property has been moving truckloads of dirt and driving around this 5 acre plot for years moving dirt and stirring up dust. I have been diagnosed with COPD as a result of his refusal to use water to keep the dust to a minimum. I have contacted the EPA, the police and the office of code enforcement. No one will help me. The thought of earth work consisting of 14,600 cubic yards of dirt arriving to this sight makes me extremely upset and fearful of the harmful effect on my health. Is there anything I can do to prevent this from happening? Thank you for considering my request.

Sincerely,

Sharon A. Jones
9209 Westhill Road
Lakeside, CA 92040

Ryan & Candace Newkirk
11515 Wilder Way
Lakeside, CA 92040
619/333-9386
cancan9148@aol.com

April 4, 2017

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: PDS2006-3100-5520 (TM), Log No. PDS2005-3910-06-14-048 (ER) Germann Property, Lakeside

To Whom It May Concern;

We are writing to express some major concerns we have with the water flow and run-off for the above referenced proposed project. It can highly impact our property if it is not handled correctly.

PLAN A ISSUES

Currently, there is a 24" storm drain that is buried in our neighbor's (Moffett/Paradise) yard and dumps into our yard. Plan A is proposing to double the storm drain to 48", which sounds like there will be the potential of double the water flow. It also appears on the plans that this pipe is to stop short of Moffett/Paradise property line, which means water will be flowing over our retaining wall from their yard. That will compromise the integrity of the retaining wall and I am sure it will collapse leaving both of our yards ruined with an expensive mess for us to clean up. Not to mention, this may bring down our property values.

However, per Don Mitchell, Plan A indicates that the pipe will extend to the retaining wall (like it is currently) with a concrete vault that will be covered with soil and grass in Moffett/Paradise yard. There would be no changes to their yard elevation. Discharge would exit onto our property with rip rap. Basically, how it is now. Nonetheless, we do not see this indication on the plans and would ask that the plans be revised stating as such.

We are concerned that with this risk of extra water flowing through our property, not only can it erode our property, it will gradually wash away two of our neighbor's yards as well. One neighbor has a swimming pool with a pump right by the water path. Because of these apprehensions, it has currently been discussed with Don Mitchell and Robert Germann for the possibility of upgrades to

our existing water path with a 4' retaining wall and a concrete swale type ditch to help with the erosion of surplus water on our property which will in return, help save our other two neighbors properties from eroding as well. Per Don Mitchell; he will create an Intent to Improve our storm drain path to be included as a condition of Plan A. And for your knowledge, an idea of an extended storm drain was previously discussed with Don Mitchell and Wayne Change a couple of years ago as well, in which they seemed to agree that it was a good idea.

PLAN B ISSUES

The current 24" pipe was put in without a permit and we all have concerns of its soundness with the excessive water that will flow from the new development. We realize that there will be two basin tanks to hold the water, but will the pipe be suitable for long term use by the development? If not, and it ruptures? What then? It floods all our properties and now Moffett/Paradise are liable to fix it, pay for the flooding in our neighbor's yards and houses? This option does not sound like an agreeable, nor reliable, one for everyone.

Plan A sounds like a better option for all involved parties if it includes the Intent to Improve addendum. Mr. Germann gets to build an extra house, and his down-stream neighbors are content with their yards not being flooded.

In conclusion, we are supportive of Mr. Germann building his development, but not to compromise several of his neighbor's properties in doing so. I feel that it is not fair for us to have to deal with the consequences from the lack of thorough planning to ensure a safe, stable water path that will not destroy our yards. And feel that a mutual compromise can be made to satisfy everyone's future well-being.

Thank you for your time and understanding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Candace & Ryan Newkirk".

Candace & Ryan Newkirk



CITY OF SANTEE

MAYOR

John W. Minto

CITY COUNCIL

Ronn Hall

Stephen Houlahan

Brian W. Jones

Rob McNelis

April 12, 2017

Marisa Smith
County of San Diego
Planning & Development Services
5510 Overland Ave, Suite 310
San Diego, CA 92123

Subject: GERMANN TENTATIVE MAP; PDS2006-3100-5520 (TM), LOG NO.
PDS2005-3910-06-14-048 (ER)

Ms. Smith,

Thank you for the opportunity to review the documents regarding the Germann Tentative Map. The City of Santee has no comments.

