



County of San Diego

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August 9, 2018

MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Skyline Retirement Center Major Use Permit

RECORD ID: PDS2016-GPA-16-005, PDS2016-REZ-16-003, PDS2016-MUP-16-003

ENVIRONMENTAL LOG NO.: PDS2016-ER-16-19-001

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

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

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Skyline Retirement Center Major Use Permit

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

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

A. TRANSPORTATION

The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

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

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

ROADS#2–TRAFFIC CONTROL PLAN

INTENT: In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (DPW). **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

B. BIOLOGY

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

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

INTENT: In order to protect sensitive biological resources, including, but not limited to, sensitive habitat communities and federally threatened California gnatcatcher, pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), and California Environmental Quality Act (CEQA), an off-site biological open space easement shall be granted over two (2) parcels. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego and the California Department of Fish and Wildlife by separate document, or grant to the California Department of Fish and Wildlife a conservation easement, an open space easement on two (2) parcels (APN 506-140-08-00 and 506-140-03-00), as shown in Figures 7 and 8 of the Biological Resources Letter Report dated July 10, 2018. The easement shall contain at least 6.6 acres of Diegan coastal sage scrub and 2.7 acres of

southern riparian woodland (up-tiering). This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Maintenance of the existing flowage easement or two existing drainage facilities (APN 506-140-03-00) to the extent approved or required for the express purpose of reducing an identified flooding or drainage hazard, under oversight of the Resource Manager. All maintenance of the existing flowage easement or drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state, and local permits (e.g., Clean Water Act Section 404 Nationwide Permit, Clean Water Act Section 401 Water Quality Certification, and California Fish and Game Code Section 1600 Streambed Alteration Agreement) have been obtained.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] [DPR, TC] for satisfaction of the condition.

BIO#2-PLAN CONFORMANCE

INTENT: In order to protect sensitive biological resources, implement the required mitigation measures, and comply with Section 7703 of the Zoning Ordinance, the two areas designated as “Not A Part” shall not be disturbed. **DESCRIPTION OF REQUIREMENT:** The areas designated on the Grading Plan dated May 4, 2018 as “Not A Part” shall not be disturbed. The “Not A Part” designated areas prohibit all of the following on any portion of the land: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Trespassing into the “Not A Part” areas is prohibited except as approved by the County to perform periodic management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to the prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.
- d. Construction, use and maintenance of multi-use, non-motorized trail in the western “Not A Part” area as shown on the plot plan and preliminary grading plan.

Disturbing the “Not A Part” areas other than what is allowed by this exception is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

BIO#3—OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary of the two (2) off-site mitigation parcels (APN 506-140-08-00 and 506-140-03-00) as indicated on the Biological Resources Letter Report dated July 10, 2018 for PDS2016-MUP-16-003, -GPA-16-005, -REZ-16-003. The sign interval shall not exceed 150-feet apart. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Planning & Development Services
Reference: PDS2016-ER-16-19-001

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

BIO#4–OPEN SPACE FENCING [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, or disturbance, permanent fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing shall be placed along the entire perimeter of the biological open space boundary as indicated in Figures 6a and 6b on the Conceptual Resource Management Plan dated July 2018. Minor modifications may be made to the fencing plan as required to comply with existing easement requirements (i.e. access along existing road and existing flowage easement through eastern parcel) and as approved by the Director of PDS. The fencing design shall consist of four (4) strand barbed-wire fence not less than four (4) feet in height or as approved by the Director of PDS. **DOCUMENTATION:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed at the open space easement boundary. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the fencing shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

BIO#5–RESOURCE MANAGEMENT PLAN

INTENT: In order to provide for the long-term management of the proposed open space preserve and for the perpetual management of biological open space on two parcels (APN 506-140-08-00 and 506-140-03-00), as shown in Figures 7 and 8 of the Biological Resources Letter Report dated July 10, 2018, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP consistent with the Conceptual RMP dated July 2018 on file with PDS as Environmental Review Number ER-16-19-001. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of the [County of San Diego Report Format and Content Requirement Guidelines: Biological Resources.](#)
- b. The habitat land to be managed shall be owned or completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the RMP shall be approved. **MONITORING:** The [PDS, PPD] [DPR, GPM] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

