

DOC# 2018-0167121



Apr 26, 2018 04:24 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$0.00 (SB2 Atkins: \$0.00)

PAGES: 18

Recording requested by and for the benefit)
of the County of San Diego, Planning &)
Development Services)

Return to: County of San Diego)
Planning & Development Services)
Mail Station O650)
5510 Overland Avenue, Suite 110)
San Diego, CA 92123)
Attention: Don Kraft)

(No Transfer Tax Due)

(Above Space For Recorder's Use)

Administrative Permit PDS2012-3000-12-035

ISSUED BY COUNTY OF SAN DIEGO

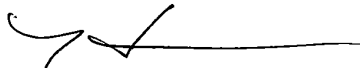
The Planning Commission of the County of San Diego on February 23, 2018 hereby grants Administrative Permit PDS2012-3000-12-035 subject to the terms and conditions listed below, relating to that real property located in the County of San Diego, California, more particularly described as follows:

Boundary Adjustment PDS2016-BC-16-0017, Parcel A, approved November 17, 2017.

The Zoning Ordinance of the County of San Diego requires that this Administrative Permit be recorded with the San Diego County Recorder, and 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 Administrative Permit. (Zon. Ord. § 7019.)

The undersigned Owners of the property subject to this Administrative Permit hereby agree, for themselves and their successors, to perform and at all times comply with all terms and conditions specified herein.

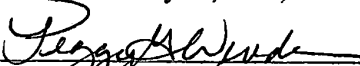
OWNERS:



Holly Marshall


3-23-18
Date:

Margaret M. Tomlinson Trust
dated May 11, 1989, as amended



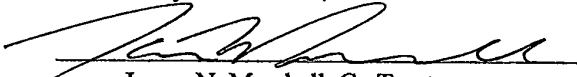
Peggy G. Windrum, Co Trustee

3/22/18
Date:



Holly A. Marshall, Co Trustee

3-23-18
Date:



James N. Marshall, Co Trustee

3-22-18
Date:

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

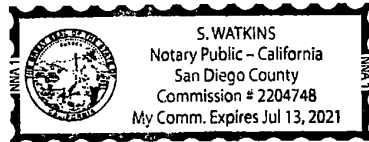
State of California
County of San Diego

On March 23, 2018 before me, S. Watkins a Notary Public
(insert name and title of the officer)

personally appeared Holly Marshall
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature S. Watkins (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego

On March 22, 2018 before me, Miriam Magana-Macedo, Notary Public,
(insert name and title of the officer)

personally appeared Peggy G Windrum & James N. Marshall,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)





County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcounty.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

February 23, 2018

PERMITEE: ROD BRADLEY
ADMINISTRATIVE PERMIT: PDS2012-3000-12-035
E.R. NUMBER: PDS2012-3910-1208007
PROPERTY: NORTHEAST CORNER OF HOLLYBERRY DRIVE AND BUENA CREEK ROAD,
WITHIN THE NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN
APN(S): 181-180-56, 84, & 86

DECISION OF THE DIRECTOR

This Administrative Permit for lot area averaging in conjunction with Tentative Map PDS2012-3100-5573 consists of 4 sheets including plot plan dated January 17, 2018. This permit authorizes Lot Area Averaging pursuant to Section 4230 of the Zoning Ordinance.

AD PERMIT EXPIRATION: This Administrative Permit shall expire concurrently with Tentative Map PDS2012-3100-5573. Recordation of a Final Map pursuant to Tentative Map PDS2012-3100-5573 shall be deemed to establish commencement of construction and/or use of the property in reliance on this permit.

.....

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 approval of any plan, 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. CULT#1 ARCHAEOLOGICAL MONITORING

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

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and 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 Luiseno Native American has been contracted to perform Native American Monitoring for the project. The Pauma Band of Luiseno Indiance, Rincon Band of Luiseno Indians and the San Luis Rey Band of Mission Indians were involved in Native American consultations. As such, it is recommended that one of these tribes be engaged for Native American monitoring.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

TIMING: Prior to the approval of any plan and issuance of any permit, the contract shall be provided. **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.

3. DEH#1-WELL DESTRUCTION

INTENT: In order to ensure that the water well located on the property is removed, and to comply with the County Regulatory Code Section 67.431, the well shall be properly destroyed or properly capped for future use. **DESCRIPTION OF REQUIREMENT:** The

water well shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **TIMING:** Prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), and prior to occupancy or use of the premises in reliance of this permit, the applicant shall destroy the well. **MONITORING:** Upon submittal of the well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.