Please contact me at (619) 258-4100, Extension 182 if you have any questions or require additional information.

Respectfully,



John O'Donnell
Senior Planner



Smith, Marisa

From: Linda Paradise <lindaparadise@cox.net>
Sent: Wednesday, March 22, 2017 5:45 PM
To: Smith, Marisa
Cc: lindaparadise@cox.net
Subject: Questions for Land Use Germann TM

Hi Marisa,

Here are our preliminary questions and concerns.

Plan A

1. We need a detail drawing that shows the pipe exit at Moffett - Newkirk property line in relationship to the existing retaining wall. We also need actual footages of the proposed pipe replacement.
2. Our major concern is that the proposed pipe replacement appears to stop short of the property line on the current drawings. If the pipe is not extended to the existing retaining wall with rip rap to start at Newkirk boundary, it will leave an open pit of about 7' deep that could compromise the integrity of the retaining walls that exist on the boundaries of 3 properties.
3. If the proposed pipe plan is to stop short, we need a detailed explanation of how the open pit, surrounding soils and retaining walls are going to be managed.
4. Plan A drawings omit important details such as: existing residential drainage tie-ins from our property, replacement of landscape and yard reconstruction.
4. Leaving an open pit with rip rap and/or changing the elevation of our yard is an unacceptable solution and compromises our ability to negotiate the easement.

Plan B

1. We are unsure as to the soundness of the existing pipe in our yard. It is a known concern that the existing pipe was placed by the previous property owners without permits, nor to code.
2. We want to ensure that this pipe will not create a liability to us and/or surrounding neighbors by relying on this as the primary path to support a new major subdivision.
3. We have a pipe inspection planned by a NASSCO certified company to ensure that we are fully informed as to the condition of the pipe.

We are not opposed to the development and are open to negotiating an acceptable easement agreement with Mr. Germann. Our main concern is with the engineering design of the proposed upgraded pipe.

We need an explanation from the County on the process required to have Plan A re-evaluated to address our concerns prior to being presented to Planning Commission for approval. Any guidance you can provide would be greatly appreciated.

(F)

Pauline White
9240 Westhill Rd
Lakeside CA 92040
619.390.2911

April 4, 2017

County of San Diego
Planning and Development Services, Mr Mark Wardlaw, Director
Project Processing Counter
5510 Overland Ave, Suite 110
San Diego CA 92123

RE: Germann Tentative Map PDS 2006-3100-5520 (TM), Log NO. PDS2005-3910-06-14-048 (ER)

Dear Planning & Development Services:

Thank you for including me in this information chain of this long standing proposed project. I have reviewed the projects materials as provided as much as a layperson is able.

I know there have been many meetings of the surrounding neighbors, however, I have never been invited to provide comment. I am not as impacted as others by far.

There are two homes between myself and the "project" on Westhill Rd. I am south of the project on the same side of the street. The drainage area borders my western property line and back yard.

For the past few years, after human intervention in several ways, the drainage area "ditch" has been eroding the ground more and more with each rain. I had a 60ft palm tree removed for fear of its compromise and fall. My professionally installed chain link fencing is barely erect as I write, due to ground erosion from increased water flow, not previously present.

There has been much grading over the past 10 or so years of the proposed project property. The natural terrain is no longer visible for consideration of that degree of intervention of the natural planned terrain.


The home south of, and next to the project, brought in many dozens of truckloads of fill dirt over 3 days, to fill their sloping backyard so as to be level with their house. 10-15 feet? Some sort of drainage pipe was installed along with a retaining wall. The wall very soon collapsed sending dirt onto the yard /home next to me, including a swimming pool and onto my property over the next rains post wall failure. (Soon another retaining wall was installed).

