



County of San Diego

DAHVIA LYNCH
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Services
www.SDCPDS.org

VINCE NICOLETTI
ASSISTANT DIRECTOR

MITIGATED NEGATIVE DECLARATION

PROJECT NAME: HONARVAR MAJOR GRADING PLAN

RECORD ID: PDS2019-LDGRMJ-30214

ENVIRONMENTAL LOG NO.: PDS2015-ER-15-08-013

**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

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

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

2. Required Mitigation Measures:

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

1. BIO#1—ONSITE BIOLOGICAL EASEMENT

INTENT: In order to protect sensitive biological resources, pursuant to the [Resource Protection Ordinance \(RPO\)](#) and County's Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted.

DESCRIPTION OF REQUIREMENT: Grant to the County of San Diego an open space

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

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation, habitat management, or landscape plan approved by the Director of PDS, DPW or DPR.

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

2. BIO#2–HABITAT PRESERVATION

INTENT: In order to mitigate for the impacts to vegetation communities, habitats for special-status wildlife species, and occurrences of special-status plant species, suitable mitigation land shall be preserved. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide for the conservation of habitat, in permanent open space, as described below and in accordance with Mitigation Measure #2 of the Biological Resource Letter Report (Everett and Associates, November 2021). If it is determined that this mitigation is not feasible, the project applicant shall provide for the conservation of habitat generally consistent with the assemblage of vegetation communities impacted by the project and receive concurrence from the Wildlife Agencies and County.

1. Onsite open space shall include 1.99 acres (0.27 acres at the eastern end of the project site and 1.72 acres of SDG&E utility easement on the project site). See condition Bio#1.
2. Offsite open space shall include 30.75 acres of existing open space (APNs 264-660-06-00 and 264-660-01-00) located adjacent to the project site and donated by Omni Financial LLC to Endangered Habitat Conservation (EHC).

3. The project applicant will provide \$598,150 to EHC for the management of the entire 32.74 acres of onsite and offsite open space. Funds will be held by the San Diego Foundation, or similar entity, to be distributed solely for the purpose of management.
4. Impacts to 50 San Diego Goldenstar individuals will be mitigated by protecting a significant population (over 5,000 individuals) of the plants on the 303 acre Endangered Habitats Conservancy Crestlake property adjacent to Crestridge Ecological Reserve east of El Cajon. The project will fund a five-year effort to control and eradicate the South African long-flowered veldtgrass *Ehrharta longiflora*, a highly invasive non-native weed species that is threatening the goldenstar population on the property.

DOCUMENTATION: The applicant shall provide the evidence of completion of the mitigation to the [PDS, PCC] for review and approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation evidence for compliance with this condition.

3. BIO#3—OPEN SPACE SIGNAGE

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Grading Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2019-LDGRMJ-30214

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

4. CULT#1 - ARCHAEOLOGICAL & TRIBAL MONITORING

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

during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Luiseño Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Luiseño Native American has been contracted by the property owner or their representative to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

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

5. CULT#2 - CULTURAL RESOURCES TREATMENT AGREEMENT AND PRESERVATION PLAN

INTENT: In order to mitigate for potential impacts to Traditional Cultural Properties, develop and enter into a Cultural Resources Treatment Agreement and Preservation Plan with culturally-affiliated Tribes. **DESCRIPTION OF REQUIREMENT:** A single Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative, and culturally-affiliated Tribes. The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The 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, Principal Investigator, archaeological monitors, Luiseño Native American monitors, and consulting tribes.

- c. Requirements of the Archaeological 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. Soils are proposed for export. Consultation with the culturally-affiliated tribes shall occur prior to exporting soils 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. 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.

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.

None

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

on _____

Gary Smith, Planning Manager
Project Planning Division

JA:GS:ss