



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: 6 Carat Carwash

RECORD ID: PDS2022-MUP-22-003

ENVIRONMENTAL LOG NO.: PDS2022-ER-08-01-008A

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
 - c. Multiple Species Conservation Plan Findings of Conformance
 - d. Ordinance Compliance Checklist
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:

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

BIO-1

PLAN CONDITIONS NOTES: [DPW, ESU] [PDS, BD] [DPR TC, PP] [GP, IP, MA]

INTENT: In order to implement the required mitigation measures, for which was the basis for approval of this project pursuant to Section 87.207 of the County Grading Ordinance the condition notes shall be implemented on the final engineering plans and made conditions of the permit issuance. **DESCRIPTION OF REQUIREMENT:** The final engineering plans shall include the following condition notes and made conditions of the issuance of said permit:

- a. To avoid the direct loss of nest(s) protected under the MBTA a pre-construction nesting survey of vegetated areas adjacent to the site will be required. If project brushing, clearing, grubbing, grading, or other construction activities are proposed with during the migratory bird breeding season (February 1 through August 31), a qualified County-approved biologist shall conduct a pre-construction bird and raptor survey no more than three days prior to the scheduled operations to determine the presence/absence of nesting raptors and/or other migratory birds to ensure that active nests are not impacted. If an active nest is identified, a buffer would be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum of 300 feet for migratory bird species and 500 feet for raptor species, be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction would be allowed to occur within the fenced zone until the young have fledged and would not be impacted by the project.

DOCUMENTATION: The applicant shall submit the grading, improvement and building plans, which shall include the above reference condition notes. The condition notes shall be in addition to what is already approved on the Conceptual Grading and Improvement Plan, unless indicated in this condition that it is superseding. Changes to the final engineering plans that are not consistent with the conceptual plan may cause further environmental review. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits) for any phase, the notes and items shall be placed on the plans. **MONITORING:** The [DPW, ESU, or PDS, BD for PDS Minor Grading and DPR, TC and PP for trail and park improvements] shall verify that the grading and or improvement plan requirements have been implemented on the final engineering plans. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

WF-1

The project shall include irrigated, fire-resistant landscaping only. Landscaping related to the project will be implemented in accordance with the measures listed below, as outlined in the FPP for the Miller Road Development Project.

- Landscaping materials will include plants from the approved plant list in Appendix A of the FPP or as approved by the Fire Marshall.
- All undesirable non-native vegetation will be removed. Replanting will be with drought tolerant, fire resistive fire-resistant landscaping.

- Vegetation may include single or cluster of thinned fire resistant native and ornamental plants (e.g., oaks, sumac, toyon, etc.).
- Dense plant masses adjacent to the structures and at bases of trees and tree clusters will not be placed in this zone. Provide low growing, fire resistive, deep rooted, drought tolerant planting to maintain erosion control and soil stability, especially on manufactured slopes.
- Native or ornamental trees retained within fuel modification zones will be pruned to maintain a vertical separation of approximately 10 feet above underlying shrubs or groundcover. Pruning of the shrubs will minimize the impact of the tree pruning.
- Trees and large shrubs over 15 feet in height (oaks, sumac, toyon, etc.) pruned to provide clearance between plants of three times the height of understory plants, or 10 feet, whichever is greater.
- Large continuous masses of shrubs and understory less than 15 feet in height will be thinned to remove fuel and provide at least 10 feet between shrub masses, or individual shrubs. Thinning will reduce the overall canopy coverage of the area a minimum of 50 percent.
- If shrubs are located underneath a tree's drip line, the lowest branch shall be at least three times as high as the understory shrubs or 10 feet, whichever is greater.
- Trees may be planted and/or maintained as individual specimens, or clustered with no more than three trees in a single cluster with a minimum distance between mature canopies of 20 feet; avoid planting trees directly uphill of one another.
- Tree canopies will not be allowed to overhang the roof of any structure; the outer edge of the canopies of mature trees will be a minimum of 10 feet from the building eaves, and free of all dead or dying parts. All the dead material must be pruned out of all vegetation on an as needed basis.
- Mature heights of new shrub plantings will be a maximum of 36 inches.
- Mulches, chips and other small multi-cuttings (cut to less than two inches in diameter and four inches in length) shall be evenly spread over the area no more than 4 inches at least 50 feet from structures. This can be used to maintain soil moisture and prevent grass and weed encroachments within the treated areas. Regular maintenance, vegetation pruning, and continued irrigation are most important in this Zone.
- Firewood or other combustible materials will not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. Storage may occur in the defensible space located a minimum of 20 feet from structures and separated from the crown of trees by a minimum of 10 feet, measured horizontally.
- Certain ornamental plants shall not be planted or allowed to become established within the zone unless otherwise noted in the recommended Plant List in Appendix A of the FPP or as approved by the Fire Marshal.
- As the native vegetation cover in Zone 1 is reduced, there is a very high probability that the openings will be dominated with non-native weed or grass species. Therefore, all grasses and weeds are to be mowed or weed-whipped to a 4-inch stubble height by June 1st of each year or when the fuels become