My impression is that significant change in the downhill topography greatly altered the natural drainage that had been without problem or erosion prior. The Newkirk neighbors bordering behind me on Wilder Way are experiencing a much greater impact of erosion and often decay odor in a huge open muddy ditch that is continually wet and musty, and a river flowing of increased erosion when it rains. I have great health concerns, as the ground cannot absorb the water waste and the flow interrupted too much to dry out. The Fiebig neighbors just south of me, across Wilder Way, have a soggy swath across their property, as their reserved area for natural water flow was undisturbed, until the increased problems since the disruption of the natural downhill flow, from "upstream".

Did the massive amount of dirt installed to fill in that yard next to the project property have proper oversight and guidance from the County? And is that is being taken into consideration in the management of water diversion flow downhill, in what is not being managed or tolerated well by some of us in the downhill altered path.

What measures will prevent this erosion and soggy odor from worsening? Please consider or require containment drainage pipe to carry the water downhill to a position where it can be let go in the natural unobstructed path to run down to Woodside Ave and beyond.

I am not opposed to property growth or investment property development. I do not feel that anyone else's property should be expected to be compromised or have negative impact in that development. As Michael Turko of the Turko Files says: "It ain't right".


Pauline White

Enc: County Public Disclosure Notice, March 16, 2017, Response date by 4/14/16 at 4:00pm - assume date is 4/14/17



VIEJAS

TRIBAL GOVERNMENT

P.O. Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

Phone: 6194453810
Fax: 6194455337
viejass.com

April 7, 2017

Ms. Marisa Smith
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

**RE: GERMANN TENTATIVE MAP, PDS2006-3100-5520 (TM),
LOG NO. PDS2005-3910-06-14-048 (ER)**

Dear Ms. Smith,

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has cultural significance or ties to Viejas.

Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

Please call Ernest Pingleton for scheduling at 619-659-2314 or email epingleton@Viejas-nsn.gov. Thank you.

Sincerely,

Ray Teran, Resource Management
VIEJAS BAND OF KUMEYAAY INDIANS

(H)

April 14, 2017

Via Email Marisa.Smith@sdcountry.ca.gov and U.S. Mail

Ms. Marisa Smith, Land Use and Environment Planner
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Our Clients: Sterling Moffett and Linda Paradise
PDS2006-3100-5520 (TM), Log No. PDS2005-3910-06-14-048 (ER)
Germann Property, Lakeside, California

Dear Ms. Smith:

The law firm of McDougal, Love, Boehmer, Foley, Lyon & Canlas has been retained by Sterling Moffett and Linda Paradise (Moffett-Paradise), who own Parcel No. 382-121-11-00, which is within 300 feet of the proposed project and will be adversely impacted by the project in the event the County of San Diego does not address the concerns outlined below. If you have any questions, please contact the undersigned.

First, the only proposal acceptable to Moffett-Paradise is the installation of a 42 inch storm drain extending from the curb inlet through the Moffett-Paradise property and terminating either on or past the real property owned by Candice and Ryan Newkirk. The 42 inch storm drain will be installed pursuant to specifications, and industry standards and a mutually acceptable easement agreement, acquired by the anticipated homeowners association.

The homeowners association will have responsibility for maintenance and repair of the proposed storm drain system. The construction will be performed at the cost of the homeowners association. All landscaping will be restored and/or replaced to the pre-construction condition. In conjunction with the design and construction, no rip-rap will be visible on the Moffett-Paradise property. Moffett-Paradise will be allowed to connect existing yard drains into the 42 storm drain system at a cost of which will be born by the homeowners association.

During construction, temporary fencing will be installed to maintain a safe work area. The homeowners association will provide a construction schedule and shall be allowed on the property to perform the work at reasonable and necessary times Monday through Friday.