BIO#6-COAST CHOLLA MITIGATION PLAN

INTENT: In order to mitigate for the direct loss of coast cholla, a unique habitat feature and coastal cactus wren habitat, which is a sensitive biological resource pursuant to the Biological Mitigation Ordinance (BMO), Resource Protection Ordinance, and CEQA, translocation of coast cholla shall occur. **DESCRIPTION OF REQUIREMENT:** One of the following two options shall be submitted:

Option 1: A Coast Cholla Mitigation Plan shall be prepared and implemented, which mitigates impacts to coast cholla (*Cylindropuntia prolifera*) by translocating coast cholla individual plants to be removed at a minimum of 1:1 ratio within suitable receptor site(s) within the U.S. Fish and Wildlife Service's San Diego National Wildlife Refuge or other location where no future construction-related disturbance will occur and as approved by the Director of PDS and the Wildlife Agencies. The Mitigation Plan shall specify, at minimum, the following: (1) the location of the receptor site(s) in protected open space areas; (2) appropriate methods for translocation; (3) receptor site preparation methods; (4) schedule an action plan for maintaining and monitoring the receptor site(s); (5) list of performance criteria and standards for successful mitigation; (6) measures to protect the receptor site(s) (e.g., trespass and erosion control, weeding); and (7) cost of implementing the Coast Cholla Mitigation Plan. The Mitigation Plan shall conform to the most current version of the [County of San Diego Report Format and Content Requirements for Revegetation Plans.](#) The Coast Cholla Mitigation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Coast Cholla Mitigation Plan. The preservation plan shall include evidence of protection in perpetuity within the National Wildlife Refuge or evidence of protection by some other means to the satisfaction of the Director of PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

OR

Option 2: A letter or other signed document from the U.S. Fish and Wildlife Service shall be submitted that describes the U.S. Fish and Wildlife Service's commitment to translocating coast cholla to the U.S. Fish and Wildlife Service's San Diego National Wildlife Refuge and intent to provide protection in perpetuity.

DOCUMENTATION: Option 1: The applicant shall prepare the final Coast Cholla Mitigation Plan, submit it to the [PDS, ZONING] and the Wildlife Agencies and pay all the applicable review fees and deposits; **OR Option 2:** The applicant shall submit the document from the U.S. Fish and Wildlife Service for approval and pay all applicable review fees and deposits. **TIMING:** Prior to the approval of any associated plan and issuance of any associated permit the Option 1 Coast Cholla Mitigation Plan shall be approved **OR** the Option 2 document from the U.S. Fish and Wildlife Service shall be submitted for approval. **MONITORING: Option 1:** The [PDS, LA] shall review the Coast Cholla Mitigation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan by the County and Wildlife Agencies, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition **BIO#7-SECURED AGREEMENT** shall be made to enter into a Secured Agreement for the implementation of the Plan; **OR Option 2:** the [PDS, LA] shall review the document from the U.S. Fish and Wildlife Service for compliance and provide confirmation when the document fulfills the condition.

BIO#7—SECURED AGREEMENT

INTENT: In order to assure project completion and success of the Revegetation Plan in condition **BIO#6—COAST CHOLLA MITIGATION PLAN Option 1**, a surety shall be provided and an agreement shall be executed. If **BIO#6 Option 2** is implemented, this **BIO#7** condition shall be satisfied with the documentation from the U.S Fish and Wildlife Service. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Coast Cholla Mitigation Plan, and,
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Coast Cholla Mitigation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty-percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Coast Cholla Mitigation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Coast Cholla Mitigation Plan Final Decision, and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the [PDS, LA] for final review and approval. **TIMING:** Prior to the approval of any plan and issuance of any permit, and after the approval of the Coast Cholla Mitigation Plan, the agreement shall be executed and the securities provided for the Coast Cholla Mitigation Plan implementation. If **BIO#6 Option 2** is implemented, this **BIO#7** condition shall be satisfied with the documentation from the U.S Fish and Wildlife Service. **MONITORING:** The [PDS, LA] shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Coast Cholla Mitigation Plan Final Decision. The [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected. Upon acceptance of the Agreement, securities and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities. If **BIO#6 Option 2** is implemented, this **BIO#7** condition shall be satisfied with the documentation from the U.S Fish and Wildlife Service.