cured, whichever occurs first. Any vegetation biomass (debris and trimmings) produced by thinning and pruning shall be removed from the site or converted to

- mulch by chipping and evenly distributed to a maximum depth of 4 inches.
- Plants in this zone will not include any pyrophytes that are high in oils and resins, such as: pines, eucalyptus, cedar, and juniper species. Trees must be planted so that when they reach maturity their branches are at least 10-feet away from any structure. Refer to Appendix B of the FPP for a list of undesirable plantings.
- Thick succulent or leathery leaf plant species are the most fire resistant, while paper-thin leaves and small twiggy branches are the least fire resistant.
- If water for irrigation is limited, use more of the available water in Zone 1 than In Zone 2. Plants with high moisture content are less likely to burn. Non-flammable patios, walkways, rock, driveways, and gravel can be used to break up fuel continuity within this zone.

WF-2

The exterior walls of the proposed building shall be constructed with one-hour fire resistant building materials and protected with two-inch nominal solid blocking between rafters at all roof overhangs and under the exterior wall covering (in accordance with State Fire Marshal [SFM] 12-7A-1). Portable fire extinguishers are required for the proposed building and shall be mounted on walls near exits with appropriate signage.

CUL-1

TRIBAL MONITORING

INTENT: Due to the sensitivity of the area, and in order to mitigate for potential impacts to undiscovered buried tribal cultural resources, a Tribal Monitoring 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:** Both a Luiseño monitor from the Rincon Band (Rincon monitor) and a Kumeyaay monitor from the San Pasqual Band (San Pasqual monitor) shall be contracted to perform tribal monitoring during grading, clearing, grubbing, trenching, and construction that involve earth disturbing activities. The tribal monitoring program shall include the following:

- a. The Rincon and San Pasqual monitors shall perform the monitoring duties before, during and after construction. The Rincon and San Pasqual monitors shall also evaluate fill soils to determine that they are clean of cultural resources, if required. The contract or letter of acceptance provided to the County shall include an agreement that the Tribal monitoring will be completed. 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 Native American monitor from the San Pasqual Tribe has been contracted by the property owner or their representative to perform Native American monitoring for the project.

DOCUMENTATION: The applicant shall provide a copy of the Tribal Monitoring Contract or letter of acceptance and cost estimate 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.

CUL-2

TRIBAL CULTURAL RESOURCES TREATMENT AGREEMENT AND PRESERVATION PLAN

INTENT: In order to mitigate for potential impacts to Tribal Cultural Resources, develop and enter into a Tribal Cultural Resources Treatment Agreement and Preservation Plan with the Rincon Band of Mission Indians (Rincon Band) and the San Pasqual Band of Diegueño Mission Indians (San Pasqual Band).

DESCRIPTION OF REQUIREMENT: A single Tribal Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative, and the Rincon Band and San Pasqual Band. The Tribal Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Tribal Cultural Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following:

- a. Parties entering into the agreement and contact information.
- b. Responsibilities of the Property Owner or their representative, Luiseño and Kumeyaay Native American monitors, and consulting tribes.
- c. Requirements of the Tribal Monitoring Program including unanticipated discoveries. The requirements shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, and analysis of identified cultural materials.
- d. Excavated soils. Consultation with the Rincon Band and San Pasqual Band shall occur should excavated soils need to be exported offsite.
- e. Treatment of identified Native American cultural materials. Any identified Native American cultural materials with the exception of Native American human remains and associated grave goods (described in item g below) are to be reburied onsite. The Treatment Agreement and Preservation Plan shall identify a suitable location for reburial of cultural materials should they be encountered and recovered during construction monitoring. Should the reburial area be required, the location shall be recorded on Department of Parks and Recreation (DPR) forms, and an open space easement shall be dedicated for the

protection of the resources in perpetuity. If the proposed reburial location is not required, then neither recordation on DPR forms, nor dedication of an open space easement over the proposed location is required.