Members

Steven E. Boehmer
Kerigan M. Foley
Jennifer M. Lyon
Isabelle M. Canlas
Dante L. Mitchell

Senior Associate

Rachel R. Sjöström

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S. Michael Love (Of Counsel)
Lynn R. McDougal (Retired)

Ms. Marisa Smith, Land Use and Environment Planner

Re: PDS2006-3100-5520 (TM), Log No. PDS2005-3910-06-14-048 (ER)

April 14, 2017

Page 2

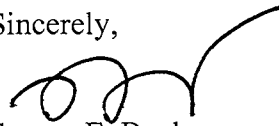
A second proposal that may be addressed at the planning commission meeting includes the utilization of the existing storm drain inlet and private 24 inch system that runs through the Moffett-Paradise property. Under no circumstances does the homeowners association have the authority to utilize this private system. I have enclosed photographs depicting in part the private 24 inch storm drain system. I have also outlined in these photos the flood risk factors we would like the planning commission to consider in the event the homeowners association proposes to utilize the existing 24 inch storm drain system.

In the event that the planning commission approves the project, then it should be subject to the first alternative outlined above. The approval should also be contingent upon the homeowners association and Moffett-Paradise and any other impacted property owners preparing and executing a satisfactory easement agreement in favor of the homeowners association, along with any other transactional documentation necessary to fulfil the intent of the parties.

It is respectfully requested that the planning commission review, consider and adopt the conditions set forth under the first alternative in connection with this project. If the planning commission desires any additional information, it can be provided to it for consideration at a subsequent meeting.

In the meantime, if you have any questions, please do not hesitate to contact the undersigned. Thank you for your anticipated cooperation.

Sincerely,



Steven E. Boehmer

SEB/slb

Enclosures

cc: Linda Paradise and
Sterling Moffett (via email only w/o enclosure)

TM5520

Storm Drain Issues

Prepared by: Linda Paradise

Summary

- Robert Germann has presented a storm drain proposal to Linda Paradise and Sterling Moffett on 1-27-15 for consideration of granting of easements for a storm drain system through parcel 382-121-11.
- Revised engineering plan for storm drain through Moffett-Paradise property is flawed and will create erosion problems and significant downstream flood issues for parcel 382-121-10 (Newkirk property).

Project Concerns

- Project Overview
- Outstanding Risks and Issues
- Revisions Required
- Next Steps

Project Overview

- Storm Drain construction and upgrades to support development of TM5520
 - Current storm drain map has been revised from the 2009 map that proposed the 48" pipe to extend from boundary to boundary on Moffett-Paradise parcel.
 - Current storm drain plan has removed the requirement to construct improvements to Newkirk parcel to avoid erosion and flooding of all downstream properties.

Flood Risk Factors



The exit of existing 24" pipe into Newkirk property. Manhole cover is located 6' from the pipe and 8" above the bottom of the pipe. The possibility of flooding effecting the sewer is significant.

This is the elevation of the Moffett-Paradise property. Note significant elevation drop to top of pipe.



Rip rap must extend through the Moffett-Paradise property line onto the Newkirk property.

Retaining wall must be structurally reinforced following enlargement of opening to accommodate 48" pipe.

View is of the existing the storm drain trench on Newkirk property. Drainage trench through Newkirk property must be improved to manage storm water, increased residential water shed and subsequent erosion.

[Project

Flood Risk Factors



Newkirk property storm drain trench runs from South to North through entire property. Trench requires permanent improvement prior to development of TM5220.

Letter of permission from Newkirk is on file with County signed March 11, 2009.



Newkirk property storm drain trench. Note the current erosion around the 4x4 fence post at property line. This fence post shown (supported in concrete) was originally at ground level.

Currently water flows freely and damages wood structures, overflows earthen trench and causes significant erosion.

Flood Risk Factors



View of end of storm drain trench on Newkirk property. Water continues to flow to the North downstream across Wilder Way.

View of Wilder Way storm water path which flows North downstream across Wilder Way.

Sample of water flow through pipe at Moffett-Paradise – Newkirk property during moderate rain with no increase in residential water shed.