BIO#8—OFFSITE MITIGATION (PALMER'S GOLDENBUSH) [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to Palmer's goldenbush, which is a sensitive biological resource pursuant to BMO, mitigation shall be provided. **DESCRIPTION OF REQUIREMENT:** The applicant shall demonstrate that mitigation for impacts to 40 individuals of Palmer's goldenbush will be provided within conservation

lands at a minimum mitigation ratio of 1:1 through dedication of the offsite open space easement (**BIO#1–OFFSITE BIOLOGICAL EASEMENT**). **DOCUMENTATION:** The applicant shall provide evidence, including photographic documentation, to the [PDS, PCC] for review and approval. **TIMING:** Prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PCC] shall review the documentation for compliance with this condition.

BIO#9–FIRE PROTECTION PLAN

INTENT: In order to minimize the potential exposure of the project site to fire hazards for the protection of sensitive biological resources pursuant to RPO and CEQA, a Fire Protection Plan shall be submitted to PDS and implemented. **DESCRIPTION OF REQUIREMENT:** To minimize the potential exposure of the project site to fire hazards, all features of the Fire Protection Plan for the Skyline Retirement Center shall be implemented in conjunction with development of the project. **DOCUMENTATION:** The applicant shall prepare the Fire Protection Plan and submit it to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to the issuance of any permit, the Fire Protection Plan shall be approved. **MONITORING:** The [PDS, PPD] shall review the Fire Protection Plan for compliance with this condition. During construction, the Project Biologist shall review fire protection measures for compliance with this measure as part of the construction monitoring requirement.

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

BIO#10–BIOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to jurisdictional waters of the U.S./CDFW and sensitive habitats and species located in areas “Not A Part” of the proposed Major Use Permit, all grading located adjacent to areas identified as “Not A Part” on the Plot Plan dated May 4, 2018 shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities located adjacent to areas identified as “Not-A-Part” on the Plot Plan dated May 4, 2018 for the protection of jurisdictional waters of the U.S./CDFW, San Diego sunflower, and Diegan coastal sage scrub. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Report Format and Content Requirement Guidelines: Biological Resources](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds or bonded separately with Planning & Development Services.

DOCUMENTATION: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and [MOU](#) to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [PDS, LDR] shall add the cost of the monitoring to the grading bond costs.

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

BIO#11–BIOLOGICAL MONITORING [PDS, FEE X2].

INTENT: In order to ensure that the biological monitoring occurred during the grading phase of the project, a final Biological Monitoring Report shall be prepared.

DESCRIPTION OF REQUIREMENT: The “Project Biologist” shall prepare final biological monitoring report. The report shall substantiate the supervision of the grading activities, and state that grading or construction activities did not impact any additional areas identified as “Not A Part” on the Plot Plan dated May 4, 2018. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS, FISCAL] to release the bond back to the applicant.

GRADING PLAN NOTES

In addition to the conditions set forth above, the following grading and/or improvement plan notes shall be placed on the grading plan and made conditions of the issuance of said permits:

PRE-CONSTRUCTION MEETING: *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

BIO#12–BIOLOGICAL MONITORING [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to jurisdictional waters of the U.S./CDFW, Diegan coastal sage scrub, and San Diego sunflower, all grading located adjacent to areas identified as “Not A Part” on the Plot Plan dated May 4, 2018 shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities adjacent to areas identified as “Not A Part” on the Plot Plan dated May 4, 2018 for the protection of jurisdictional waters of the U.S./CDFW, Diegan coastal sage scrub, and San Diego sunflower. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and Major Use Permit:

1. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
2. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the [PDS, PCC].

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

BIO#13–TEMPORARY FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to jurisdictional waters of the U.S./CDFW, Diegan coastal sage scrub, and San Diego sunflower, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the

grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

BIO#14–BREEDING SEASON AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to California gnatcatchers and other sensitive avian species, which is a sensitive biological resource pursuant to BMO, CEQA and Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet (500 feet for raptors) of Diegan coastal sage scrub habitat during the breeding season of the California gnatcatcher and other sensitive avian species within RAA as indicated on these plans. The breeding season is defined as occurring between February 15 and August 31 (and between February 1 and June 1 for raptors). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no California gnatcatchers or other protected avian species are present in the vicinity of the brushing, clearing, or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

