



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

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

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

September 18, 2020

TO: Planning Commission

FROM: Mark Wardlaw, Director  
Planning & Development Services

SUBJECT: Notice of Preliminary Decision of the Director of Planning & Development Services and Final Notice of Action of the Planning Commission Approving a Four-Year Time Extension for Rabbit Run Tentative Map 5478 (District: 5)

## **TENTATIVE MAP TIME EXTENSION INFORMATIONAL ITEM G-2**

### **PURPOSE**

The purpose of this informational report is to provide the Planning Commission notice of a decision of the Director of Planning & Development Services (Director; PDS) to extend the period of time (Time Extension) for the Rabbit Run Tentative Map (TM 5478) for an additional four years to allow completion of the Final Map. The Time Extension does not propose any changes or revisions to TM 5478 or to the conditions in the Resolution of Approval. A two-year time extension was approved on March 22, 2019. If approved, this would be the final time extension allowed.

The Director's decision will become final and effective unless the Planning Commission takes action to schedule the Time Extension for the Planning Commission's consideration at a noticed hearing. If the Planning Commission schedules the matter for a public hearing, the Planning Commission will be the decision-making authority for the Time Extension.

### **BACKGROUND**

The project site is located at 9220 Duffwood Lane in the Valley Center Community Plan Area. On June 19, 2009, the Planning Commission approved TM 5478 to subdivide 17.7 acres into seven residential lots ranging from 2.03 to 4.02 net acres. It was approved for three years, with an expiration date of June 19, 2012.

Assembly Bill 208 automatically extended the map two years to June 19, 2014. Assembly Bill 116 automatically extended the map two years to June 19, 2016. PDS approved a 22-month time extension related to a qualified development moratorium for a water meter connection, which resulted in an expiration date of April 9, 2018. On March 22, 2019, PDS approved a request for a 26-month Time Extension to allow more time to satisfy the conditions of approval to obtain the Final Map for the property which resulted in the current expiration date of June 19, 2020.

Since the previous time extension was granted the property ownership has changed. The new applicant filed a request on May 27, 2020 for an additional three-year, 10-month Time Extension (for a total of six years). The applicant requests more time to satisfy project conditions of approval and to receive water district approval to obtain the Final Map. The new expiration date would be April 9, 2024. This would be the final expiration date.

On May 27, 2020, as required by the County of San Diego Subdivision Ordinance, properties within 300 feet of the exterior boundaries of the project site were notified that the application for a Time Extension for TM 5478 was filed. No comments were received as a result of the notification. The project is located within the Valley Center Community Plan Area and is represented by the Valley Center Community Planning Group (CPG). On June 8, 2020, the Valley Center CPG made a motion that the project had been tentatively approved, therefore, no vote is necessary.

The Director reviewed the Time Extension application and evaluated the following requirements: conformance with all Federal, State, and County regulations, including the County General Plan, Valley Center Community Plan, Zoning Ordinance, and California Environmental Quality Act (CEQA). The project is consistent with the General Plan; no significant changes were found to density, zoning, or CEQA requirements. The Time Extension will not introduce new impacts or a change in circumstances that would warrant additional CEQA analysis that was not previously reviewed during the processing of the original project. The project is required to comply with all updated requirements such as municipal separate storm sewer system (MS4) stormwater regulations.

In addition, the Director reviewed the conditions of approval and justification from the applicant, which include permit streamlining goals such as the reduction of processing time and cost. There are no changes to circumstances associated with the project that would preclude approval of the Time Extension and no changes to the project conditions are warranted. PDS staff considered these circumstances in their analysis of the Time Extension and supports the request for a four-year extension.

In accordance with the County of San Diego Subdivision Ordinance Section 81.317(c), the September 8, 2020 Notice of Preliminary Decision of the Director of PDS to approve Tentative Map Time Extension PDS2020-TM-5478TE (Attachment B) has been issued and filed with the Planning Commission as an Administrative Item.

#### ATTACHMENTS:

Attachment A – Planning Documentation

Attachment B – Notice of Preliminary Decision of the Director of Planning & Development Services and Final Notice of Action of the Planning Commission Approving a Time Extension for PDS2018-TM-5478

Attachment C – Environmental Documentation

Attachment D – Ownership Disclosure

Attachment E – Moratorium Letter

**Attachment A – Planning Documentation**

**REPLACEMENT TENTATIVE MAP**

**RABBIT RUN**

**LEGAL DESCRIPTION**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5,  
TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN  
IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

**SOLAR NOTE**

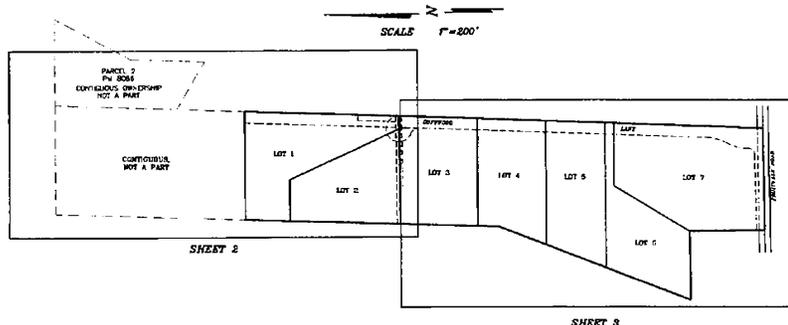
THIS IS A SOLAR SUBDIVISION AS REQUIRED BY SECTION 91.401 (c) OF THE  
SUBDIVISION ORDINANCE - ALL LOTS HAVE AT LEAST 100 SQUARE FEET OF  
UNOBSTRUCTED ACCESS TO SUNLIGHT ON THE SUITABLE PORTION OF THE LOT.

**OWNER/SUBDIVIDER**

PAUL J. ROWE, JR. AND ELAINE C. ROWE  
P.O. BOX 890  
VALLEY CENTER, CA 92088  
HOME PHONE (760) 748-8880  
OFFICE PHONE (760) 748-1211

*Paul J. Rowe, Jr.*  
PAUL J. ROWE JR., OWNER  
July 1, 2008  
DATE

*Elaine C. Rowe*  
ELAINE C. ROWE, OWNER  
July 9, 2008  
DATE



**KEY MAP**

**EXISTING ZONING**

USE REGULATIONS	A-70
NEIGHBORHOOD REGS	L
DENSITY	50
LOT SIZE	2 AC
BUILDING TYPE	C
MAX FIR AREA	--
FIR AREA RATIO	--
HEIGHT	G
COVERAGE	--
SETBACK	C
OPEN SPACE	--
SPECIAL AREA REGS	--

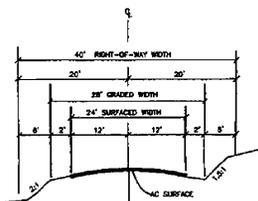
APN 188-160-54 TAX RATE AREA 04-076

**SUPPLEMENTAL INFORMATION**

- EXISTING ZONING: A-70
- COMMUNITY PLANNING: VALLEY CENTER PLANNING
- GENERAL PLAN DESIGNATION: (17) ESTATE RESIDENTIAL APN 188-160-54
- REGIONAL CATEGORY: RDA
- WATER: VALLEY CENTER MUNICIPAL WATER DISTRICT
- SEWER/SEPTIC: SUBSURFACE DISPOSAL (SEPTIC)
- NUMBER OF LOTS: 7
- NUMBER OF DWELLING UNITS: 7
- NUMBER OF ACRES: 17.70 +/- AC GROSS 15.7 +/- AC NET
- TOPOGRAPHY: TOWNILL AERIAL FILE NO. 05-11056-101, DATED: 06-28-2005
- FIRE PROTECTION: VALLEY CENTER FIRE PROTECTION DISTRICT
- SCHOOL DISTRICT: VALLEY CENTER HIGH SCHOOL AND VALLEY CENTER ELEMENTARY SCHOOL
- FEES TO BE PAID IN LIEU OF DEDICATION FOR PARK LAND.
- NO SPECIAL ASSESSMENT ACT PROCEEDINGS ARE PROPOSED.
- STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARDS.
- ALL CUT SLOPES: 1 1/2 : 1
- ALL FILL SLOPES: 2 : 1
- POTABLE WATER LINES ON OR NEAR THIS PROPERTY ARE AS SHOWN.
- MINIMUM LOT SIZE: 2 AC GROSS
- NO GRADING IS PROPOSED.
- ALL BUILDINGS TO REMAIN.