2/17/2015

Revisions Required

- Proposed Storm Drain plan revisions
 - 48" drain must be engineered to extend through retaining wall at Moffett-Paradise and Newkirk property lines.
 - Retaining wall must be rebuilt to code when expanded to accommodate the 48" drain.
 - Sewer manhole must be raised to avoid contamination from storm water, residential water shed and erosion.
 - Newkirk property storm drain trench must be improved to a condition that will support 100 year flood level water flow consistent with that proposed for the Moffett-Paradise property.

Next Steps

- No permission to grant access or easement will be considered until the storm drain plan is revised and acceptable to ensure that damage from storm water, residential water shed and erosion are addressed.

①

April 11, 2017

To Whom it may Concern

Regarding: GERMANN TENTATIVE MAP;
PDS 2006-3100-5520 (TM)
9212 WESTHILL ROAD, LAKESIDE

I Live down The hill from proposed Location, AT 9250 WESTHILL ROAD, I Am NOT on LIST of CONCERN properties; however, what ever DRAINAGE is done, STOPPED or CHANGED AT SAIB LOCATION ENDS up in my front yard.

When I purchased my home, I WAS Told I could NOT divide my property, Because of The NATURAL DRAINAGE, I don't understand why everyone else CAN Change The DRAINAGE & I CATCH IT ALL in The destruction of my Front yard, AND yards farther downhill.

There is TALK ABOUT A holding TANK, does This mean after The RAIN stops, There WILL Be a constant run off, & I WILL NOT dry out.

(over)

There is Already AN UNAUTHORIZED Pipe headed down Behind The 3 houses Between myself + 9212 Westhill, IT HAS TAKEN out fence Behind 2 houses AND flooded/ destroyed pool AT ANOTHER.

The FIRST Lot down from 9212, added (on weekends) Truck LOADS of dirt To CHANGE The NATURAL drainage, AND PUT in The UNAUTHORIZED pipe, which for months They did not cover opening.

I Am opposed To so many homes AND A Street Being BUILT on proposed Location. IT is AGAINST The NATURAL drainage of This hill, which has ALready Been ^{sorry} ~~compromised~~ compromised.

Yours Truly

Gail Feibig

619 561-7027

9250 Westhill Rd.

LAKEside, CA

Smith, Marisa

From: Lakeside Planning Group <lakesidecpg@gmail.com>
Sent: Thursday, June 01, 2017 11:19 PM
To: Smith, Marisa
Subject: Re: Germann TM 5520

IF the project was actually approved except for those changes, I would say yes.

If the project was denied until said changes were made, then, no.

Milt Cyphert, Chair
Lakeside Community Planning Group
(c) 619-454-8389

Visit us on-line at: LCPG.weebly.com

On Wed, May 31, 2017 at 3:49 PM, Smith, Marisa <Marisa.Smith@sdcounty.ca.gov> wrote:

Milton,

Good afternoon. I'm wrapping up an old TM which has been stagnant for a while. Your group heard the project on September 5, 2007, and recommended approval w/ the condition that the County ensure that the drainage work properly.

Between the economy and trying to figure out the drainage issue, the project did not move forward for some time. The applicant finally made advancements with the project in 2016, after the Stormwater updates. We have resolved the drainage issue, and the neighbors are comfortable with the proposed upgrades to the downstream drainage channel. The CPG was also notified that the project was out for Public Notification in March of this year. There were several comments from the neighbors, which ultimately lead to a resolution between the owner (Mr. Germann) and the affected property owners directly north of the site.

We are getting ready to take the project to Planning Commission, and we wanted to ensure that your group doesn't need to hear the item again. There have been no changes to the map which was brought to you in 2007, other than upgrading the drainage.

Sorry for the late request. Thank you.

Marisa Smith

LAKESIDE COMMUNITY PLANNING GROUP

MINUTES

September 5, 2007

RECEIVED

SEP 20 2007

San Diego County
DEPT. OF PLANNING & LAND USE

Members present: R. Clegg, A. Botter, C. Enniss, G. Barnard, M. Turvey, W. Colgan, W. Allen, G. Inverso, R. Smith, T. Medvitz, L. Strom, J. Bugbee, J. Shackelford

Members excused: 2 (P. Lambert, E. Bakeer) R. Smith, Chair, stated that E. Bakeer would miss several month's meetings due to a family crisis out of the country.

