

CONSENT ITEM

**LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

FOR MEETING OF: MAY 1, 2017

Proposal

"Pacifica Enterprises Annexation" to the Rancho Santa Fe Community Services District (DA17-03)

Proponent

Property owner, by petition

Description/Justification

Proposed by petition of the landowner is an annexation of two unincorporated parcels (totaling approximately 20.28 acres) to the Rancho Santa Fe Community Services District (CSD) for the provision of sewer service. The subject parcel is located within the adopted sphere of influence of the Rancho Santa Fe CSD; therefore, an amendment to the CSD's sphere is not required with the proposed annexation.

The proposed annexation area is located within the San Dieguito Community Planning Area and is surrounded by estate residential uses. The subject unincorporated parcels are vacant and the landowner intends to develop eight single-family residential units. A tentative Map has been approved by the County of San Diego to subdivide 20.28 acres into eight 2-acre minimum residential lots. However, the tentative map recently expired in March 2017. The landowner has since requested a 9-12 month map extension.

The Ranch Santa Fe CSD has indicated that capacity is available to extend sewer service to the site from a main located approximately 400 feet from the proposal area. The landowner is responsible for all connection costs. The subject territory is presently located within the sphere and authorized service area of the Olivenhain Municipal Water District (MWD) for water service; the Rancho Santa Fe Fire Protection District (FPD) for structural fire protection services; and County Service Area (CSA) No. 17 (San Dieguito Ambulance) for emergency medical services; no changes to these service arrangements are proposed. The Board of Supervisors has adopted a Master Property Tax Exchange Resolution for Annexation and Detachments involving Enterprise Districts that will govern any transfer of property taxes associated with these jurisdictional changes.

General Plan/Zoning

County of San Diego General Plan: San Dieguito Community Plan: Semi-Rural Residential (SR-2; up to 1 dwelling unit per 2 acre); County of San Diego zoning: Rural Residential (RR, 1 dwelling unit per 2 acre)

Location

The proposed annexation area is north of San Dieguito Road; east of Artesian Road; south of Top of the Morning Way and Del Dios Highway; and west of Camino del Sur.