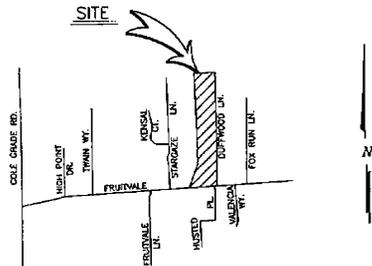
**S-1 SLOPE ANALYSIS**

LOT NO.	AVERAGE % SLOPE
1	18.8%
2	18.0%
3	7.0%
4	8.0%
5	8.0%
6	4.0%
7	8.0%



**TYPICAL SECTION**

DUFFWOOD LAKE  
PRIVATE ROAD EASEMENT  
NO SCALE



**VICINITY MAP**

NO SCALE  
THOM BROS. PG. 1070, H-7

Professional Engineer Seal for Lawrence Paxton, No. 4447, State of California, expires June 15, 2021.

PAXTON SURVEYING & ENGINEERING  
P.O. BOX 2769  
ESCONDIDO, CA 92033  
(760) 294-4871  
*Lawrence Paxton* 7/8/08  
LAWRENCE PAXTON, PLS 4447 DATE

SEA BRIGHT CO.  
4322 SEA BRIGHT PLACE  
CARLSBAD, CA 92008  
(760) 720-0088  
*Robert O. Surup* 7/8/08  
ROBERT O. SURUP, NCS 00008 DATE

G2 - 4

SHEET 2 OF 3 SHEETS  
REPLACEMENT  
TENTATIVE MAP

ER LOG 06-08-017

APPROVED

JUN 13 2009

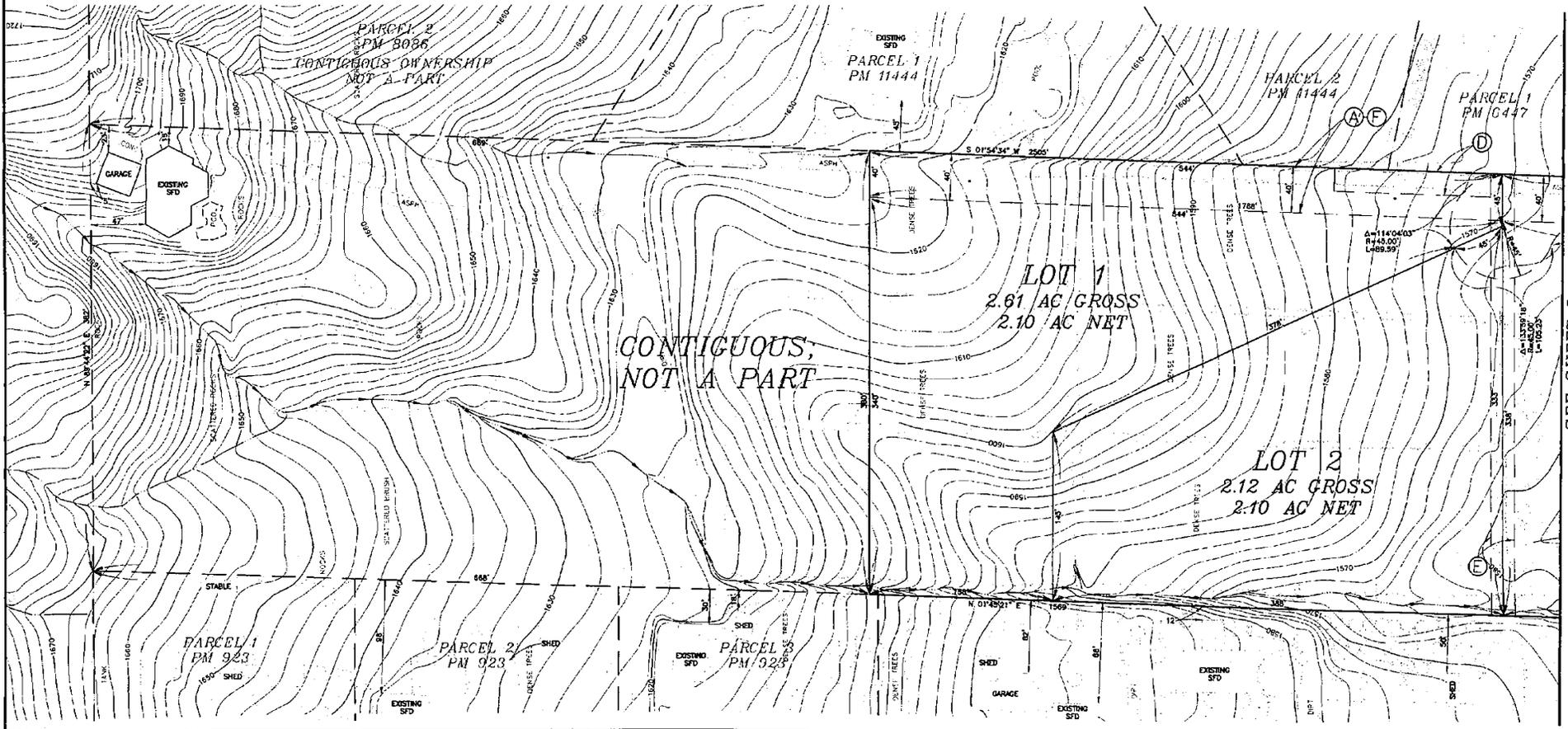
DEPARTMENT OF PLANNING  
AND DEVELOPMENT

LEGEND

EXISTING CONTOUR  1500  
PROPERTY LINE 

- (A) PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT
- (D) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 13708 REC. AUG. 2, 1965
- (E) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 127454 REC. JULY 16, 1965
- (F) EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

SCALE 1"=40'