BIO#15–PROOF OF COAST CHOLLA TRANSLOCATION

INTENT: In order to mitigate for the direct loss of coast cholla, proof of translocation of coast cholla shall be provided in accordance with **BIO#6 Coast Cholla Mitigation Plan Option 2** requiring the translocation of coast cholla by the U.S. Fish and Wildlife Service. If **BIO#6 Coast Cholla Mitigation Plan Option 1**, preparation of a Coast Cholla Mitigation Plan, is implemented, proof of translocation will be satisfied through implementation of the Mitigation plan and this Proof of Coast Cholla Translocation condition does not apply. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, written and photographic documentation shall be provided that the translocation of coast cholla by the U.S. Fish and Wildlife Service has occurred. **DOCUMENTATION:** The applicant shall provide written documentation and photographic evidence that the coast cholla has been translocated. The applicant shall submit photos of the coast cholla removal location(s) and translocated individuals in new receptor sites along with, if possible, a letter from the U.S. Fish and Wildlife Service to the [PDS, PCC] for approval. Photographic evidence may be waived at the discretion of the director of PDS. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances written documentation and photographic evidence

that the coast cholla has been translocated shall be submitted. **MONITORING:** The [PDS, PCC] shall review the letter and pictures provided by the applicant.

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

BIO#16–BIOLOGICAL MONITORING [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to jurisdictional waters of the U.S./CDFW, Diegan coastal sage scrub, and San Diego sunflower, all grading located adjacent to areas identified as “Not A Part” on the Plot Plan dated May 4, 2018 shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities adjacent to areas identified as “Not-A-Part” on the Plot Plan dated May 4, 2018 to prevent inadvertent disturbance to jurisdictional waters of the U.S./CDFW, Diegan coastal sage scrub, and San Diego sunflower. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are adjacent to areas identified as “Not-A-Part” on the Plot Plan dated May 4, 2018. Biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

- a. Flush special status and other species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities;
- b. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- c. Perform periodically monitor the work area for excessive dust generation in compliance with the San Diego County Air Pollution Control Districts regulations and all other applicable air quality regulations and report deficiencies immediately to the DPW Construction Inspector;
- d. Conduct training for contractors and construction personnel, including the purpose for resource protection, access restrictions to “Not A Part” areas, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- e. Verify that the construction site is implementing erosion control and water quality protection measures in accordance with County Best Management Practices (BMP);
- f. Verify that construction site is implementing the Project’s approved Stormwater Management Plan during and after clearing;

- g. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- h. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- i. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat or gnatcatchers are being affected by construction; and
- j. Attend construction meetings and other meetings as necessary.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

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

BIO#17-BIOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2016-MUP-16-003, -GPA-16-005, -REZ-16-003, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas identified as "Not-A-Part" on the Plot Plan dated May 4, 2018 or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format and Content Requirement Guidelines: Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

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

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

BIO#18–OPEN SPACE SIGNAGE & FENCING [PDS, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) for PDS2016-MUP-16-003, -GPA-16-005, -REZ-16-003, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences or walls, and open space signs shall be placed along the open space boundary of parcels with APN 506-140-08-00 and 506-140-03-00 as shown on these plans and the approved Conceptual Grading and Development Plan for PDS2016-MUP-16-003.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources

Area Restricted by Easement

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2016-ER-16-19-001

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of PDS2016-MUP-16-003, -GPA-16-005, -REZ-16-003, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

BIO#19–EASEMENT AVOIDANCE [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources including, but not limited to, sensitive habitats and California gnatcatcher and prohibits all of the following on any portion of the land subject to said

easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Maintenance of the existing flowage easement or two existing drainage facilities (APN 506-140-03-00) to the extent approved or required for the express purpose of reducing an identified flooding or drainage hazard, under oversight of the Resource Manager. All maintenance of the existing flowage easement or drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state, and local permits (e.g., Clean Water Act Section 404 Nationwide Permit, Clean Water Act Section 401 Water Quality Certification, and California Fish and Game Code Section 1600 Streambed Alteration Agreement) have been obtained.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred.

TIMING: Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.

C. CULTURAL

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

CULT#1 (M-CR-1) - ARCHAEOLOGICAL MONITORING

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

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project. The Jamul Indian Village and Lipay Nation of Santa Ysabel were involved in Native American consultations. As such, it is recommended that one of these tribes be engaged for Native American monitoring.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

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

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

CULT#2 (M-CR-2) - CULTURAL RESOURCES MONITORING REPORT

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared.