- f. Deed restriction. Details of the requirement for a deed restriction for reburial of identified Native American cultural materials. The requirements shall address protection of Native American cultural materials, access, and responsibilities for management and maintenance of the open space.
- g. Treatment of Native American human remains and associated grave goods. Consultation with the Most Likely Descendant (MLD) pursuant to 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. The Treatment Agreement and Preservation Plan shall identify a suitable location for reburial of human remains, sacred items, and funerary items, should they be encountered and recovered during construction monitoring. Should the reburial area be required, the location shall be recorded on Department of Parks and Recreation (DPR) forms, and an open space easement shall be dedicated for the protection of the resources in perpetuity. If the proposed reburial location is not required, then neither recordation on DPR forms, nor dedication of an open space easement over the proposed location is required.
- h. Confidentiality of cultural information including location and data.
- i. Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan.
- j. Regulations that apply to cultural resources that have been identified or may be identified during project construction.

DOCUMENTATION: A copy of the implemented agreement shall be submitted to the [PDS, PPD] for approval. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PPD] shall review the implemented agreement for compliance this condition.

CUL-3

TRIBAL CULTURAL RESOURCES MONITORING REPORT

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

- a. Daily Monitoring Logs, if available.
- b. Evidence that all Native American cultural materials in order of preference have been conveyed as follows:

- (1) Evidence that all prehistoric materials collected during the tribal monitoring program have been reburied onsite.

or

If reburial is not feasible, evidence that all Native American materials collected during the tribal monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the tribal cultural resources have been repatriated identifying that the tribal cultural resources materials have been received.

- d. If no tribal cultural resources are discovered, a Negative Monitoring Letter Report or email from the monitoring Tribes must be submitted stating that the monitoring activities have been completed. Monitoring Logs must be submitted with the negative monitoring letter report or email.

DOCUMENTATION: The applicant and/or the Rincon Band and/or the San Pasqual Band shall prepare the final letter 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 and any culturally-affiliated Tribe who requests a copy by the PDS archaeologist. **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 with this condition.

CUL-4

PLAN CONDITIONS NOTES: [DPW, ESU] [PDS, BD] [DPR TC, PP] [GP, IP, MA]
INTENT: In order to implement the required mitigation measures, for which was the basis for approval of this project pursuant to Section 87.207 of the County Grading Ordinance the condition notes shall be implemented on the final engineering plans and made conditions of the permit issuance. **DESCRIPTION OF REQUIREMENT:** The final engineering plans shall include the following condition notes and made conditions of the issuance of said permit:

Tribal Monitoring

PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS: *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(CULTURAL RESOURCES)

CULT#GR-1 - TRIBAL MONITORING – PRECONSTRUCTION MEETING

INTENT: Due to the sensitivity of the area, a Tribal Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** Both a Luiseño monitor from the Rincon Band (Rincon monitor) and a Kumeyaay monitor from the San Pasqual Band (San Pasqual monitor) shall attend the pre-construction meeting with the

contractors to explain and coordinate the requirements of the tribal monitoring program. The Rincon and San Pasqual monitors shall monitor the earth-disturbing activities for the car wash. The Rincon and San Pasqual monitors shall also evaluate fill soils to determine that they are clean of tribal cultural resources, if necessary. **DOCUMENTATION:** The applicant shall have the contracted Rincon and San Pasqual monitors 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 Rincon and San Pasqual monitors.

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

(CULTURAL RESOURCES)

CULT#GR-2 - TRIBAL MONITORING – DURING CONSTRUCTION

INTENT: Due to the sensitivity of the area, a Tribal Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** Both a Luiseño monitor from the Rincon Band (Rincon monitor) and a Kumeyaay monitor from the San Pasqual Band (San Pasqual monitor) the earth-disturbing activities for the car wash. The Tribal monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the earth-disturbing activities for the car wash, the Rincon and San Pasqual monitors shall be onsite. 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 Rincon and San Pasqual monitors. Monitoring of the cutting of previously disturbed deposits will be determined by the Rincon and San Pasqual monitors.
- b. **Inadvertant Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Rincon and San Pasqual monitors 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 Rincon or San Pasqual monitors shall contact the PDS Archaeologist.
 3. The PDS Archaeologist shall contact culturally-affiliated tribes as identified in the Treatment Agreement and Preservation Plan.
 4. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the PDS archaeologist, Rincon and San Pasqual monitors, and the tribal representative(s) to discuss the significance of the find.
 5. Construction activities shall not resume in the area of discovery until an agreement has been reached by all parties as to appropriate mitigation.