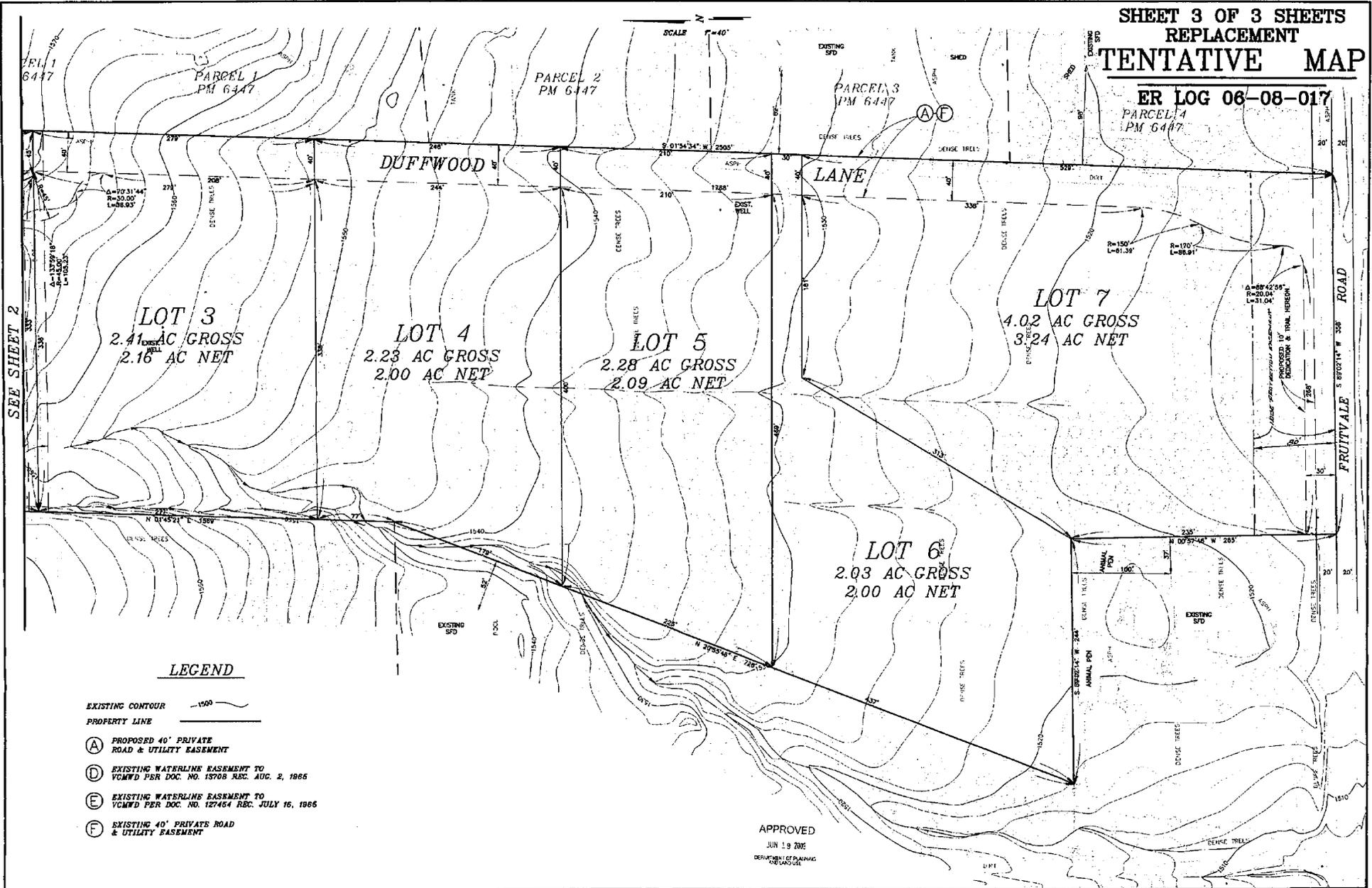


SEE SHEET 3  
ENGINEER'S NAME: PAXTON SURVEYING AND ENGINEERING (760) 743-0430

G2-5

**SHEET 3 OF 3 SHEETS  
REPLACEMENT  
TENTATIVE MAP**

**ER LOG 06-08-017**  
PARCEL 4  
PM 6447



**LEGEND**

- EXISTING CONTOUR  1500
- PROPERTY LINE
- (A) PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT
- (D) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 15708 REC. AUG. 2, 1986
- (E) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 127454 REC. JULY 16, 1986
- (F) EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

APPROVED  
JUN 19 2006  
DEPARTMENT OF PLANNING  
& LAND USE

# PRELIMINARY GRADING PLAN

## RABBIT RUN - TM 5478

SHEET 1 OF 3 SHEETS  
REPLACEMENT  
ER LOG 06-08-017

**SOLAR NOTE**

THIS IS A SOLAR SUBDIVISION AS REQUIRED BY SECTION 11.404 (c) OF THE SUBDIVISION ORDINANCE - ALL LOTS HAVE AT LEAST 100 SQUARE FEET OF UNOBTSTRUCTED ACCESS TO SUNLIGHT ON THE BUILDABLE PORTION OF THE LOT.

**LEGAL DESCRIPTION**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5,  
TOWNSHIP 11 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN  
IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

**OWNER/SUBDIVIDER**

PAUL J. ROWE, JR. AND KLAINE C. ROWE  
P.O. BOX 890  
VALLEY CENTER, CA 92088  
HOME PHONE (760) 748-5889  
OFFICE PHONE (760) 748-1311

PAUL J. ROWE JR. OWNER

KLAINE C. ROWE OWNER

DATE

DATE

**EXISTING ZONING**

USE REGULATIONS	A-70
NEIGHBORHOOD REGS	L
DENSITY	.50
LOT SIZE	2 AC.
BUILDING TYPE	C
MAX FIR AREA	-
FIR AREA RATIO	-
HEIGHT	6
COVERAGE	-
SETBACK	C
OPEN SPACE	-
SPECIAL AREA REGS	-

APN 155-180-54 TAX RATE AREA 04-075

**SUPPLEMENTAL INFORMATION**

- EXISTING ZONING: A-70
- COMMUNITY PLANNING: VALLEY CENTER PLANNING
- GENERAL PLAN DESIGNATION: (17) ESTATE RESIDENTIAL APN
- REGIONAL CATEGORY: EDA
- WATER: VALLEY CENTER MUNICIPAL WATER DISTRICT
- SEWER/SEPTIC: SUBSURFACE DISPOSAL (SEPTIC)
- NUMBER OF LOTS: 7
- NUMBER OF DWELLING UNITS: 7
- NUMBER OF ACRES: 12.70 +/- AC GROSS 15.7 +/- AC NET
- TOPOGRAPHY: TOWNIL AERIAL, FILE NO. 05-11558-101, DATED: 08-28-2005
- FIRE PROTECTION: VALLEY CENTER FIRE PROTECTION DISTRICT
- SCHOOL DISTRICT: VALLEY CENTER HIGH SCHOOL AND VALLEY CENTER ELEMENTARY SCHOOL
- FEES TO BE PAID IN LIEU OF DEDICATION FOR PARK LAND.
- NO SPECIAL ASSESSMENT ACT PROCEEDINGS ARE PROPOSED.
- STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH SAN DIEGO COUNTY STANDARDS.
- ALL CUT SLOPES: 1 1/2 : 1
- ALL FILL SLOPES 2 : 1
- POTABLE WATER LINES ON OR NEAR THIS PROPERTY ARE AS SHOWN.
- MINIMUM LOT SIZE: 2 AC GROSS
- NO GRADING IS PROPOSED.
- ALL BUILDINGS TO REMAIN.
- AERIAL TOPO BENCHMARK: THE CENTERLINE OF FRUITVALE ROAD AT THE SW CORNER OF THE PROPERTY PER COUNTY TOPO MAP 300-1787, L.S. 1616.50
- APN #155-181-50

PAXTON SURVEYING & ENGINEERING  
P.O. BOX 2759  
ESCONDIDO, CA 92033-2759  
(760) 584-4871  
*Lawrence Paxton* 7/16/08  
LAWRENCE PAXTON, PLS 4447 DATE

SEA BRIGHT CO.  
4322 SEA BRIGHT PLACE  
CARLSBAD, CA 92008  
(760) 720-0088  
*Robert Sukup* 7-8-08  
ROBERT O. SUKUP, ROB 28302 DATE

**GRADING NOTE:**

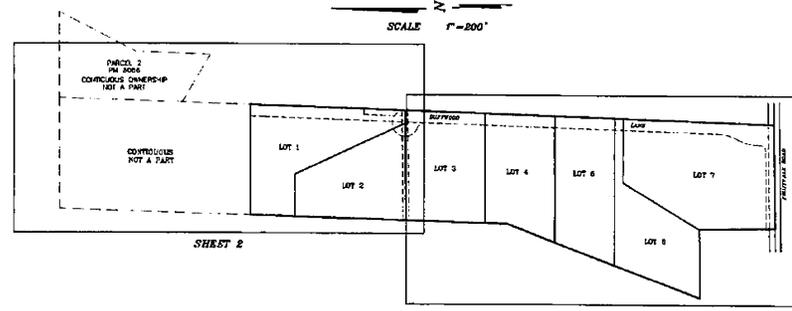
- PAD SHOWN IS A FEASIBLE SIZE PAD. FINAL PAD WILL BE SUBMITTED BY FUTURE LOT OWNER.
- ALL LOT GRADING REQUIRES BMP'S.
- CONTOURS SHOWN HEREON ARE FROM COUNTY OF SAN DIEGO TOPO MAP 300-1000X

**POST CONSTRUCTION BMP'S**

- ALL LOT DRAINAGE IS TO BE SURFACE FLOW. THIS ALLOWS SOME PERCOLATION BACK INTO THE GROUND AND SOME CLEANING OF POLLUTANTS.
- DISCHARGE POINTS OF DRAINAGE OFF THE PAD ARE INTO VEGETATED SWALES TO ALLOW WATER TO SOAK INTO THE GROUND.
- THE STREET WATER IS DESIGNED TO DRAIN TO SEVERAL RIP-RAP FILTERS / ENERGY DISSIPATORS, THEN ALONG NATURAL VEGETATED SWALES. NO STORM DRAIN BOX STRUCTURES ARE PROPOSED, THEREFORE NO MAINTENANCE REQUIRED.

**GRADING NOTES:**

THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN A VALID GRADING PERMIT BEFORE COMMENCING SUCH ACTIVITY.



**KEY MAP**

**DUFFWOOD ROAD GRADING QUANTITIES**

CUT	FILL
1800 C.Y.	1800 C.Y.