4. DEH#2-SEPTIC ABANDONMENT

INTENT: In order to comply with County Regulatory Code Section 68.313.1 the on-site waste water system (Septic System) shall be properly abandoned. **DESCRIPTION OF REQUIREMENT:** The septic system shall be pumped and properly abandoned under DEH guidelines. **DOCUMENTATION:** Upon completion of the septic removal, the applicant shall contact [DEH, LWQ] to schedule a field verification inspection. The applicant shall submit proof of the septic tank pumping and pay all applicable inspection fees. **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 applicant shall have the septic system abandoned. **MONITORING:** Upon request of the applicant, [DEH, LWQ] shall perform a field inspection to verify that the septic system has been properly abandoned pursuant to this condition.

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

5. GEN#2-STRUCTURE REMOVAL

INTENT: In order to comply with County Zoning Ordinance Section 4800, the structure(s) on site shall be removed, relocated onsite, or demolished. **DESCRIPTION OF REQUIREMENT:** The existing residences and accessory structures located on Lots 1, 6 and 7 located on-site as shown on the approved Conceptual Grading Plan dated January 17, 2018, has been removed.

- a. Evidence shall be a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structure(s).
- b. A Demolition Permit shall be obtained from the [PDS BD]. Compliance with conditions HAZ #1 and HAZ #2 to determine the presence or absence of Lead Based Paints and/or Asbestos shall be completed before any demolition permit can be issued.

DOCUMENTATION: The applicant shall submit to the [PDS, PCC] the signed statement and the photographic evidence that the structures have been removed, relocated, or demolished pursuant to this condition. **TIMING:** Prior to the approval of any plan and issuance of any permit (excluding demolition permit) the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

6. HAZ #1-LEAD SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with lead based paint (LBP) and lead containing materials (LCM) to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structure(s) identified on the approved plan set for demolition or remodel shall be surveyed for the presence of LBP/LCM because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the structure(s) identified for demolition or remodel on the approved plan set. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of LBP and LCM located in the structure. The following conditions only apply if LBP and LCM are present:

- a. All LBP and LCM shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
- b. All LBP and LCM scheduled for demolition or disturbed during remodeling must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California DHS certified lead inspector/risk assessor to the [DEH HAZ MAT, APCD], which certifies that there was no LBP/LCM present, or all lead containing materials have been remediated pursuant to applicable regulations. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

7. HAZ #2-ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs) and to mitigate below levels of significance as established by the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structure(s) identified on the approved plan set for demolition or remodel shall be surveyed for the presence of ACMs because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the structure(s) identified for demolition or remodel on the approved plan set. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.

- a. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

DOCUMENTATION: The applicant shall submit to the [DEH HAZ MAT, APCD] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** : Prior to approval of any grading and/or improvement plans, issuance of any construction, building or any other permit, and prior to commencement of construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

8. HAZ#4–DEBRIS REMOVAL AND SOIL TESTING [PDS, FEE X 2]

INTENT: In order to comply with the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, and to follow the recommendation identified in the Limited Phase II Environmental Site Assessment (ESA) for this project, the seven 5-gallon buckets containing used oil, stored in the covered parking area located on the south side of the site, must be removed and disposed of in accordance with local, state, and federal regulations. Additionally, soil samples must be collected and analyzed for hydrocarbon-affected soil contamination once the concrete slab has been removed. **DESCRIPTION OF REQUIREMENT:** A signed, stamped addendum to the Limited Phase II ESA shall be prepared by a Registered Engineer or Professional Geologist. The addendum shall include the following information or as modified by DEH:

- a. Documentation that the soil sampling occurred between six inches to 2-3 feet in depth.
- b. Findings which identify whether onsite soils in this location exceed regulatory screening levels for pesticides, petroleum, heavy metals, or other contaminants.
- c. If contaminated soils are detected, provide a letter from DEH stating that a VAP work plan has been prepared and approved to remediate contaminated soils.
- d. If contaminated soils are detected, provide a copy of the contract and a signed sealed statement from the Registered Engineer or Professional Geologist, which states that they will implement the VAP work plan. Grading required to implement the site remediation activities is permitted.
- e. Provide evidence that all required work has been fully incorporated into the Grading Plans if required to obtain a grading permit pursuant to the County Grading Ordinance 87.101 et. al.