Executive Officer Recommendation

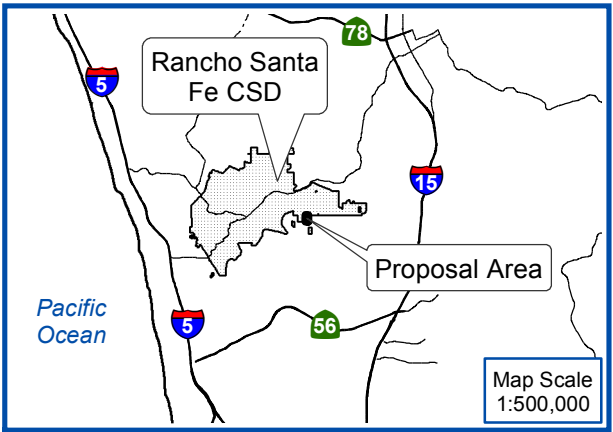
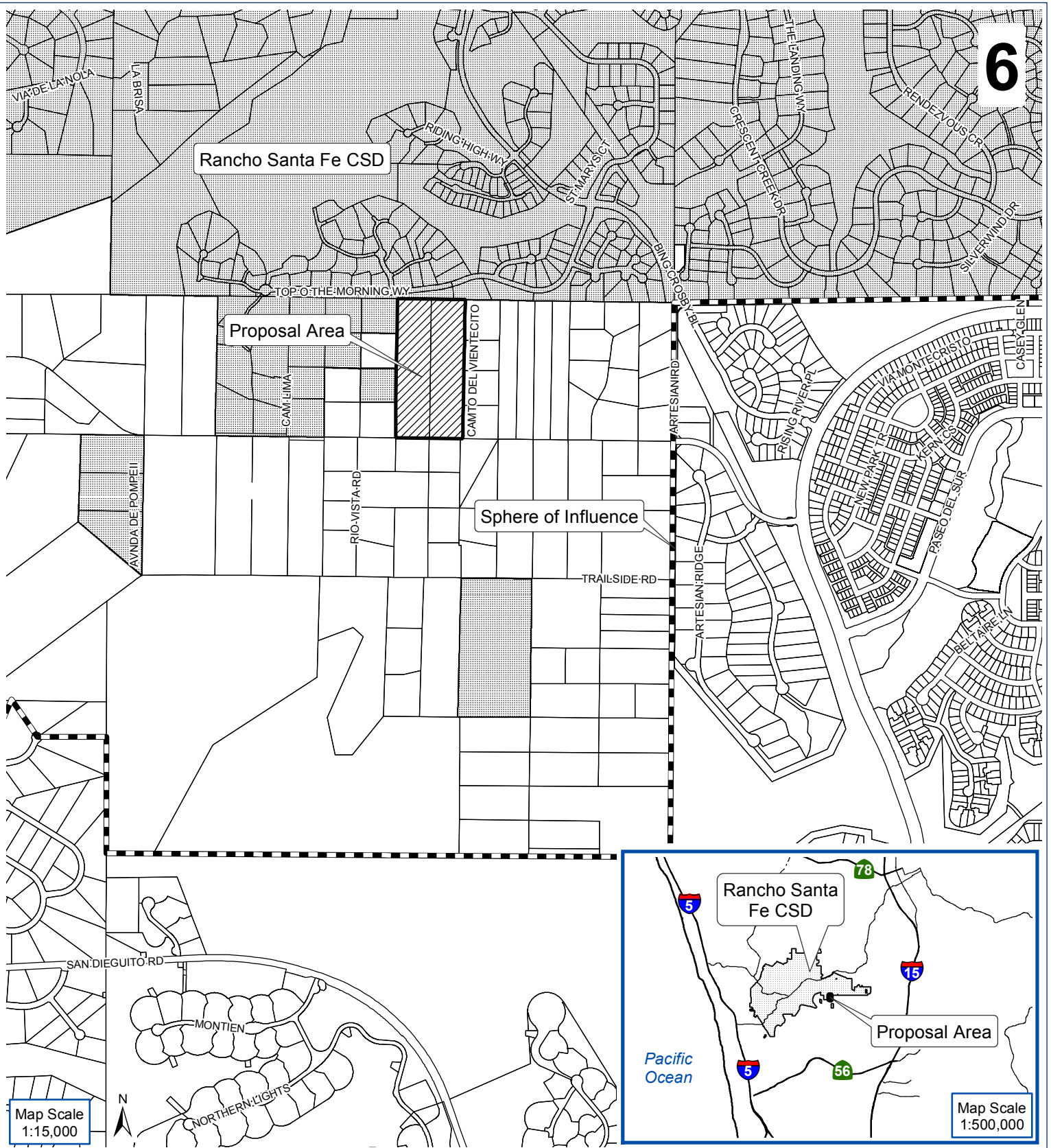
1. Find that the Commission, acting as a responsible agency, has considered the environmental effects of the project as shown in the attached Mitigated Negative Declaration prepared by the County of San Diego. The mitigation is under the jurisdiction of the County and not LAFCO because the affected resources and the extension of public services will continue to be the responsibility of the County and special districts since the subject territory will remain unincorporated.
2. Adopt the form of resolution approving the annexation for the reasons set forth in the Executive Officer's Report, waiving the Conducting Authority proceedings according to Government Code Section 56663(c), and ordering the annexation subject to the following term and condition:
 - a. Owners agree to be subject to all applicable fees and charges associated with sewer service from the District, including but not limited to the payment of all District connection fees and the annual sewer service charge or standby charge as applicable; and
 - b. Owners agree to provide the District with all sites and easements requested by the District for the construction of sewer facilities; and
 - c. Owners agree to fund, construct, and dedicate to the District all sewer facilities required by the District, to be built in accordance with District approved plans and specifications; and
 - d. Owners agree to pay all District staff time associated with the project; and Owners are responsible for all LAFCO fees and charges for the project.

Attachments




Vicinity Map

Mitigated Negative Declaration (Log No. 10-08-007; SCH No. 2011121050)

MDO:JS:trl



DA17-03 PROPOSED "PACIFICA ENTERPRISES ANNEXATION" TO THE RANCHO SANTA FE COMMUNITY SERVICES DISTRICT (CSD)

-  Proposal Area
-  Rancho Santa Fe CSD
-  Sphere of Influence



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

March 9, 2012

Project Name: Santa Fe Heights Residential Subdivision

Project Number(s): 3100 5556 (RPL2); LOG NO. 10-08-007)

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
1. California Environmental Quality Act Negative Declaration Findings:

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

2. Required Mitigation Measures:

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

A. Biological Resources

1. OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent: In order to mitigate for the impacts to non native grassland and chaparral, Tier III habitats, which are a sensitive biological resource pursuant to Biological Mitigation Ordinance, off-site mitigation shall be acquired. Description of Requirement: The applicant shall purchase habitat credit, or provide for the conservation of habitat of 8.6 acres of Tier III habitat, located within the South County MSCP as indicated below.
 - a. Option 1: If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
 - b. Option 2: If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in the South County Subarea plan within San Diego County as indicated below:
 1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be

owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.

3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. Timing: Prior to the approval of the Final Map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. Monitoring: The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

2. OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent: In order to mitigate for the impacts to diegan coastal sage scrub and coyote brush scrub, Tier II habitats, which are a sensitive biological resource pursuant to Biological Mitigation Ordinance, off-site mitigation shall be acquired. Description of Requirement: The applicant shall purchase habitat credit, or provide for the conservation of habitat of 2.8 acres of Tier II habitat, located within the South County MSCP as indicated below.
 - a. Option 1: If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
 - b. Option 2: If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
 1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.

3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. Timing: Prior to the approval of the Final Map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. Monitoring: The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

3. TEMPORARY FENCING: [DPLU, PCC] [DPW,PDCl] [PC] [DPLU, FEE]. Intent: In order to prevent inadvertent disturbance to offsite natural habitat, 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 natural habitat offsite outside of identified disturbance areas to ensure no grading, brushing or clearing is allowed.