**APPROXIMATE PAD GRADING QUANTITIES**

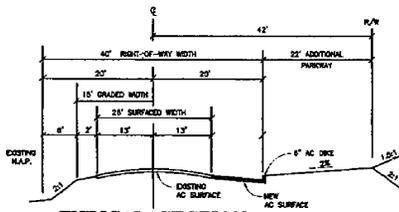
LOT NO.	CUT	FILL
1	2450 C.Y.	2450 C.Y.
2	2425 C.Y.	2425 C.Y.
3	576 C.Y.	576 C.Y.
4	700 C.Y.	700 C.Y.
5	676 C.Y.	676 C.Y.
6	725 C.Y.	725 C.Y.
7	650 C.Y.	650 C.Y.
TOTAL	8200 C.Y.	8200 C.Y.

**S-1 SLOPE ANALYSIS**

LOT NO.	AVERAGE % SLOPE
1	18.0%
2	12.0%
3	7.0%
4	6.0%
5	6.0%
6	4.0%
7	3.0%

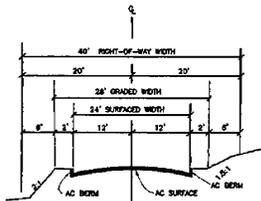
APPROVED

JUN 19 2008  
DEPARTMENT OF PLANNING AND LAND USE



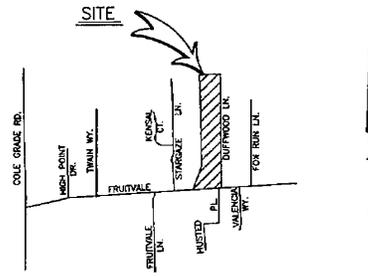
**TYPICAL SECTION**

FRUITVALE ROAD  
PUBLIC STREET  
NO SCALE  
(LOOKING WEST)



**TYPICAL SECTION**

DUFFWOOD LANE  
PRIVATE ROAD EASEMENT  
NO SCALE



**VICINITY MAP**

NO SCALE  
THOM. GRAD. PG. 1070, H-7

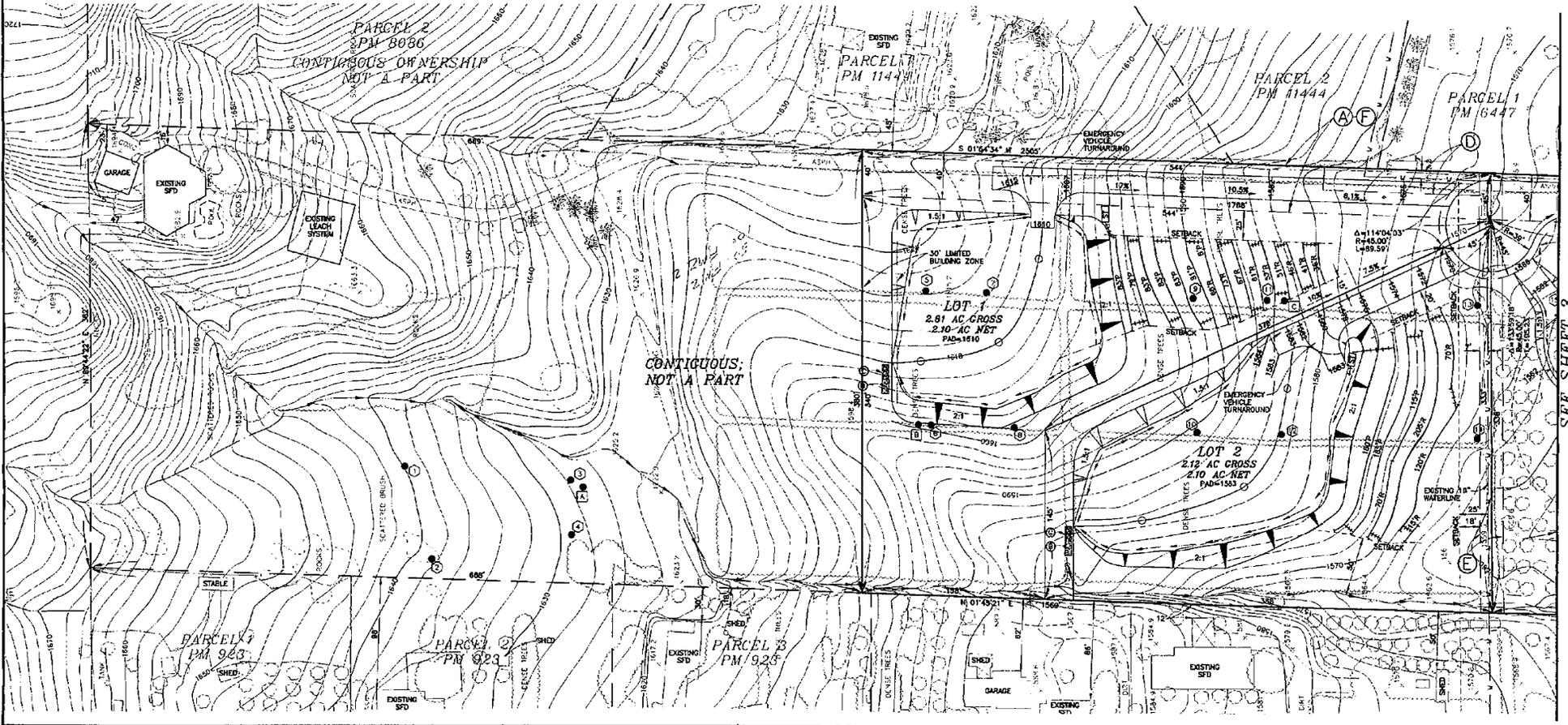
APPROVED  
JUN 19 2009  
DEPARTMENT OF PLANNING

**PRELIMINARY GRADING PLAN**  
**RABBIT RUN - TM 5478**

LEGEND	
EXISTING CONTOUR	
PROPERTY LINE	
PERCOLATION TEST HOLE	
DEEP HOLE	
PRIMARY LEACHFIELD AREA	
RESERVE LEACHFIELD AREA	
PROPOSED DAYLIGHT LINE	
FILL SLOPE 2:1	
CUT SLOPE 1.6:1 MAX	
TIGHT LINE	
SEPTIC TANK	
PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT	(A)
BIO FILTER	(B)
RIP - RAP	(C)
PERCOLATION HOLE	(D)
PERCOLATION DEEP HOLE	(E)

SCALES 1" = 40'

- (D) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 13708 REC. AUG. 2, 1986
- (E) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 127464 REC. JULY 16, 1986
- (F) EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