Members absent: 0

Public present: 76

1. Call to order: 7:32 p.m.

2. Pledge of Allegiance.

3. Approval of minutes: Minutes 08-01-07; L. Strom motion to approve with correction to minutes regarding questions asked for 6 (C) (2). Questions attributed to her were from attendee S. Hammel who had to leave because of the late hour. G. Barnard 2nd. Vote: 10-0-3(R. Clegg, C. Enniss, W. Colgan)-2 Minutes 08-15-07 L. Strom motion to approve, G. Barnard 2nd. J. Shackelford noted correction to minutes for vote on Item B (2) to show R. Clegg abstention rather than J. Shackelford. J. Shackelford also noted that motion for Item C (3) included the requirement for a pathway on Oak Creek Road as a condition of approval. T. Medvitz was directed to send an amended Project Planner letter showing the change. Vote: 10-0-3(C. Enniss, M. Turvey, W. Colgan)-2

4. Administrative Items/Announcements: Chair, R. Smith, made the following announcements: (a) The San Diego County Water authority will hold a hearing and receive comments on the San Vicente Dam Raise Project draft EIR here in the community center on Monday, 8 October. No time given. Contact Kelly Gage at 858-522-6763. (b) The San Diego County Department of Housing and Community Development will hold a meeting here in the Community Center at 6 pm, 24 September to receive input on the use of CDBG funds. (c) Department of Public Works plans to begin the Julian Road improvements from Los Coches to Petite Lane in early September. Improvements include curbs, gutter and sidewalks on both sides, storm drain improvements, resurfacing, traffic signal modification, left turn lane at Los Coches. J. Shackelford announced that the Lakeside Historical Society will have a Yard Sale on Saturday. They will also have a spaghetti dinner on September 24th. There will be a celebration of the Barney Olfield land speed record, of 51 $\frac{1}{4}$ MPH, set in 1907 at the Lakeside racetrack. There will be a race of vintage cars to commemorate the event.

R. Clegg announced that the Lakeside Design Review Committee will meet next Wednesday at 7:00 PM in this same room. She stated that they will be addressing the Lake Jennings/Blossom Valley area in October. She also stated that they will be reviewing the industrial project, Riverview West. She reminded everyone that the Design Review Committee meets the second Wednesday of each month at the Lakeside Community Center at 7:00 PM.

5. Open Forum: No items.

6. Public Hearing.**A. Presentation/Discussion Items.**

1. Presentation by Helix Water District and the El Capitan Golf Club on the El Monte Valley River Restoration Project.

plan was to mind sand. He noted that they had been lied to in the past, and, wants to make sure that the reclamation for the first phase is completed before the second phase is started. He also wants to make sure that whoever ends up with the property is responsible to the residents of the valley and community. B. Adams stated that they have to make sure that they explain what the plan is and lay everything out up-front. C. Mummert said that he would like to see promises kept at the beginning. B. Adams stated that it's difficult to deal with phasing because of the water table. He stated that water management and the endowment will be deed restrictions on the property. He stated that they are doing this as a partnership with the parties that are going to be responsible at the end. C. Enniss stated that Federal Law requires that the project be bonded to ensure that the reclamation occurs. C. Mummert stated that he wants to make sure that after ten years that there is no taxpayer money being used to support the project. C. Mummert noted that he saw no equestrian access on the western end of the project. L. Hayes stated that she was concerned about lowering the ground level. She had a neighbor that lost 8 acres in one night due to a flood. She noted that many of the plants now in the valley have been considered native species. She feels that it is horrible that one of the last pristine valleys in the county is going to be raped. L. Wood noted that one of her concerns was West Nile virus while there will be standing water. She mentioned that M. Beck said that the EIR would be from the prior period on. She said that the big picture made it apparent that the issue was about the sand, but agriculture is one of the uses of that valley. C. Jernig noted that if we (residents) had holes dug under an MUP we would have to fill them. He asked why haven't theirs been filled yet. C. Jernig said that the residents can't subdivide, but the proponents can do whatever they want. She said that they have called B. Adams' office and they don't get return calls. G. Shackelford said that the golf course project was going to be of very high quality. He stated that the proponents had tried to refinance the project without success. He noted that Helix Water has the responsibility to make the project effective. He reminded everyone that Helix is not the Otay Water District. He noted that M. Beck's name had been used many times tonight, and, stated that M. Beck is a conservationist and sits on the Planning Commission. He said that M. Beck will have to recuss himself when voting occurs on this issue. He stated that M. Westin brought up reverse osmosis and he was being forthright and not trying to color the issue. K. Wagner asked what concern was being given to the homeowners. She asked who was going to protect them. She asked who was going to protect their property values.