- a. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of offsite natural areas or open space easements.
- b. The placement of such fencing shall be approved by the DPLU, 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 [DPLU, 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 [DPLU, 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.

4. RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2]. Intent: In order to avoid impacts to sensitive avian species and raptors, which is a sensitive biological resource pursuant to Biological Mitigation Ordinance, 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 of all sensitive habitat onsite during the breeding season of sensitive avian species and raptors from January 15 through August 31. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no sensitive 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 [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.

5. VOLUNTARY CACTUS SALVAGE: [DPLU, PPD] [MA, GP, IP] Intent: In order to avoid impacts to onsite native cactus species, which are sensitive biological resources pursuant to the Biological Mitigation Ordinance (BMO), voluntary salvage of onsite native cactus populations shall occur. Description of Requirement: All native cacti onsite (i.e. coastal prickly pear cactus) shall be salvaged in accordance with County Guidelines (Guidelines for Cactus Salvage, Attachment C-1 of the Report Format and Content Requirements) to an acceptable receptor site as listed on Table 2, Attachment C of the County Report Format and Content Requirements. The Salvaged plants must be delivered to the receptor site within seven days of being removed from the soil. Documentation: Once salvaged cacti are given to the appropriate receptor sites provide evidence to the County [DPLU, PCC] that they were received. Timing: Prior to any clearing, grubbing, trenching, grading, or any land disturbances. Monitoring: The [DPLU, PCC] shall review the documentation provided for compliance with this condition."

B. Archaeological Resources

1. ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2] Intent: In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading 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 CEQA Section 15064.5 and 15064.7. Description of Requirement: A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities relating to TM 5556. The following shall be completed:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract provided to the County shall include an agreement that the grading 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 shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and MOU to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. Timing: Prior to the approval of the map for all eight (8) lots and prior to the approval of any plan and issuance of any permit, the contract shall be provided. Monitoring: The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

2. CULTURAL RESOURCES REPORT: [DPLU, PCC] [UO, FG] [DPLU, FEE X2]. Intent: In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition 5 a final report shall be prepared. Description of Requirement: A final Grading 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. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program has been curated at a San Diego 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 an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily 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 [DPLU, PCC] for approval. 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 [DPLU, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [DPLU, PCC] shall inform [DPW, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [DPLU, PCC] shall inform [DPLU, FISCAL] to release the bond back to the applicant.

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

3. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5556, a Cultural Resource Grading Monitoring Program shall be implemented.

Description of Requirement: The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources.

Documentation: The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. 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 [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist."

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

4. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5556, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources , Cultural Resource Grading Monitoring Program shall be implemented.

Description of Requirement: The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and 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 Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.

- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.
- c. If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.
- d. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. Timing: The following actions shall

occur throughout the duration of the grading construction. 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 [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.”

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

5. ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5556, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading Monitoring Program shall be implemented. Description of Requirement: The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:
 - a. If no archaeological resources are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.
 - b. If archaeological resources were encountered during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading 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 phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, 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 report shall be completed. Monitoring: The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

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

6. ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5556, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, a Grading 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 grading. The report shall include the following:
- a. Department of Parks and Recreation Primary and Archaeological Site forms.
 - b. Daily Monitoring Logs
 - c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego 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 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 archaeological materials have been received and that all fees have been paid.
 - d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant shall submit the report to the [DPLU, PCC] for review and approval. Timing: Prior Final Grading Release (Grading Ordinance Sec. 87.421.a.3), for TM 5556, the final report shall be completed. Monitoring: The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed. "

C. Transportation

1. 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.

D. Paleontological Resources

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

1. PALEONTOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5556, a Paleontological Resource Grading Monitoring Program shall be implemented. Description of Requirement: This project site is has marginal to low 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 the [DPLU, PCC] 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 the [DPLU, PCC] 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).

2. PALEONTOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5556, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources, a Grading 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 the [DPLU, PCC] 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 the [DPLU, 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 letter report shall be completed. Monitoring: The [DPLU, PCC] 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.

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

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

- A. **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. 10096 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), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.
- B. **EROSION CONTROL:** [DPW, LDR] [DPW, PDCI] [MA, IP, GP].
Intent: 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. 10096 and all other applicable ordinances and standards for this priority project.
Description of Requirement: The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Protection Plan (SWPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.
- a. An agreement and instrument of credit shall be provided pursuant to Subdivision Ordinance 81.408, for an amount equal to the cost of this work as determined or approved by the [DPW, LDR], in accordance with the County of San Diego Grading Ordinance Section 87.304(e). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all

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the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed.

Documentation: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [DPW, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above. Timing: Prior to approval of the subdivision map for all phases and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. Monitoring: The [DPW, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of this conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and rosin control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

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

San Diego County Planning Commission

on March 9, 2012



Richard Grunow, Chief
Project Planning Division