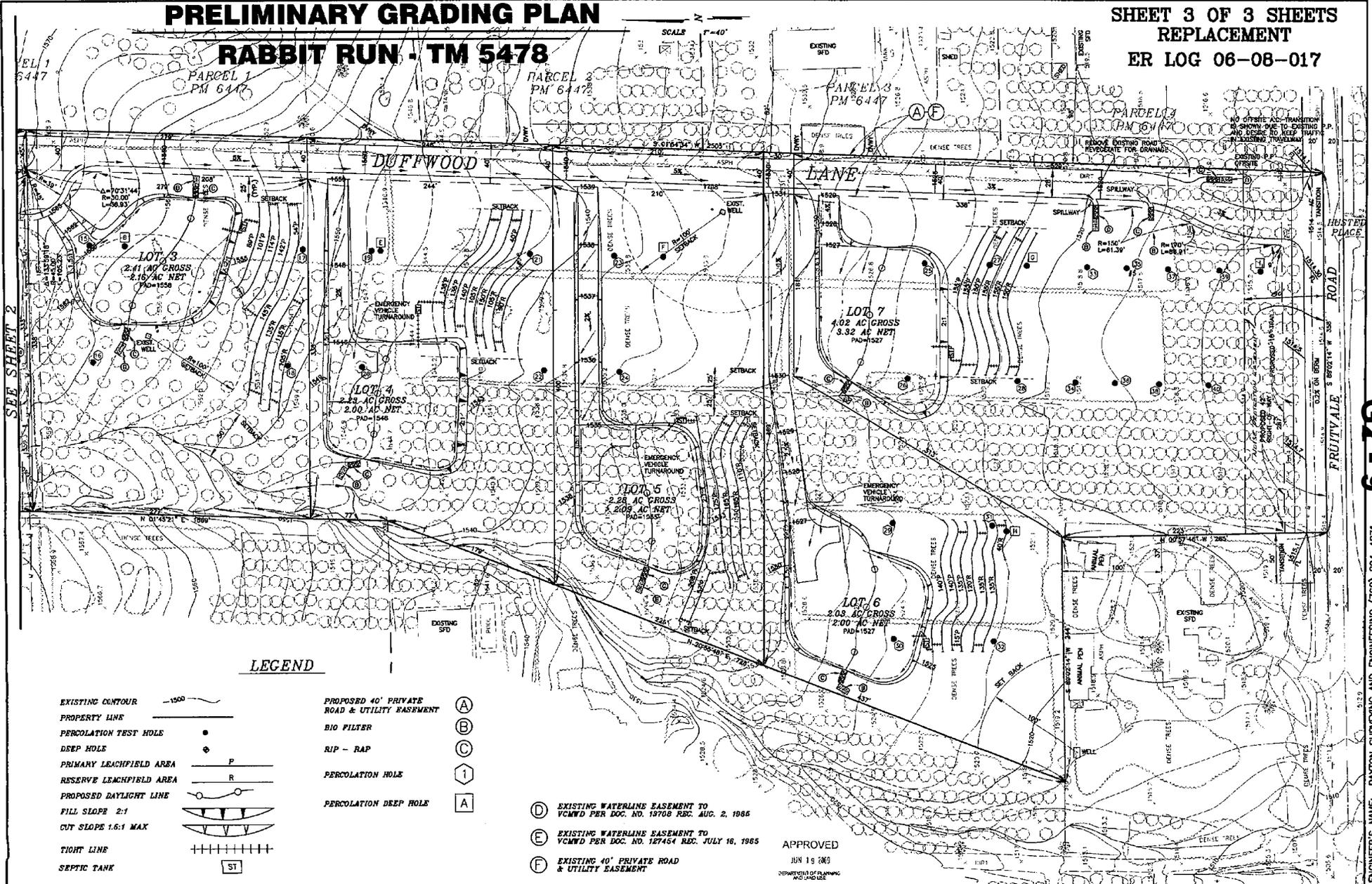


SEE SHEET 3  
ENGINEER'S NAME: PATTON SURVEYING AND ENGINEERING (760) 284-4871

**PRELIMINARY GRADING PLAN**

**RABBIT RUN - TM 5478**

**SHEET 3 OF 3 SHEETS  
REPLACEMENT  
ER LOG 06-08-017**



**LEGEND**

- |                         |       |  |     |
|-------------------------|-------|--|-----|
| EXISTING CONTOUR        | -1500 | PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT | (A) |
| PROPERTY LINE           | ---   | BIO FILTER                                   | (B) |
| PERCOLATION TEST HOLE   | •     | RIP - RAP                                    | (C) |
| DEEP HOLE               | ⊕     | PERCOLATION HOLE                             | (1) |
| PRIMARY LEACHFIELD AREA | P     | PERCOLATION DEEP HOLE                        | (A) |
| RESERVE LEACHFIELD AREA | R     |  |     |
| PROPOSED DAYLIGHT LINE  | ~     |  |     |
| FILL SLOPE 2:1          | ∩     |  |     |
| CUT SLOPE 1.5:1 MAX     | ∪     |  |     |
| TIGHT LINE              | +++++ |  |     |
| SEPTIC TANK             | ST    |  |     |

- (D) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 19708 REC. AUG. 2, 1986
- (E) EXISTING WATERLINE EASEMENT TO VCMWD PER DOC. NO. 127454 REC. JULY 16, 1985
- (F) EXISTING 40' PRIVATE ROAD & UTILITY EASEMENT

APPROVED  
JUN 19 2003  
DEPARTMENT OF PLANNING AND HOUSING

SEE SHEET 2

FRUITVALE ROAD

G2-9

ENGINEER'S NAME: PAXTON SURVEYING AND ENGINEERING (760) 294-4871

\\SERVER1\SC004\YSR\TM\_07-08-08

**RESOLUTION OF SAN DIEGO COUNTY)  
CONDITIONALLY APPROVING )  
TENTATIVE MAP NO. 5478 )**

WHEREAS, Tentative Map No. 5478 proposing the division of property located at Fruitvale Road and Duffwood Lane, Valley Center, and generally described as:

A portion of the southeast quarter of Section 5, Township 11 South, Range 1 West, San Bernardino Meridian in the County of San Diego, State of California

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on July 8, 2008; and

WHEREAS, on June 19, 2009, the Planning Commission of the County of San Diego pursuant to Section 81.307 of the San Diego County Subdivision Ordinance held a duly advertised public hearing on said Tentative Map and received for its consideration certain 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, 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 (17) Estate Residential Land Use Designation of the Valley Center Community Plan because it proposes a residential use type at a density of 0.5 dwelling units per gross acre, with a minimum parcel size of 2 gross acres, 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 2 acres in the A-70 (Limited Agriculture) 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 Valley Center

Community Plan, and comply with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;

4. The site is physically suitable for residential development because the slope is moderate and minimal grading is needed to provide appropriately sized residential pads which do not require setback variances or impact sensitive resources;
5. The site is physically suitable for the proposed density of development because it is served by the Valley Center Fire Protection District and the Valley Center Municipal Water District;
6. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and on-site 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 findings of a Mitigated Negative Declaration dated May 28, 2009;
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 individual private subsurface 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

TM 5478

- 3 -

11. It is hereby found that the use or development permitted by the application is consistent with the provisions of the Resource Protection Ordinance; and
12. It is hereby found that the project proposed by the application has prepared plans and documentation demonstrating compliance with the provisions of the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance.

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

- A. The approval of this Tentative Map expires 36 months from the date of this resolution, unless prior to that date an application for a Time Extension has been filed and is subsequently approved as provided by Section 81.308 of the County Subdivision Ordinance

**PLEASE NOTE: Condition compliance, preparation of grading and improvement plans and final mapping may take a year or more to complete. Applicants are advised to begin this process at least one year prior to expiration of this Tentative Map.**

PLEASE NOTE: Time Extension requests cannot be processed without updated project information including new Department of Environmental Health certification of septic systems. Since Department of Environmental Health review may take several months, applicants anticipating the need for Time Extensions for their projects are advised to submit applications for septic certification to the Department of Environmental Health several months prior to the expiration of their Tentative Maps.

- B. The "Standard Conditions for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically indicated, shall also be complied with prior to issuance of grading or other permits as specified):

TM 5478

- 4 -

**PLANS AND SPECIFICATIONS**

(Street Improvements)

1. Standard Conditions 1 through 10.
2. Specific Conditions:
  - a. Improve or agree to improve and provide security for the construction of Fruitvale Road along the project's southerly boundary in accordance with the Public Rural Collector Road Standards as may be modified to meet existing prevailing speed conditions, to a one-half graded width of forty-two feet (42') from centerline with twenty feet (20') of asphalt concrete pavement over approved base, with Portland cement concrete curb and gutter, and ten-foot (10') disintegrated granite (DG) pathway contiguous to the outer limit of the right-of-way. The existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-feet (20'). All distressed sections shall be replaced. Face of curb shall be at twenty feet (20') from centerline. Provide all necessary traffic striping for one through lane and a shoulder and taper transitions to meet existing improvements. Construct the intersection with the proposed private easement road (Duffwood Lane) as required for surface water to drain properly to the east without ponding on Fruitvale Road. All of the foregoing shall be to the satisfaction of the Director of Public Works and the Director of Parks and Recreations. NOTE:
    - (1) Aboveground utilities, landscape, signs, irrigation systems shall not be placed within pathways. A clear unobstructed ten feet (10') of tread width shall be maintained to the satisfaction of the Director of Parks and Recreations.
  - b. Improve or agree to improve and provide security for the private easement road, Duffwood Lane from cul-de-sac on Lots 1 and 2 to Fruitvale Road to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with dike where required. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (750) trips shall apply. Duffwood Lane shall be aligned such that the Duffwood Lane/Fruitvale Road intersection aligns with the Husted Place/Fruitvale Road intersection. Private road structural section shall be designed to properly drain the surface water to Fruitvale Road thence easterly. All of the foregoing shall be to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.