B. Proposed Publicly Initiated Action.

1. Review and recommendations for the five-year park project priority list for the expenditure of Park Land Dedication Ordinance (PLDO) funds. Continued from last meeting.

This item was trailed to the next meeting on 19 September.

C. Proposed Privately Initiated Action.

1. TM 5520rpl1, Project proposes a 15 lot subdivision of 5.24 acres located at 9212 Westhill Rd. Property is zoned RS-4 with 10,000 sq ft lots. Last heard 20/12/06. Continued from last meeting.

R. Smith noted that the issues with this project concerned the handling of surface water from the residential lots. The proponent stated that the changes were dictated by the County. He has put cul-de-sacs at the ends of the interior streets. He notes that he will not import or export materials. He stated that the drainage intent is to collect water from impervious surfaces and have it collected in a pipe that will carry the water to the

lower end of the property. They will have retention basins on each lot, for ground water, rather than one large one. R. Clegg asked if the water will run down a pipe to the current pipe, and, what size was that pipe? Proponent said that the pipe is currently undersized and the water would flow over the lower lots in a large storm. He stated that the pipe is now 24 in. and should be 30 in. He stated that he may need an easement. R. Clegg asked if he couldn't do that, would the County stop the project, and, would he use eminent domain to effect the change? The proponent hadn't heard of using that as a tool. L. Strom referenced the minutes from the last meeting and asked if there was a problem with the individual basins? G. Shackelford stated that it was a noble thing to pick up the water from the impervious surfaces and noted that it would keep the water around the houses. He stated that he had spoken to a friend that said it was an absolute nightmare, insanity, to use this technique. He said that it is necessary to tell the County that this not be allowed. W. Allen said that he has drilled a 30 in. diameter hole 30 ft. into the ground, filled with gravel, into which the water drains and is carried to a great depth. J. Shackelford noted that the previous plans, that we had seen, showed the basins on each lot, and, the new plans don't show them. The proponent stated that the placement of the structures had not yet been determined, and, what she may be referring to are the grading plans. He stated that the grading plans show how the water would be picked up and captured. He stated that they have calculated the water generated by a 100-year storm and were able to calculate a volume of 1,345 cu. Ft. of water, which they would capture in a tank and release later. He stated they took 12 lots and came up with a storage facility for 1,500 cu. ft. of water. J. Shackelford asked that if you have a storage facility to hold the water, what is the percolation rate of the soil. The proponent said that they don't know yet. J. Shackelford made the comment that this storage was underground. The proponent stated that it didn't matter. R. Clegg motion to approve with condition the County make sure that the individual lot storage system works adequately to ensure it controls water down stream. W. Allen 2nd. G. Shackelford asked us to remember that these are 10,000 sq. ft. lots, and asked that when you buy a home would you accept this? Vote: 10-0-2(M. Turvey, J. Shackelford)-3(A. Botter left early)

2. GPA 07-009, R 07-007, TM 5541. General Plan Amendment and Rezone to replace (5) Residential RS4 with (13) Commercial C34. TM 5541 proposes 38 condominium homes and 2 commercial units on 5.17 acres located at 9317 Lake Jennings Park