Work shall be allowed to continue outside of the buffer area and shall be monitored.

6. The PDS archaeologist will determine if a County approved archaeologist will need to be engaged to evaluate the identified resources.
7. Isolates and clearly non-significant deposits shall be minimally documented in the field. The isolates and/or non-significant deposits shall be reburied onsite as identified in the Treatment Agreement and Preservation Plan.
8. Treatment and avoidance of the newly discovered resources shall be consistent with the Treatment Agreement and Preservation Plan entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity.
9. If tribal cultural resources are identified, one or more of the following treatments, in order of preference, shall be employed:
 - a. Preservation in place of the Cultural Resources, if feasible. Preservation in place means avoiding the resources, leaving them in place where they were found with no development affecting the integrity of the resources.
 - b. Reburial of the resources on the project property. The measures for reburial shall include, at least, the following:
 - Measures and provisions to protect the future reburial area from any impacts in perpetuity.
 - Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with the exception that sacred items, burial goods, and Native American human remains are excluded.
 - Any reburial process shall be culturally appropriate.
 - Listing of contents and location of the reburial shall be included in the confidential appendix of the Monitoring Report.
 - The Monitoring Report shall be filed with the County under a confidential cover and is not subject to Public Records requests.
 - c. If preservation in place or reburial is not feasible, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the consulting Tribes, and the Rincon and San Pasqual monitors and approved by the County Archaeologist prior to implementation. There shall be no destructive or invasive testing on sacred items, burial goods, and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Monitoring Report.

Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Planning & Development Services Director for decision. The Planning & Development Services Director shall make the determination based on the provisions of the California Environmental Quality Act with

respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe.

- c. **Human Remains.** If any human remains are discovered:
1. The Property Owner or their representative shall contact the County Coroner and the PDS 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 Rincon and San Pasqual monitors.
 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. **Tribal Cultural Resources.** If tribal cultural resources are discovered, the PDS Archaeologist shall conduct consultation with culturally-affiliated tribes to determine the most appropriate mitigation. Should the two parties not be able to reach consensus, then the Deputy Director shall consider the concerns of the culturally-affiliated tribe and the PDS Archaeologist, and the Deputy Director of Planning & Development Services shall make a final decision regarding appropriate mitigation.
- e. **Fill Soils.** The Rincon and San Pasqual monitors shall evaluate fill soils to determine that they are clean of cultural resources, if necessary.

DOCUMENTATION: The applicant shall implement the Tribal 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.

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

(CULTURAL RESOURCES)

CULT#GR-3 - TRIBAL MONITORING – FINAL GRADING

INTENT: Due to the sensitivity of the area, a Tribal Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall prepare a final letter report that documents the results of the Tribal Monitoring Program if cultural resources were not encountered during earth-disturbing activities. The letter report shall include the following, if applicable:

- a. Daily Monitoring Logs, if available.
- b. Evidence that all Native American cultural materials in order of preference have been conveyed as follows:
 - (1) Evidence that all Native American materials collected during the archaeological monitoring program have been reburied.

or

- (2) If not feasible, evidence that all Native American materials collected during the Tribal monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
- c. Evidence that all historic cultural materials (non-Native American) have been conveyed as follows:

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.

DOCUMENTATION: The applicant and/or Rincon and/or San Pasqual Tribe shall prepare the final letter 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 by the PDS archaeologist. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final letter report shall be prepared. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition.

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.

WAIVERS AND EXCEPTIONS: This permit is hereby approved pursuant to the provisions of the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Public and Private Road Standards requirements to permit:

1. County Public Road Standards, Section 6.1.C.2 indicates: "Minimum distance between roads entering into other roads shall be as follows: Non-Mobility Element Roads entering into other Mobility Element Roads shall have their centerlines separated by at least 300 feet". The available project frontage is approximately 350 feet, but the topography of the property and location of the existing rock outcropping limit the project frontage to 235 feet usable. The Department of Public Works has received and supported a request to reduce the driveway separation along Valley Center Road from 300 feet to 240 feet between a proposed driveway and Miller Road. (See approved letter dated November 10, 2008)
2. The San Diego Area Regional Standard Drawings, Detail G-16 limits the width of commercial driveways to thirty feet (30') maximum. The Valley Center Design Guidelines, Section 12.F limits curb openings (driveway aprons) to be maximum thirty-six (36') in width. The County of San Diego Off-Street Parking Design Manual, Section II.E includes a requirement that commercial driveways be between twelve feet (12') and thirty feet (30') wide. The Department of Public Works has received and supported a request to provide wider driveways than currently allowed by the San Diego Area Regional Standard Drawings, the Valley Center Design Guidelines, and the County of San Diego Off-Street Parking Design Manual for two proposed driveway approaches, one on Valley Center Road, and one along Miller Road. (See approved letter dated April 15, 2011)
3. County Public Road Standards, Section 6.1.C.2 indicates: "Minimum distance between roads entering into other roads shall be as follows: Non-Mobility Element Roads entering into other Mobility Element Roads shall have their centerlines separated by at least 300 feet". The site frontage along Miller Road is restricted by the zoning boundary which limits the driveway separation. The project's access to Valley Center Road is restricted to right-in/right-out movements only. Therefore the project will need to provide two driveways on Miller Road to provide proper access and circulation. The Department of Public Works has received and supported a request to reduce the driveway separation along Miller Road from 300 feet to 175 feet between the two proposed driveways, and reduce 300 feet to 200 feet between the southerly driveway and Valley Center Road. (See approved letter dated March 2, 2012)

4. County Public Road Standards, Section 6.1.E indicates: "Sight distance requirements at all intersections shall conform to the intersectional sight distance criteria as provided in Table 5." The Department of Public Works has received and supported a request to reduce the minimum corner sight distance from the project's northerly driveway along Miller Road, in the northerly direction, to 276 feet AASHTO stopping sight distance criteria. The request also asked to allow a channelization design on Miller Road that would provide a 135 foot long two-way left turn lane, and associated striping just south of the northerly driveway. (See approved letter dated April 5, 2012)

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Site Plan. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

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

1. GEN#1-COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2-RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. ROADS#1-SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of

Section 6.1.(E) of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum _____ feet of unobstructed intersectional sight distance in both directions along Valley Center Road (SF 639) from the proposed driveway in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum _____ feet of unobstructed intersectional sight distance in both directions along Miller Road from the proposed southerly project driveway in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

4. **DRNG#1-DRAINAGE IMPROVEMENTS**

INTENT: In order to provide the required drainage improvements for the project and to comply with the County Flood Damage Prevention Ordinance {Title 8, Division 11), County Watershed Protection Ordinance {WPO) No.10096, County Code Section 67.801 et. seq., the County Resource Protection Ordinance (RPO) No. 9842, the drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for the storm drain and associated drainage improvements within the site.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and standards: San Diego County Drainage Design Manual, San Diego County Hydrology Manual, County of San Diego Grading Ordinance, Zoning Ordinance Sections 5300 through 5500, County Resource Protection Ordinance (RPO)

No. 9842, and County Flood Damage Protection Ordinance {Title 8, Division 11), Low Impact Development (LID) and Hydromodification requirements and the Land Development Improvement Plan Checking Manual. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. No Building permit can receive final approval or occupancy until these improvements are completed. **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans for the storm drain and associated drainage improvements within the site.
- b. Provide Secured agreements require posting security in accordance with Section 7613 of the Zoning Ordinance.
- c. Pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, the plans, agreements, and securities shall be approved. **MONITORING:** The [OPW, LOR] shall review the plans for consistency with this condition and County Standards. Upon approval of the plans [OPW, LOR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW before any work can commence.

5. UTILITIES#1-PAVEMENT CUT POLICY

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project pavement treatment, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS LDR] for review. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, and prior to use of the property in reliance of this permit, the Acknowledgement of Department of Public Works Pavement Cut Policy shall be submitted for approval. **MONITORING:** [PDS, LDR] shall review the acknowledgement letter to determine compliance with the condition.