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- c. The private easement road, Duffwood Lane shall terminate at the driveway accesses to Lots 1 and 2 with a cul-de-sac graded to a radius of forty-five feet (45') and surfaced to a radius of thirty-nine feet (39') with asphalt concrete pavement over approved base and asphalt concrete dike where required. All of the foregoing shall be to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works.
- d. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is a minimum unobstructed sight distance along Fruitvale Road from the proposed road access, Duffwood Lane, for the prevailing operating speed of traffic on Fruitvale Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- e. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- f. If guarded access is used along Duffwood Lane, it shall be in accordance with San Diego County Design Standards DS-17, DS-18 or DS-19. All gates shall be equipped with strobe detectors and Knox Switch to conform with Valley Center Fire Protection District Standards. The above shall be done to the satisfaction of the Valley Center Fire Protection District, and the Director of Public Works.
- g. Road widths less than thirty-six foot (36') improved width may require posting and red striping to the satisfaction of the Valley Center Fire Protection District. If so, this information shall be shown on the Final Map as "Non Title Information".

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:

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- a. The private storm drain system including private road treatment BMP's such as spillways, rip-rap and bio-filters (vegetated swales), shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of Public Works.

**FAIR HOUSING**

5. Standard Condition 20.

**SANITATION**

6. Standard Condition 22.

**FIRE PROTECTION AND WATER SUPPLY**

7. Standard Condition 23.1 and 23.2.
8. Specific Conditions:
  - a. Participate in sufficient mitigation measures that will assist the Valley Center Fire Protection District in providing fire and medical emergency response to this project and contiguous neighborhoods based upon travel time, fire protection equipment and resources. Specifically, the owner/applicant shall annex into the Valley Center Fire Protection District Community Facilities District No. 2008-01 prior to Final Map approval.

**DEVELOPMENT IMPACT FEES**

9. Specific Conditions:
  - a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the development improvements.
  - b. Deposit with the County Department of Public Works \$220.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.

FINAL MAP RECORDATION

Final Map requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors:

11. Prior to the approval of the final map, the following note shall be added to the non-title sheet of the final map:  
*"Prior to issuance of any building permit, a Geotechnical Study shall be submitted and approved by the DPLU Building Division. The report shall specify foundation designs, which are adequate to preclude substantial damage to the proposed structure due to liquefaction. The review of the technical study shall be billed at a rate of Time and Materials."*

(Streets and Dedication)

12. Specific Conditions:
  - a. With the Final Map, dedicate or caused to be granted the project half of Fruitvale Road along the project frontage in accordance with Public Road Standards for a Rural Collector Road width of forty-two feet (42'), together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
  - b. The Final Map shall show one-foot (1') access restriction easements along the easterly boundary except for the existing driveway accesses to lots to the east. All of the foregoing shall be to the satisfaction of the Director of Public Works.
  - c. Relinquish access rights onto Fruitvale Road except for an access opening for Duffwood Lane, to the satisfaction of the Director of Public Works.
  - d. The desired location of the centerline for Fruitvale Road (SC 310), must be determined, which is shown on the Circulation Element of the County General Plan as a Rural Collector Road. The following shall be shown on the Final Map:
    - (1) The centerline location as approved by the Department of Public Works.
  - e. Because private roads are approved as a condition of this subdivision, the following shall apply:

- (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
  - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to each private road, and place a note on the Final Map as to the final title status of said roads.
  - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- f. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- g. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control stations with first order accuracy to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811).
- h. The Subdivision Map shall be prepared to show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of first order accuracy as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).
13. NOISE PROTECTION EASEMENT [DPLU]
- a. On the Final Map, grant to the County of San Diego a perpetual Noise Protection Easement, as shown on Tentative Map 5478. The easement shall be placed over the first 80 feet from the centerline of Fruitvale Road. The easement is for the mitigation of anticipated future excess noise levels on any residential uses proposed within the 80 foot noise easement. [DPLU, FEE X2]

"Said Noise Protection easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located on the first 80 feet from the Fruitvale Road centerline", the applicant shall:

1. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Fruitvale Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a light collector road that is the designated General Plan Circulation Element buildout roadway classification.
2. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

#### MISCELLANEOUS

14. Standard Conditions 25, 26, 27, and 28.
15. No lot shall contain a net area of less than 2 acres. [DPLU - Project Planning Division]
16. No lot shall contain a gross area of less than 2 acres. [DPLU - Project Planning Division]

#### WAIVER AND EXCEPTIONS

Said subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required Ordinances of San Diego County except for a waiver or modification of the:

- a. Standard Conditions for Tentative Maps:
  - (1) Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of high pressure sodium (HPS) vapor light source unless

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within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source) 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 provides generalized trail requirements. This project has been specifically conditioned for a DG pathway within the public road right of way, per condition 2a above.
- (4) Standard Conditions 19 (a-e): Said conditions pertain to projects for which lot grading is required. No grading plan is required because no lot grading is proposed.
- (5) Standard Condition 21: Said condition pertains to subdivisions relying on sewer service. This subdivision will use septic systems.
- (6) Standard Conditions 23.3 and 24: Said conditions pertain to subdivisions outside of a Fire Protection District. This subdivision is in the Valley Center Fire Protection District.
- (7) 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.

The following shall be the Mitigation Monitoring or Reporting Program for TM 5478, Rabbit Run.

Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Reporting or Monitoring Program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The Mitigation Monitoring Program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time

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frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

A. Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

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**NOTICE** - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on June 19, 2009.

**NOTICE:** Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff.

**NOTICE:** Low Impact Development (LID) requirements apply to all priority projects as of March 25, 2008. These requirements can be found at the following link beginning on Page 32, Section 67.812, of the Municipal Stormwater Permit:

<http://www.sdcounty.ca.gov/cob/ordinances/ord9926.doc>

The draft LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. You can access the Handbook at the following DPLU web address:

<http://www.co.san-diego.ca.us/dplu/docs/LID-Handbook.pdf>

**NOTICE:** On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant

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Discharge Elimination System (NPDES). The requirements of the Municipal Permit must be implemented beginning March 25, 2008. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link beginning on Page 32, Section 67.812, of the Municipal Stormwater Permit:

<http://www.sdcounty.ca.gov/cob/ordinances/ord9926.doc>

All priority projects must minimize directly connected impervious areas and promote biofiltration. Section 67.812 includes the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements: Disconnect impervious surfaces, Design impervious surfaces to drain into properly designed pervious areas, Use pervious surfaces wherever appropriate, Implement site design BMPs. The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

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:** - Fish and Game Fees have been paid in the amount of \$1,993.00 for the review of the Mitigated Negative Declaration, Receipt number 365001 dated February 23, 2009.

**NOTICE:** The project will be required to pay the Department of Planning and Land Use Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to DPLU, 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 **2 DPLU conditions** that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the [DPLU, 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.

ON MOTION of Commissioner Norby, seconded by Commissioner Riess, 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 19th day of June 2009, in

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the Department of Planning and Land Use Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California, by the following vote:

AYES: 4 - Brooks, Norby, Riess, Woods

NOES: 0 - None

ABSENT: 3 - Beck, Day, Pallinger

[NOTE: 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 to the appellant body and/or the Board of Supervisors. 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.]

DPL/WP 001-TM (06/13/08)



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

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

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

March 12, 2019

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2018-TM-5478TE

## NOTICE OF PRELIMINARY DECISION OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

On the above date, the Director of Planning & Development Services (PDS) adopted this preliminary decision approving Time Extension PDS2018-TM-5478TE. A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on March 22, 2019. In the event the Planning Commission takes no action to initiate a public hearing on the preliminary decision, the preliminary decision shall become a final decision of the Planning Commission that is effective immediately.

I, Mark Wardlaw, Director of PDS, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES  
MARK WARDLAW, DIRECTOR

By:

A handwritten signature in black ink, appearing to read "Mark Slovick".

MARK SLOVICK, DEPUTY DIRECTOR  
PLANNING & DEVELOPMENT SERVICES

March 22, 2019

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2018-TM-5478TE

FINAL NOTICE OF ACTION OF  
THE PLANNING COMMISSION APPROVING  
A TIME EXTENSION FOR PDS2018-TM-5478TE

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. The approval of this Tentative Map expires ~~June 19, 2018~~ on June 19, 2020 at 4:00 p.m.