DESCRIPTION OF REQUIREMENT: A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs.
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been curated and/or repatriated as follows:

- 1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

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

- 2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

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

GRADING PLAN NOTES

In addition to the conditions set forth above, the following grading and/or improvement plan notes shall be placed on the grading plan and made conditions of the issuance of said permits:

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

CULT#GR-1 (M-CR-1) - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

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

CULT#GR-2 (M-CR-1) - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION

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

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
 4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which

shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

- c. **Human Remains.** If any human remains are discovered:
 - 1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 - 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
 - 3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
 - 4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 - 5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
 - 6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. **Fill Soils.** The Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- e. **Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Kumeyaay Native American monitor related to archaeological monitoring.

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

PALEO#GR-1 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2016-MUP-16-003, a Paleontological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: This project site has marginal levels of sensitive Paleontological resources. All grading activities are subject to the [County of San Diego Grading Ordinance Section 87.430](#), if any significant resources (Fossils) are encountered during grading activities.

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

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

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

CULT#GR-3 (M-CR-2) - ARCHAEOLOGICAL MONITORING – ROUGH GRADING

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

REQUIREMENT: The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.

- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

PALEO#GR-2 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2016-MUP-16-003, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** One of the following letters shall be performed upon completion of the grading activities that require monitoring:

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

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

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

CULT#GR-4 (M-CR-2) - ARCHAEOLOGICAL MONITORING – FINAL GRADING

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

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

or

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

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

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

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

D. GREENHOUSE GAS

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

GHG#1—CARBON OFFSET CREDITS

INTENT: In order to offset 100% of the project's annual GHG emissions, for a 30-year period, in order to achieve carbon neutrality (i.e., a net zero emissions level), carbon offset credits shall be purchased. **DESCRIPTION OF REQUIREMENT:** The project applicant shall purchase and retire carbon offsets in a quantity sufficient to offset 100% of the project's emissions. The purchased carbon offsets used to reduce GHG emissions shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions (Cal. Health & Saf. Code section 38562(d)(1)). **DOCUMENTATION:** Applicant shall submit documentation that the carbon offset credits have been purchased. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the offset credits must be purchased. **MONITORING:** The [DPW, PDCI] shall make sure that the project applicant complies with the GHG requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the project applicant fails to comply with this condition.

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

CAP#1—CLIMATE ACTION PLAN

INTENT: In order to comply with the County's Climate Action Plan measure for Water Heating Systems, the project shall include the following design features. **DESCRIPTION OF REQUIREMENT:** In the ten duplex units, construction shall install the following types of electric or alternatively-fueled water heating system(s); solar thermal water

heater, tankless electric water heater, storage electric water heaters, electric heat pump water heater, tankless gas water heater, or other comparable systems to the satisfaction of the Director of Planning and Development Services. **DOCUMENTATION:** The applicant shall ensure that the Water Heating Systems requirement is included in notes on the Building Plans. **TIMING:** Prior to any building permits, occupancy, or use of the premises in reliance of this permit, this condition shall be met. **MONITORING:** The [PDS, Building Inspector] shall ensure that the note is included on the Building Plans and shall inspect the site for compliance with the approved Building Plans.

CAP#2-CLIMATE ACTION PLAN

INTENT: In order to comply with the County's Climate Action Plan measure for Water-Efficient Appliances and Plumbing Fixtures, the project shall include the following features. **DESCRIPTION OF REQUIREMENT:** In the ten duplex units, construction shall include:

- a. Kitchen Faucets: The maximum flow rate of kitchen faucets shall not exceed 1.5 gallons per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minute at 60 psi, and must default to a maximum flow rate of 1.5 gallons per minute at 60 psi.
- b. Energy Efficient Appliances: Install at least one qualified ENERGY STAR dishwasher or clothes washer per unit.

DOCUMENTATION: The applicant shall ensure that the Water-Efficient Appliances and Plumbing Fixtures requirements are included in notes on the Building Plans. **TIMING:** Prior to any building permits, occupancy, or use of the premises in reliance of this permit, this condition shall be met. **MONITORING:** The [PDS, Building Inspector] shall ensure that the note is included on the Building Plans and shall inspect the site for compliance with the approved Building Plans.