DOCUMENTATION: Upon completion of the debris removal and soil test, the applicant shall submit copies of the assessment (and a work plan for soil remediation, if applicable) to the [PDS, PCC] for approval. **TIMING:** Prior to approval of any grading and/or improvement plans, issuance of any construction, building or any other permit, and prior to commencement of construction, or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the report and any additional evidence for compliance with this condition. The work plan shall be approved by DEH.

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

9. PARKS#1-PARK LAND DEDICATION ORDINANCE (PLDO) FEE

INTENT: As a condition of approval of any residential development containing fifty (50) or fewer parcels, the applicant shall pay fees in-lieu of park land dedication, pursuant to the provisions of Title 8, Division 10 of the Code of Regulatory Ordinances and Section 810.101, et seq of the Park Lands Dedication Ordinance (PLDO), for the construction of new parks and recreational facilities that will serve future residents of the proposed residential development. **DESCRIPTION OF REQUIREMENT:** Only the payment of fees shall be required for developments containing fifty (50) or fewer parcels, unless the applicant offers to dedicate land in lieu of paying the fees, in which event the approving body may elect to accept land/or require the payment of fees or a combination of both as set forth in Section 810.105(a). **DOCUMENTATION:** Park fees shall be collected on a per dwelling unit basis. **TIMING:** Prior to issuance of a building permit for each lot, or such other permit as may be required to authorize the construction of a dwelling. **MONITORING:** The [PDS, BD] shall calculate the fee pursuant to Section 810.106 and provide a receipt of payment for the applicant and [PDS, PCC] shall verify that prior to issuing the first building permit the PLDO fee has been paid. PLDO fee payment shall be verified for each subsequent building permit issuance.

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

10. CULT#2 CULTURAL RESOURCES REPORT

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

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

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

or

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

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

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

11. FIRE#1–FIRE PROTECTION PLAN

INTENT: In order to assure fire safety in compliance with the County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Plan. **DESCRIPTION OF REQUIREMENT:** The following measure approved in the Fire Protection Plan (FPP) shall be implemented and maintained:

- a. Vegetation management zones shall be maintained according to the approved Fire Protection Plan July 15, 2016 from all structures at all times.
- b. A 20-foot-wide clearance of flammable vegetation, up to 6 inches high, be provided on sides of all roads and driveways.

DOCUMENTATION: The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP. **TIMING:** Prior to occupancy of the first structure built in association with this permit, the FPP requirements shall be implemented. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

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

12. ROADS#1-PRIVATE ROAD MAINTENANCE

INTENT: In order to ensure that the offsite private roads are maintained and not damaged during construction, the applicant shall assume responsibility. **DESCRIPTION OF REQUIREMENT:** The applicant is responsible for maintenance and repair, in case of damage caused by this project to the on-site and offsite private roads and private trails that serve the property during either construction or subsequent operations. **DOCUMENTATION:** The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, the following conditions shall apply during the term of this permit. **MONITORING:** *The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.*

13. FIRE#2-ON-GOING FIRE PROTECTION

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 (FPP). **DESCRIPTION OF REQUIREMENT:** The following measures approved in the FPP shall be implemented and maintained:

- a. Vegetation management zones shall be maintained according to the approved Fire Protection Plan July 15, 2016 from all structures at all times.
- b. A 20-foot-wide clearance of flammable vegetation, up to 6 inches high, be provided on sides of all roads and driveways.

DOCUMENTATION: The applicant shall comply with the requirements of the FPP and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the FPP 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 FPP. 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.

ADMINISTRATIVE PERMIT FINDINGS:

1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - i. Harmony in lot size and configuration, building setbacks and orientation;

Size: The 14.89 acres (13.19 net acres) site is designated Semi Rural (SR-1) and zoned Limited Agriculture (A70), allowing one dwelling unit per one net acre, depending on slope. A slope analysis was prepared and the calculations determined the maximum density permitted is 13 residential lots. The project proposes to subdivide the property into 13 residential lots, ranging in size from 0.5 to 3.66 gross acres, with an overall median lot size of 0.58 acres. The ten lots that measure less than the required one-acre minimum lot size range in size from 0.5-0.74 acres and are located in the south and west portion of the site adjacent Hollyberry Drive and Buena Creek Road. The remaining three lots that measure between one and three acres are located in the northeastern section of the property adjacent to Bluebird Canyon Road. The total area divided by the number of lots equals approximately one acre, which is similar to the average lot size of parcels located to the north of the project site.