**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 compiled with prior to the approval and issuance of grading or other permits as specified):

***The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5478 dated June 19, 2009 are still applicable.***

**ORDINANCE COMPLIANCE NOTIFICATIONS:** The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**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/susmpdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmpdf/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>

**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.

**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.

**ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

**EXCAVATION PERMIT REQUIRED:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**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

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TIF at the [*PDS, LD Counter*] and provide a copy of the receipt to the [*PDS, BD*] at time of permit issuance.

cc: Jerry Gaughan, 9620 Palm Beach Lane, San Diego, CA 92129

email cc:

David Sibbet, Project Planning, Planning Manager, Planning & Development Services

Angelica Truong, Project Planning, Project Manager, Planning & Development Services

Ed Sinsay, Land Development Project Manager, Planning & Development Services

Jerry Gaughan, Project Applicant, [jerrygaughan@msn.com](mailto:jerrygaughan@msn.com)

**Attachment B –  
Notice of Preliminary Decision of the Director of Planning  
& Development Services and Final Notice of Action of  
the Planning Commission Approving a Time Extension  
for PDS2020-TM-5478**



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

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

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

September 8, 2020

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2020-TM-5478TE

## NOTICE OF PRELIMINARY DECISION OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

On the above date, the Director of Planning & Development Services (PDS) adopted this preliminary decision approving Time Extension PDS2020-TM-5478TE. A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on September 18, 2020. In the event the Planning Commission takes no action to initiate a public hearing on the preliminary decision, the preliminary decision shall become a final decision of the Planning Commission that is effective immediately.

I, Mark Wardlaw, Director of PDS, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES  
MARK WARDLAW, DIRECTOR

By:

A handwritten signature in black ink, appearing to read "Mark Slovic".

MARK SLOVICK, DEPUTY DIRECTOR  
PLANNING & DEVELOPMENT SERVICES

September 18, 2020

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2020-TM-5478TE

FINAL NOTICE OF ACTION OF  
THE PLANNING COMMISSION APPROVING  
A TIME EXTENSION FOR PDS2020-TM-5478TE

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. The approval of this Tentative Map expires ~~June 19, 2018~~ on June 19, 2020 April 9, 2024 at 4:00 p.m.

**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 compiled with prior to the approval and issuance of grading or other permits as specified):

***The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5478 dated June 19, 2009 are still applicable.***

**ORDINANCE COMPLIANCE NOTIFICATIONS:** The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**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/susmpdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmpdf/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>

**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.

**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.

**ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

**EXCAVATION PERMIT REQUIRED:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**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

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- 4

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.

cc: Duffy Wood, LLC, 9620 Palm Beach Lane, San Diego, CA 92129

IMOPAC Investments, LLC, 9984 Scripps Ranch Blvd., #133, San Diego, CA 92131

email cc:

Greg Kazmer, Project Planning, Planning Manager, Planning & Development Services

Heather Steven, Project Planning, Project Manager, Planning & Development Services

Ed Sinsay, Land Development Project Manager, Planning & Development Services

Phillip Aronoff, IMOPAC Investments, LLC, [phil@phil4loans.com](mailto:phil@phil4loans.com)

**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

KATHLEEN A. FLANNERY  
ASSISTANT DIRECTOR

**AN ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION  
FOR PURPOSES OF CONSIDERATION OF Rabbit Run Tentative Map Time  
Extension,  
PDS2018-TM-5478TE, PDS2018-ER-06-08-017A**

**August 24, 2020**

**CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR or subsequent Negative Declaration have occurred.**

There are some minor changes and additions, which need to be included in an Addendum to the previously adopted Negative Declaration to accurately cover the new project. The additions are underlined and deletions are struck out. The changes and additions consist of the following:

1. To the Project Name add RABBIT RUN TENTATIVE MAP TIME EXTENSION
2. To the Project Number(s) add PDS2020-TM-5478TE; PDS2018-ER-06-08-017B
3. To the first paragraph add as indicated: "The Mitigated Negative Declaration for this project is comprised of this form along with the Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated March 22, 2019 which includes the following forms attached."
  - A. An Addendum to the previously adopted Negative Declaration with an Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated August 24, 2020.
  - B. An Ordinance Compliance Checklist
  - C. A Priority Development Project Stormwater Quality Management Plan (SWQMP) prepared by Civil Landworks Corp., dated October 30, 2018.



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

**August 24, 2020**

## **Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents**

### **FOR PURPOSES OF CONSIDERATION OF Rabbit Run Tentative Map Time Extension PDS2020-TM-5478TE**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

**1. Background on the previously adopted ND:**

A Mitigated Negative Declaration for Rabbit Run, TM5478; Log No. 06-08-017 was adopted by the Planning Commission on February 9, 2012. The adopted MND found the project would have potentially significant effects to traffic, fire protection, water supply and noise that were clearly mitigated. These effects were determined to be mitigated or avoided to a level below significance.

**2. Lead agency name and address:**

County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

- a. Contact Heather Steven, Project Manager
- b. Phone number: (858) 495-5802
- c. E-mail: [heather.steven@sdcounty.ca.gov](mailto:heather.steven@sdcounty.ca.gov)

**3. Project applicant's name and address:**

IMOPAC Investments, LLC, Philip H. Aronoff, Manager  
9984 Scripps Ranch Blvd., #133, San Diego, CA 92131

4. Summary of the activities authorized by present permit/entitlement application(s):

No changes are proposed by the project; only a time extension is requested to allow sufficient time to satisfy conditions and record the final map.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES                      NO  
                             

If yes, describe **ALL** differences.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> NONE          |   |   |
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Haz Materials          | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use & Planning      | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:**

On the basis of this analysis, Planning & Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified EIR is adequate upon completion of an ADDENDUM.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

**August 24, 2020**

Signature

Date

**Heather Steven**

**Project Manager**

Printed Name

Title

## INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

**ENVIRONMENTAL REVIEW UPDATE CHECKLIST**

**I. AESTHETICS** – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Aesthetics that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Aesthetics.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**II. AGRICULTURE AND FORESTRY RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Agriculture and Forestry Resources that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Agriculture and Forestry Resources.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**III. AIR QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; 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; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Air Quality that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Air Quality.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**IV. BIOLOGICAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Biological Resources that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Biological Resources.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**V. CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Cultural Resources that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Cultural Resources.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**VI. GEOLOGY AND SOILS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having 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?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Geology and Soils that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Geology and Soils.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**VII. GREENHOUSE GAS EMISSIONS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Greenhouse Gas Emissions that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Greenhouse Gas Emissions.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**VIII. HAZARDS AND HAZARDOUS MATERIALS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location 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; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of 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?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Hazards and Hazardous Materials that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Hazards and Hazardous Materials.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**IX. HYDROLOGY AND WATER QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; 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; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows 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; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

NO

Since certification of the Mitigated Negative Declaration for Rabbit Run Tentative Map in 2012, there has been a change in circumstances regarding municipal stormwater regulations. The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) on discharges from municipal separate storm water sewer systems (MS4). The new MS4 Permit was adopted by the Regional Board on May 8, 2013 and amended on November 18, 2015. In order to comply with all applicable stormwater regulations, the activities proposed under this project are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. A Stormwater Quality Management Plan (SWQMP) must be approved by the County for the currently proposed project. A Priority Development Project (PDP) SWQMP for Rabbit Run Tentative Map was submitted to the County and it was determined no revisions to project.

The proposed Time Extension would not result in any new significant environmental effects to Hydrology and Water Quality that were not previously analyzed in the Rabbit Run Tentative Map Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Hydrology and Water Quality.

All conditions of approval Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**X. LAND USE AND PLANNING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Land Use and Planning that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Land Use and Planning.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XI. MINERAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Mineral Resources that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Mineral Resources.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XII. NOISE** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: 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; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects 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, or for

projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Noise that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Noise.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XIII. POPULATION AND HOUSING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Population and Housing that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Population and Housing.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XIV. PUBLIC SERVICES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental

effects to Public Services that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Public Services.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XV. RECREATION** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in 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; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Recreation that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Recreation.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XVI. TRANSPORTATION/TRAFFIC** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Transportation/Traffic that were not previously analyzed in the Rabbit Run Mitigated

Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Transportation/Traffic.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XVII. TRIBAL CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES

NO

Since the previous environmental document was certified, there has been a change in circumstances. Assembly Bill 52 (AB-52) became effective on July 1, 2015. AB-52 requires that tribal cultural resources (TCRs) be evaluated under CEQA. However, AB-52 consultation does not apply in this case because the environmental document is not a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report. In addition, a Sacred Lands File Search was completed by the Native American Heritage Commission with negative results.