No proponent present. R. Smith announced that he had received a letter from the proponent stating that they couldn't be at the meeting. R. Smith stated that the issue will be trailed to the next meeting 20, September, but will hear from those in attendance tonight. R. Clegg asked if they had ever come to us with single family residential? R. Smith said that this is a new proponent. He stated that he had never seen a single-family home proposal for this property. R. Clegg said that she can't figure out the road system on the plans. D. Horn, consultant for the proponent, stated that he was sorry that the proponents could not be there. M. Turvey said he saw a need for commercial, but he would rather see this project all residential. He said last time we saw this access it was on Blossom Valley Rd. The road shows only 53 ft. L. Strom noted that with it stating commercial, was there any type of business mentioned? D. Horn said it would be an office building. J. Shackelford said that we have seen many types of projects proposed for this site. This is asking for commercial, and the zoning says it can be commercial in extreme circumstances. I would like to see this as total residential. This has been proposed many times as commercial, and, it has been rejected many times. D. Gilbert noted that in prior meetings they have stated that

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AUG 09 2007

San Diego County
DEPT. OF PLANNING & LAND USE

M. Hamilton

August 7, 2007

Project Planner
Department of Planning and Land Use
FAX 1-800-407-6777

Subject: TM 5520rpl1

The Lakeside Community Planning Group, at the meeting of August 1, 2007, reviewed the Request submitted.

The following action was taken.

Private Action:

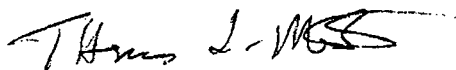
TM 5520rpl1, Project proposes a 15 lot subdivision of 5.24 acres located at 9212 Westhill Rd. Property is zoned RS-4 with 10,000 sq ft lots. Last heard 20/12/06.

R. Clegg motion to continue, G. Barnard 2nd.

Vote 14-0-0-1

Submitted by

Thomas J. Medvitz



Secretary
619-443-0603

LAKE SIDE COMMUNITY PLANNING GROUP
P.O. BOX 2040
LAKE SIDE, CA 92040

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DEC 22 2006

San Diego County
DEPT. OF PLANNING & LAND USE

M. Hamilton

December 22, 2006

Project Planner
Department of Planning and Land Use
FAX 1-800-407-6777

Subject: TM 5520

The Lakeside Community Planning Group at the meeting of December 20, 2006,
reviewed the Plan submitted.

The following action was taken.

Private Action:

TM 5520, Project proposes a 15 lot subdivision of 5.24 acres located at 9212 Westhill Rd. Property is zoned RS-4 with 10,000 s.f. lots.

G. Barnard motion to approve based on the belief that the county will make sure that there will be no increase in the flow on the properties below the project and the property percs for the infiltration process. L. Strom 2nd. Vote: 7-6(W. Colgan, G. Shackelford, R. Hensle, J. Shackelford, P. Lambert, M. Vancio)-0-2. G. Shackelford motion to recommend that the project does not deal with soaking the water into individual lots, have either tanks or detention basin at the end of the project or on each lot. R. Hensle 2nd. Vote: 12-1(J. Shackelford)-0-2.

Submitted by
Julie Bugbee

Julie Bugbee
Secretary
619-443-5969

Attachment F – Ownership Disclosure



COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS ON APPLICATION FOR LAND USE AMENDMENTS AND PERMITS PURSUANT TO ORDINANCE NO. 4544 (N.S.)

The ordinance requires that the following information must be disclosed at the time of filing of this discretionary permit.

A. List the names of all persons having an *interest* in the application.

ROBERT GERMANN

List the names of all persons having any *ownership interest* in the property involved.

ROBERT GERMANN

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

NOTE: Attach additional pages if necessary.

Robert Germann
Signature of Applicant

10/19/06
Date

SDC DPLU RCVD 10-24-06

TM 5520

 DPLU-305 (04/03)

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