The proposed lot sizes are in harmony with the surrounding area since there are lots that are less than one acre surrounding the project site. Surrounding lots range in size from approximately 0.5 acres to 13.80 acres in size. The surrounding properties are zoned Limited Agriculture (A70), Rural Residential (RR) and require a minimum lot size of one acre. Other surrounding zones include Specific Plan (S88), with a minimum lot size of 0.5 acres. There are two residential developments; the Sugarbush project (45 dwelling units) and the Lone Oak project (24 dwelling units) that are located within one mile to the west. Both projects were approved with a minimum lot size of 0.5 acres. Based on the close proximity of lot sizes which are either smaller or similar in size to the proposed project, the proposed lot sizes would be in harmony with the surrounding character.

Configuration: Each of the proposed lots would conform to the design standards in the Subdivision Ordinance for lot width and depth. The project proposes rectangular and polygon lots that are consistent with lots surrounding the site.

Building Setbacks: Each of the proposed lots has been designed to allow for construction of a single family dwelling that would conform to the setbacks established by the Zoning Ordinance, which are similar to setbacks applicable to the adjoining homes surrounding the property. The property has a "C" setback designator, which requires a 60-foot front yard, 35-foot exterior side, 15-foot interior side, and 25-foot rear yard setback. The project design includes an agricultural open space easement on the east side of the property in Lots 8 to 11 and shall be treated as limited building zone. Because the project is located within an area designated by the State of California as a "High Fire Hazard Severity Zone", pursuant to Section 4907.1.1 of the California Fire Code (CFC) all

residential structures will be setback a minimum of 30 feet from the property lines. The 30-foot setback zone in addition to the required defensible space around the structures will be required to provide wildland fire protection.

Coverage: The project would include parcel sizes that would range between 0.5 to 3.66 acres in size. Typical homes on these proposed lots would generally range between 3,000 – 3,500 square feet, which would have a lot coverage of 1.8 - 13.8%. This coverage is comparable with that of the surrounding parcels where coverage ranges from 2.8 percent to 20.6 percent based on staff's analysis of aerial photographs. The surrounding lots that are improved with single family residences have approximately the same average lot sizes as that of the proposed project, along with similarly sized homes and coverage characteristics.

Orientation: While the project does not currently propose any structures, the majority of the lots will be accessed from private road easements. The proposed lots are rectangular in shape and designed with the front of the houses and garages facing the private roads.

As described above, the project as designed would be in harmony with adjacent residential uses with regards to lot size, configuration, building setbacks and orientation.

- ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots, unless such adjoining area is to be reserved for open space or that adequate buffering has been provided to eliminate any significant harmful effect to neighboring properties;

Implementation of the project would include clustering in order to retain 5.47 acres, almost 37 percent of the site into agricultural open space. No prominent landforms would be disturbed during grading since the clustered design orients the pads upon the level areas of the site. The project is proposed near public roads and services; would not generate traffic that would not adversely affect circulation patterns or cause significant congestion; and includes on-site treatment of storm water run-off with the use of bio detention swales and a detention basin, which together would avoid impacts to land use and community character. With employment of site design and thorough environmental analysis, impacts to community character are less than significant. The proposed development would not adversely impact existing uses within the project area, as the design of the proposed subdivision is intended to be compatible with existing and planned uses and all impacts would be mitigated to a level below significance.

The proposed project would not have a harmful effect on neighborhood character because the proposed lot size is consistent with the surrounding area, which includes several lots that are less than one acre that are located within a quarter mile of the site. This agricultural open space easement will also provide a buffer to the majority of the surrounding residential properties, especially from the lots adjacent the eastern boundary. Additionally, the proposed project calls for landscaping consisting of street trees, slope trees, large screen shrubs and

groundcover shrubs. This landscaping would visually shield the proposed subdivision to minimize potential visual impacts and provide screening to adjacent properties. Additionally, the project proposes a 10-15 foot public and 10-foot private trail along the southern property boundary connecting the project to Blue Bird Canyon Road and looping around to Hollyberry Drive, providing adequate pedestrian access to the surrounding area. No harmful effects upon the desirable neighborhood character were found.