**XVIII. UTILITIES AND SERVICE SYSTEMS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

NO

The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Utilities and Service Systems that were not previously analyzed in the Rabbit Run Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Utilities and Service Systems.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

**XIX. MANDATORY FINDINGS OF SIGNIFICANCE:** Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

YES

NO

As described in this Addendum, there are no changes in the approved TM5278 for the proposed Time Extension, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any of the mandatory findings of significance. There are no proposed changes on Biological and Cultural Resources, as discussed in Section IV, Biological Resources, and Section V Cultural Resources.

The proposed Time Extension would not result in any new significant environmental effects that were not previously analyzed in the Rabbit Run Tentative Map Mitigated Negative Declaration. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects.

All conditions of approval for the Rabbit Run Tentative Map 5478 will remain in effect for the proposed Time Extension.

Attachments

- Previous environmental documentation
- Addendum to the previously adopted Negative Declaration or certified EIR

## **XX. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM**

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Public Facility Conservation/Open Space Element of the General Plan (Section 6-Solid Waste, XII-6-1Goal COS-17: Solid Waste Management)

County of San Diego Scenic Highway Conservation/Open Space Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego Biological Mitigation Ordinance

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 *et seq.*)

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board, San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 - Fall 1994 by Tom Schueler Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control Board, San Diego Region

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH  
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF  
Rabbit Run, PDS2020-TM-5478TE, ER LOG NO. 06-08-017**

**August 24, 2020**

**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  
                                           

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss/Coastal Sage Scrub Ordinance findings are 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 located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

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

YES                      NO                      NOT APPLICABLE/EXEMPT  
                                           

The project is located in Valley Center, which has had a continual problem of high groundwater levels that has caused a number of septic system failures in Valley Center dating back to the late 1970s. The project site itself has historically shallow groundwater levels. The septic layout for the project was approved by the Department of Environmental Health on March 28, 2008. Groundwater is not expected to rise within 5 feet of the seepage bottom according to conclusions by Robert Sukup, RCE #28302, October 23, 2007.

The project is proposing to use groundwater only for irrigation supply. The project will obtain its water supply from the Valley Center Municipal Water District. The rest of the

basin is also within the boundaries of the Valley Center Municipal Water District. As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

**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:***

The average slope for the property is about a 5 percent gradient. 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:**

No sensitive habitat lands were identified on the site as determined by a Biological Resources and Wetland Survey Letter Report dated April 9, 2007 prepared by Everett and Associates. Therefore, it has been found that the project complies with Section 86.604(f) of the RPO.

**Significant Prehistoric and Historic Sites:**

The property has been surveyed by a County of San Diego certified archaeologist/historian, Brian Smith of Brian F. Smith and Associates, and it has been determined that the property does not contain any archaeological/ historical sites. In addition, the project must comply with the San Diego County Grading, Clearing, and Watercourse Ordinance (§87.101-87-804), CEQA §15064.5(d), and §7050.5 of the Health & Safety Code. Section 87.429 of the Grading, Clearing, and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

**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 Priority Development Project Storm Water Quality Management Plan (PDP SWQMP) received October 30, 2018 was reviewed for this project and appears 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  
                                           

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Staff has reviewed the preliminary grading plans associated with TM 5478 received on July 8, 2008. Proposed lots are well distanced from Fruitvale Road, which is identified as a Mobility Element Road. Based on in-house GIS layers, the future 60 dBA CNEL contour is approximately 80 feet from the Fruitvale Road centerline. The closest proposed pads (Lots 6 and 7) are located over 350 feet from this roadway. Due to attenuation by distance, the project will comply with County Noise Element Policy 4b. Staff recommends a noise protection easement dedication to ensure any future noise sensitive land uses proposed within the 80 feet from the Fruitvale Road centerline with comply with the County Noise Element.



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
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PHONE (858) 694-2962 FAX (858) 694-2555

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

September 8, 2020

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2020-TM-5478TE

## NOTICE OF PRELIMINARY DECISION OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

On the above date, the Director of Planning & Development Services (PDS) adopted this preliminary decision approving Time Extension PDS2020-TM-5478TE. A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on September 18, 2020. In the event the Planning Commission takes no action to initiate a public hearing on the preliminary decision, the preliminary decision shall become a final decision of the Planning Commission that is effective immediately.

I, Mark Wardlaw, Director of PDS, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES  
MARK WARDLAW, DIRECTOR

By:

MARK SLOVICK, DEPUTY DIRECTOR  
PLANNING & DEVELOPMENT SERVICES

September 18, 2020

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2020-TM-5478TE

FINAL NOTICE OF ACTION OF  
THE PLANNING COMMISSION APPROVING  
A TIME EXTENSION FOR PDS2020-TM-5478TE

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. The approval of this Tentative Map expires ~~June 19, 2018~~ on June 19, 2020 April 9, 2024 at 4:00 p.m.

**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 compiled with prior to the approval and issuance of grading or other permits as specified):

***The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5478 dated June 19, 2009 are still applicable.***

**ORDINANCE COMPLIANCE NOTIFICATIONS:** The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**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/susmpdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmpdf/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>

**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.

**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.

**ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

**EXCAVATION PERMIT REQUIRED:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**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

## G2 - 56

- 4

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.

cc: Duffy Wood, LLC, 9620 Palm Beach Lane, San Diego, CA 92129

IMOPAC Investments, LLC, 9984 Scripps Ranch Blvd., #133, San Diego, CA 92131

email cc:

Greg Kazmer, Project Planning, Planning Manager, Planning & Development Services

Heather Steven, Project Planning, Project Manager, Planning & Development Services

Ed Sinsay, Land Development Project Manager, Planning & Development Services

Phillip Aronoff, IMOPAC Investments, LLC, [phil@phil4loans.com](mailto:phil@phil4loans.com)

**Attachment D – Ownership Disclosure**



County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) PDS2020-TM-5478TE

Assessor's Parcel Number(s) 188-160-54-00

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. NOTE: Attach additional pages if necessary.

A. List the names of all persons having any ownership interest in the property involved.

IMOPAC Investments, LLC
[Blank lines for additional entries]

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.

IMOJIM, Inc. 401K Plan
Pacific Coast Realty Capital, LLC
PCRC Money Purchase Pension Plan
[Blank lines for additional entries]

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.

[Blank lines for entries]

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."

Signature of Applicant: Philip H. Aronoff, Manager
Print Name: Philip H. Aronoff, Manager
Date: 03/26/2020

OFFICIAL USE ONLY
SDC PDS RCVD 05-27-20
TM5478TE



Attachment E – TM-5478 Moratorium Letter



# County of San Diego

**MARK WARDLAW**  
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**DARREN GRETLER**  
ASSISTANT DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

August 30, 2016

Devon Muto  
ICF International  
525 B Street, Suite 1700  
San Diego, California 92101

REQUEST FOR CONFIRMATION OF RABBIT RUN/DUFFY WOOD TENTATIVE MAP (TM)  
NO. 5478 DEVELOPMENT MORATORIUM, GOVERNMENT CODE SECTION 66452.6(f)

Dear Mr. Muto,

Department of Planning & Development Services (PDS) staff have completed their review of your request letter, dated August 29, 2016, sharing concerns that your client, Jerry Gaughan, has been attempting to submit his application for a final map in order to satisfy the Tentative Map Resolution Conditions of Approval. The letter states that actions resulting from the local water district delayed the approval of the Final Map for TM 5478-1 and qualifies as a development moratorium. Of particular concern is how this moratorium affects the Rabbit Run/Duffy Wood TM, which was set to expire on June 19, 2016. Your assertions backed by documentation clearly demonstrated the actions of the public agency delayed the approval of the Final Map by declaring a moratorium with regard to the release of new water meters due to a water shortage.

PDS has concluded that the detailed information provided in the letter that included supporting exhibits, as well as applicable laws and regulations, substantiate your assertion that a moratorium can reasonably be found to have existed from July 15, 2009 to May 2, 2011. It has been determined that the period of time that the moratorium was imposed totaled approximately 22 months, which would yield a new expiration date of April 9, 2018.

Staff emphasizes the need to comply with all requirements and conditions of the approved TM so that the Final Map can be timely filed before the expiration date above.

Rabbit Run  
August 25, 2016  
Page 2

Sincerely,



Jarrett Ramaiya, Chief  
Planning & Development Services

cc: File

Email cc:  
Jerry Gaughan