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

(BIOLOGICAL RESOURCES)

6. **BIO#1- PLAN CONDITIONS NOTES:** [DPW, ESU] [PDS, BD] [DPR TC, PP] [GP, IP, MA] **INTENT:** In order to implement the required mitigation measures, for which was the basis for approval of this project pursuant to Section 87.207 of the County Grading Ordinance the condition notes shall be implemented on the final engineering plans and made conditions of the permit issuance. **DESCRIPTION OF REQUIREMENT:** The final engineering plans shall include the following condition notes and made conditions of the issuance of said permit:

- a. To avoid the direct loss of nest(s) protected under the MBTA a pre-construction nesting survey of vegetated areas adjacent to the site will be required. If project brushing, clearing, grubbing, grading, or other construction activities are proposed with during the migratory bird breeding season (February 1 through August 31), a qualified County-approved biologist shall conduct a pre-construction bird and raptor survey no more than three days prior to the scheduled operations to determine the presence/absence of nesting raptors and/or other migratory birds to ensure that active nests are not impacted. If an active nest is identified, a buffer would be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum of 300 feet for migratory bird species and 500 feet for raptor species, be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction would be allowed to occur within the fenced zone until the young have fledged and would not be impacted by the project.

DOCUMENTATION: The applicant shall submit the grading, improvement and building plans, which shall include the above reference condition notes. The condition notes shall be in addition to what is already approved on the Conceptual Grading and Improvement Plan, unless indicated in this condition that it is superseding. Changes to the final engineering plans that are not consistent with the conceptual plan may cause further environmental review. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits) for any phase, the notes and items shall be placed on the plans. **MONITORING:** The [DPW, ESU, or PDS, BD for PDS Minor Grading and DPR, TC and PP for trail and park improvements] shall verify that the grading and or improvement plan requirements have been implemented on the final engineering plans. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

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

7. **GEN#3-INSPECTION FEE**

INTENT: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS,

ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any approval of any building plan, issuance of any building permit, and/or final sign off associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

8. PLN#1–SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Site Plan plot plan and the building plans. This includes, but is not limited to: installing all required design features, painting all equipment with the approved colors, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to approval of any building plan, issuance of any building permit, and/or final sign off associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

9. ROADS#2–PUBLIC ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the Centerline Ordinance Sec. 51.301 et. al. and the County Trails Master Plan (Community Trails Master Plan), *Valley Center Road (SF 639)* and *Miller Road* shall be improved. **DESCRIPTION OF REQUIREMENT:**

- a. Improve or agree to improve and provide security for *Miller Road* along the project frontage (approximately 360 feet along Miller road from the centerline of Valley Center Road), to a Minor Collector Road with intermittent turn lanes (2.38), to a graded width of forty-one feet (41') from centerline, and to improved width of twenty-seven feet (27') from centerline, with curb, gutter, and disintegrated granite pathway, with face of curb at twenty-seven feet (27') from centerline. A left turn pocket and channelization design provided with the approved exception request dated April 5, 2012 shall be installed to the satisfaction of the Director of Public Works.

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

- b. Process and obtain approval of Improvement Plans to improve *Valley Center Road (SF 639)* and *Miller Road*.

- c. Provide Secured agreements. The required security shall be in accordance with Section 7613 of the Zoning Ordinance.
- d. Pay all applicable inspection fees with [DPW, PDCI].
- e. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- f. Obtain approval for the design and construction of all driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the Valley Center Fire Protection District and the [PDS, LDR].
- g. Obtain a Construction Permit for any work within the County road right-of- way. DPW Construction/Road right-of-way Permits Services Section should be contacted at rowpermitcounter@sdcounty.ca.gov or (858)-694-2055 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

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

10. ROADS#3–ROAD IMPROVEMENTS AS MITIGATION

INTENT: In order to promote orderly development and to mitigate direct impacts to less than significant as identified in the Traffic Impact Study prepared by Darnell & Associates revised December 8, 2010, a traffic signal at the intersection of Valley Center Road (SF 639) and Miller Road shall be constructed shall be required.

DESCRIPTION OF REQUIREMENT:

- a. Improve or agree to improve and provide security for construction of a traffic signal at the intersection of **Valley Center Road** (SF 639) and **Miller Road** to provide the following lane configurations:
 - 1) One (1) eastbound left turn lane
 - 2) Two (2) eastbound through lanes
 - 3) One (1) westbound left turn lane
 - 4) One (1) westbound through lane
 - 5) One (1) westbound shared through-right lane
 - 6) One (1) southbound left turn lane; and
 - 7) One (1) southbound shared through-right lane

The applicant shall perform a detailed warrant analysis prior to the issuance of the first building permit, in order to confirm that construction of the traffic signal is warranted at that time. If the traffic signal is warranted at that time, then the applicant shall install the signal prior to the issuance of any building permit. If the traffic signal is not warranted at that time, then the traffic signal shall not be required to be installed until a subsequent signal warrant analysis performed for a subsequent building permit shows that warrants are met.