- iii. The suitability of the site for the type and intensity of use or development which is proposed;

The site is suitable for the proposed type and intensity of development because the majority of the surrounding properties have been developed and the infrastructure required to serve the project is existing. The project fronts on Hollyberry Road. The applicant has provided service availability letters indicating the project can be served by the Vista Municipal Water District, Vista Unified School District, and the Vista Fire Protection District. In addition, all lots have received a service availability form from the Buena Sanitation District indicating that facilities are available to serve the project after annexation. One street light is proposed to be installed at the intersection of the private road and Hollyberry Drive for the safety purposes. No additional street lights will be required along Hollyberry Drive or Buena Creek Road. All lots have been designed so that there is enough usable land for an appropriately sized home with no request to deviate from the required setbacks and the lots sizes are consistent with others in the area.

- iv. The harmful effect, if any, upon environmental quality and natural resources;

The proposed design would protect the sites environmental quality and natural resources by clustering the homes on the western side of the site preserving a large contiguous 5.47-acre agricultural open space area. This clustering would reduce grading and preserve prime soils from development. The project has been reviewed according to CEQA and no significant unmitigable impacts have been identified and no other harmful environmental impacts have been identified.

- v. Other relevant impacts of the proposed use;

N/A

2. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.

The total net area is 13.19 acres and the required minimum lot size is one acre. Therefore, 13 lots are allowed.

3. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture, or archaeological or historical resources, and will be permanently

reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.

The project includes an open space easement for the protection of agricultural resources. An agricultural open space easement will be recorded in perpetuity upon a 5.47-acre of land over Lots 8-11 in the north eastern area of the parcel measuring 41 percent of the property.

4. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

The site is designated SR-1, allowing one dwelling unit per one acre, depending on slope. A slope analysis was prepared and the calculations determined the maximum density permitted is 13 residential lots. The project proposes 13 lots and three non-buildable lots including private road easements, and water quality detention basins, and a 5.47 acre agricultural open space easement which is consistent with the Land Use Designation of the San Diego County General Plan. for the subdivision which is consistent with the Land Use Designation of the San Diego County General Plan. The proposed clustered design conforms to all applicable General Plan policies, in particular policy LU-6.4, Sustainable Subdivision Design, and LU-6.6, Integration of Natural Features into Project Design. Policy LU-6.4 requires that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and where appropriate, provide public amenities. Policy LU-6.6 requires to incorporate natural features into proposed development and require avoidance of sensitive environmental resources. This 14.80 acre project includes 5.47 of agricultural open space. The project is consistent with these policies because the lot size averaging allowed for a larger open space easement to conserve the majority of the Unique Farmland prime soils, environmental resources, and other natural features located on the property and to reduce the footprint of the project.

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ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10385 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that 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.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

<http://www.sdcountry.ca.gov/PDS/docs/LID-Handbook.pdf>.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of Section 87.201 of the County Code.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

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

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

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

Notice : The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory

birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, California 92008, (760) 431-9440, <http://www.fws.gov/>.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

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		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Board of Supervisors in accordance with Section 7166 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Board of Supervisors within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Planning Commission until a hearing on your application is held and action is

taken by the Board of Supervisors. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

ON MOTION of Commissioner Beck, seconded by Commissioner Brooks this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 23rd day of February 2018, in Planning & Development Services Conference Center Hearing Room, 5520 Overland Avenue, San Diego, California, by the following vote:

AYES: 4

NOES: 0

ABSENT: 3

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

BY: 
Benjamin Mills, Planning Manager
Project Planning Division

cc: Margaret Tomlinson, PO Box 181740, Coronado, CA 92127
Vista Fire Protection District, 200 Civic Drive, Vista, CA 92084
Buena Sanitation District, 200 Civic Center Drive, Vista, CA 92028
Vista Irrigation District, 1391 Engineer Street, CA 92083

email cc:
Benjamin Mills, Planning Manager, Planning Development Services
Ed Sinsay, Team Leader, Land Development/Engineering, PDS
Al Ducusin, Vista Irrigation District, ADucusin@vidwater.org
Twin Oaks Valley Community Sponsor Group