CAP#3-CLIMATE ACTION PLAN

INTENT: In order to comply with the County's Climate Action Plan and the project's Global Climate Change Evaluation, the project shall not include fireplaces. **DESCRIPTION OF REQUIREMENT:** No fireplaces shall be included in the project. **DOCUMENTATION:** The applicant shall ensure that there are no fireplaces on the Building Plans or in the project. **TIMING:** Prior to any building permits, occupancy, or use of the premises in reliance of this permit, this condition shall be met. **MONITORING:** The [PDS, Building Inspector] shall ensure that there are no fireplaces included on the Building Plans and shall inspect the site for compliance with the approved Building Plans.

E. NOISE

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

NOISE#1–INTERIOR NOISE STUDY [PDS, FEE X 1]

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#), and as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#) an interior noise report must be submitted to demonstrate future noise exposure of land uses for sensitive receptors are below levels of significance.

DESCRIPTION OF REQUIREMENT: Any proposed habitable building associated with the retirement center project as referenced within the Noise Report prepared by LDN Consulting dated April 5, 2015, shall comply with the following:

- a. A County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed **residential dwelling** unit(s) will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the [General Plan](#) community noise equivalent levels (CNEL) of 45 dB for interior noise. Future traffic noise level estimates, must utilize a Level of Service “C” traffic flow for Campo Road (SR-94). The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site can comply with the noise standards referenced above.
- b. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before subsequent approval of any future building permit.

DOCUMENTATION: The applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

TIMING: Prior to the approval of any building plan and the issuance of any building permit for a habitable building as referenced within the Noise Report prepared by LDN Consulting dated April 5, 2017, the requirements of this condition shall be completed.

MONITORING: The [PDS, BD] shall route the building plans and noise analysis to the [PDS, PCC] for review. The [PDS, PCC] shall review the acoustical analysis and building plans for compliance with this condition, and make any recommendations that shall be implemented on the proposed building plans. The [PDS, BPPR], shall verify that the building plans comply with this condition and the recommendations of [PDS, PCC].

NOISE#2–NOISE REQUIREMENT

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#), and to mitigate the noise exposure of exterior noise sensitive land uses below levels of significance as evaluated in the [County Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the building plans and incorporated into the site design. **DESCRIPTION OF REQUIREMENT:** The following design elements and noise attenuation measures shall be implemented and indicated

on the building plans and made conditions of its issuance: Show the required permanent eight-foot (8') high noise barrier along and facing Campo Road (SR-94) as referenced within the Noise Assessment by LDN Consulting under file [GPA-16-005/MUP-16-003]. **DOCUMENTATION:** The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, the design elements and noise attenuation measures shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the building plans and made conditions of its issuance.

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

NOISE#3–NOISE CONTROL DESIGN MEASURES

INTENT: In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure shall be constructed pursuant to the approved building plans: A permanent eight-foot (8') high noise barrier along and facing Campo Road (SR-94) as referenced within the Noise Assessment by LDN Consulting under file [GPA-16-005/MUP-16-003]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the noise control measure shall be installed and operational. **MONITORING:** The [PDS, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

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

NOISE#4–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements:

- a. Skyline Retirement Center Major Use Permit associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404.
- b. All mechanical equipment may incorporate (if needed for noise ordinance compliance) noise reducing measures such as, but not limited to, screen walls, noise barriers, increased setbacks to the property line, placement of equipment behind structures, etc.

DOCUMENTATION: The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, CODES] is responsible for enforcement of this permit

GRADING PLAN NOTES

In addition to the conditions set forth above, the following grading and/or improvement plan notes shall be placed on the grading plan and made conditions of the issuance of said permits:

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

NOISE#GP-1. TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].

INTENT: In order to minimize temporary construction noise for grading operations associated with the Skyline Retirement Center Major Use Permit MUP-16-003 and to comply with County Noise Ordinance 36.409. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

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

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

3. Critical Project Design Elements That Must Become Conditions of Approval:

August 9, 2018

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- Storm water design elements and Best Management Practices (BMPs) included in approved Storm Water Quality Management Plan (SWQMP) and Erosion Control Plan
- Building materials and/or windows as approved by the Fire Authority Having Jurisdiction to withstand direct exposure to heat/fire in duplexes to address the reduction of the Fuel Management Zones as described in the approved Fire Protection Plan—Letter Report.

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

Board of Supervisors

on _____

David Sibbet, Planning Manager
Project Planning Division

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