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

- b. Process and obtain approval of Improvement Plans for a traffic signal at Valley Center Road (SF 639) and Miller Road.
- c. Provide Secured Agreements. The required security shall be in accordance with Section 7613 of the Zoning Ordinance.
- d. Pay all applicable inspection fees with [DPW, PDCI].
- e. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- f. Obtain a Construction Permit for any work within the County road right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at rowpermitcounter@sdcounty.ca.gov or (858)-694-2055 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

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

11. ~~ROADS#4~~ ANNEX TO LIGHTING DISTRICT

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the County of San Diego Board Policy I-18 and the County of San Diego Public Road Standards, the property shall transfer into the Lighting District. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or

hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to building permit issuance, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

12. FIRE#1- FIRE DISTRICT REVIEW

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be reviewed and approved by the Valley Center Fire Protection District (VCFPD). **DESCRIPTION OF REQUIREMENT:** The applicant will ensure that the VCFPD reviews the project prior to building permit to ensure that the fire sprinklers in the carwash (NFPA 13) and other required design features have been incorporated into the final design. **DOCUMENTATION:** The [PDS, LDR] shall review the plans for consistency with the condition. **TIMING:** Prior to building permit issuance, or use in the premises in reliance of this permit, the VCFPD must provide a review and approval. **MONITORING:** The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition.

13. FIRE#2-BUILDING FEATURES

INTENT: In order to comply with the approved project design and indicated on the approved plot plan **DESCRIPTION OF REQUIREMENT:** The exterior walls of the proposed building shall be constructed with one-hour fire resistant building materials and protected with two-inch nominal solid blocking between rafters at all roof overhangs and under the exterior wall covering (in accordance with State Fire Marshal [SFM] 12-7A-1). Portable fire extinguishers are required for the proposed building and shall be mounted on walls near exits with appropriate signage. **DOCUMENTATION:** The [PDS, LDR] shall review the plans for consistency with the condition. **TIMING:** Prior to building permit issuance, or use in the premises in reliance of this permit **MONITORING:** The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition.

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

14. PLN#2–SITE PLAN IMPLEMENTATION

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

15. ROADS#5–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of

Section 6.1.E of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum _____ feet of unobstructed intersectional sight distance in both directions along **Valley Center Road (SF 639)** from the proposed driveway in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is a minimum _____ feet of unobstructed intersectional sight distance in both directions along **Miller Road** from the proposed southerly project driveway in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

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

16. ROADS#6-INSTALL STREETLIGHTS

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the County of San Diego Board Policy I-18, streetlights shall be installed and energized. **DESCRIPTION OF REQUIREMENT:** Streetlights to be provided to the satisfaction of County of San Diego Public Roads Standard. Install or arrange to install streetlights to County standards and the satisfaction of the Director of PDS, and deposit with PDS, a cash deposit sufficient to energize and operate the streetlights until the property has been transferred into Zone A. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR], and arrange for the installation and energizing of the streetlights. **TIMING:** Prior to occupancy of the first

structure built in association with this permit, final grading release, or use in the premises in reliance of this permit, the streetlights shall be installed and all fees paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant. The [PDS, LDR] shall ensure that the streetlights have been installed and all fees have been paid.

17. STRMWTR#1-VERIFICATION OF STRUCTURAL BMPs

INTENT: In order to promote orderly development and to comply with the County Watershed Protection Ordinance (WPO) No.10410 (County Code Section 67.801 et. seq.), verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 10 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDCI] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

ONGOING: (The following conditions shall apply during the term of this permit).

18. FIRE#3 – ON-GOING FIRE PROTECTION: [PDS, PCC] [OG]

INTENT: In order to comply with the County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707, the site shall comply with the approved Fire Protection Plan the Miller Road Development Project. **DESCRIPTION OF REQUIREMENT:** The following measures approved in the Fire Protection Plan shall be implemented and maintained:

- a. Landscaping materials will include plants from the approved plant list in Appendix A of the FPP or as approved by the Fire Marshall.
- b. All undesirable non-native vegetation will be removed. Replanting will be with drought tolerant, fire resistive fire-resistant landscaping.
- c. Vegetation may Include single or cluster of thinned fire resistant native and ornamental plants (e.g., oaks, sumac, toyon, etc.).
- d. Dense plant masses adjacent to the structures and at bases of trees and tree clusters will not be placed in this zone. Provide low growing, fire resistive, deep rooted, drought tolerant planting to maintain erosion control and soil stability, especially on manufactured slopes.
- e. Native or ornamental trees retained within fuel modification zones will be pruned to maintain a vertical separation of approximately 10 feet above underlying shrubs or groundcover. Pruning of the shrubs will minimize the impact of the tree pruning.
- f. Trees and targe shrubs over 15 feet in height (oaks, sumac, toyon, etc.) pruned to provide clearance between plants of three times the height of understory plants, or 10 feet, whichever is greater.

- g. Large continuous masses of shrubs and understory less than 15 feet in height will be thinned to remove fuel and provide at least 10 feet between shrub masses, or individual shrubs. Thinning will reduce the overall canopy coverage of the area a minimum of 50 percent.
- h. If shrubs are located underneath a tree's drip line, the lowest branch shall be at least three times as high as the understory shrubs or 10 feet, whichever is greater.
- i. Trees may be planted and/or maintained as individual specimens, or clustered with no more than three trees in a single cluster with a minimum distance between mature canopies of 20 feet; avoid planting trees directly uphill of one another.
- j. Tree canopies will not be allowed to overhang the roof of any structure; the outer edge of the canopies of mature trees will be a minimum of 10 feet from the building eaves, and free of all dead or dying parts. All the dead material must be pruned out of all vegetation on an as needed basis.
- k. Mature heights of new shrub plantings will be a maximum of 36 Inches.
- l. Mulches, chips and other small multi-cuttings (cut to less than two inches in diameter and four inches in length) shall be evenly spread over the area no more than 4 inches at least 50 feet from structures. This can be used to maintain soil moisture and prevent grass and weed encroachments within the treated areas. Regular maintenance, vegetation pruning, and continued irrigation are most important in this Zone.
- m. Firewood or other combustible materials will not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. Storage may occur in the defensible space located a minimum of 20 feet from structures and separated from the crown of trees by a minimum of 10 feet, measured horizontally.
- n. Certain ornamental plants shall not be planted or allowed to become established within the zone unless otherwise noted in the recommended Plant List in Appendix A of the FPP or as approved by the Fire Marshal.
- o. As the native vegetation cover in Zone 1 is reduced, there is a very high probability that the openings will be dominated with non-native weed or grass species. Therefore, all grasses and weeds are to be mowed or weed-whipped to a 4-inch stubble height by June 1st of each year or when the fuels become cured, whichever occurs first. Any vegetation biomass (debris and trimmings) produced by thinning and pruning shall be removed from the site or converted to mulch by chipping and evenly distributed to a maximum depth of 4 inches.
- p. Plants in this zone will not include any pyrophytes that are high in oils and resins, such as: pines, eucalyptus, cedar, and juniper species. Trees must be planted so that when they reach maturity their branches are at least 10-feet away from any structure. Refer to Appendix B of the FPP for a list of undesirable plantings.

- q. Thick succulent or leathery leaf plant species are the most fire resistant, while paper-thin leaves and small twiggy branches are the least fire resistant.
- r. If water for irrigation is limited, use more of the available water in Zone 1 than In Zone 2. Plants with high moisture content are less likely to burn. Non-flammable patios, walkways, rock, driveways, and gravel can be used to break up fuel continuity within this zone.

DOCUMENTATION: The applicant shall comply with the requirements of the Fire Protection Plan and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the Fire Protection Plan shall be complied with for the term of this permit. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been implemented pursuant to the approved building plans and the fire protection plan. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The [fire agency] shall be responsible for long-term implementation of fire clearing requirements.

19. PLN#3–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

20. ROADS#7–SIGHT DISTANCE

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

- a. There shall be a minimum unobstructed sight distance of ___ feet in both directions along **Valley Center Road (SF 639)** from the project driveway openings for the life of this permit.
- b. There shall be a minimum unobstructed sight distance of ___ feet in both directions along **Miller Road** from the southernmost driveway openings for the life of this permit.

DOCUMENTATION: A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

21. STRMWTR#2–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

INTENT: In order to promote orderly development and to comply with the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., an operation and maintenance verification form for each Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPW, WPP] is responsible for compliance of this permit.

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

March 7, 2024

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

on _____

Michael Johnson, Group Program Manager
Project Planning Division