



# County of San Diego

**KATHLEEN A. FLANNERY**  
ACTING DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
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**VINCE NICOLETTI**  
ACTING ASSISTANT DIRECTOR

**March 3, 2021**

**PERMITTEE:** SANDIA CREEK ROAD COMMITTEE  
**ADMINISTRATIVE PERMIT:** PDS2019-AD-19-030  
**PROPERTY:** SANDIA CREEK DRIVE IN THE FALLBROOK COMMUNITY PLANNING AREA  
WITHIN UNINCORPORATED COUNTY OF SAN DIEGO  
**APNS:** 101-361-12,-41

## **DECISION OF THE DIRECTOR**

This Administrative Permit is for two gates (as noted in Condition 3) across a private road easement. This permit authorizes the installation of two gates across a private road easement and three vehicle turnarounds pursuant to section 6708.h.2.

**AD PERMIT EXPIRATION:** This Administrative Permit shall expire on **March 3, 2023** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7070 and 7062 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Administrative Permit has commenced prior to said expiration date.

**SPECIFIC CONDITIONS:** Compliance with the following Specific Conditions shall be established before the property can be used in reliance upon this Administrative Permit. 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-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.

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

**2. ROADS#1–TRAFFIC CONTROL PLAN**

**INTENT:** In order to establish safety protocols for temporary traffic impacts during construction, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of Director of Public Works (DPW). **DOCUMENTATION:** The permittee shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to approval of a building permit, a TCP shall be prepared and approved. The TCP signage shall be in place at least 15 days prior to building permit issuance. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

**3. PLN#1 –SECOND GATE INSTALLATION (SOUTHERN GATE)**

**INTENT:** To minimize traffic on the private road and to place a gate closer to the end of the public road, a second gate will be installed on the private portion of Sandia Creek Drive to the satisfaction of PDS (Current approximate location: Lat/Long: 33°25'56.2357"/117°14'49.5649").

A second gate could be installed just north of the turnaround located on the public road (Approximate location: Lat/Long: 33°25'40.9483"/117°14'55.1491") if the Sandia Creek Road Maintenance Agreement is amended to include APN 102-101-09.

**DESCRIPTION OF REQUIREMENT:** A second gate shall be shown on the plot plans prior to building permit issuance that will have the same fire and emergency access specifications as the proposed gate. **DOCUMENTATION:** The permittee shall have building permit plans to show the location of the two proposed gates. **TIMING:** Prior to building permit issuance, a building plan shall be prepared and approved. **MONITORING:** The [PDS, Zoning Department] shall review the plans for compliance with this condition.

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

**4. ROADS#2 –SIGNAGE PLAN**

**INTENT:** In order to disclose to motorists that public roadway will end, appropriate signage must be placed. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Signage Plan to the satisfaction of Director of Public Works (DPW). **DOCUMENTATION:** The permittee shall have the Signage Plan prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to occupancy, a signage plan shall be prepared, approved, and constructed. **MONITORING:** The [PDS, DPW] shall review the signage plan for compliance with this condition.

**5. ROADS#3 – CHANGEABLE MESSAGE SIGNS (TEMPORARY – DURING CONSTRUCTION)**

**INTENT:** In order to disclose to motorists that public roadway will end, appropriate signage must be placed. **DESCRIPTION OF REQUIREMENT:** The applicant must obtain appropriate permits in the City of Temecula to place changeable message signs within the incorporated portion of Rancho California Road. **DOCUMENTATION:** The permittee shall submit documentation and/or photos that changeable message signs have been installed to the satisfaction of PDS. **TIMING:** Prior to occupancy, changeable message signs shall be installed. **MONITORING:** The PDS shall review the signage plan for compliance with this condition.

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

**6. PLN#2–SITE CONFORMANCE**

**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. The building plans shall show the proposed gate, private road turnaround, stop sign, and signage. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. The applicant shall provide photo documentation to the satisfaction of Project Planning. **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 [PP] shall inspect the site for compliance with the approved Building Plans.

**7. PLN#3–REMOVAL OF GATE**

**INTENT:** In order to comply with the current General Plan Mobility Element, the private gate shall be removed in the event that the private road is adopted into the County of San Diego public road network. **DESCRIPTION OF REQUIREMENT:** If the 2.2-mile stretch is adopted into the County public road network, which is by the following processes: 1) After being brought to public road standards and/or 2) an eminent domain process is completed, the gate must be removed by the Sandia Creek Road Committee. **DOCUMENTATION:** The applicant shall provide photo documentation to the satisfaction of Project Planning. **TIMING:** In the event that this private road is adopted, the removal of the gate must be done concurrently. **MONITORING:** PDS and/or DPW shall inform the Sandia Creek Road Committee of the private road being adopted into the public road network.

**ADMINISTRATIVE PERMIT FINDINGS:**

The following findings and standards are required to be met in order to allow for a gate entry structure on a private easement:

- a. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and

The project site is located within a rural residential neighborhood that contains fencing and walls constructed with various materials and styles including stucco, stone, and chain link. Due to the diversity of architectural styles in the vicinity of the project site and the residential nature of the project, the structure would be compatible with the community character.

The proposed gates are located on a 2.2 mile section of a private road that has a history of severe accidents and an accident rate that is approximately two times the statewide average. The traffic study also found that this project would reduce the average vehicle miles traveled by 11%. On January 18, 2021, the Fallbrook Community Planning Group voted 12-ayes 2-against 1-absent/recused in favor of the Administrative Permit, recommending approval without conditions. Therefore, the project will not have a harmful effect upon the neighborhood.

- b. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements:

This Administrative Permit is to propose two gates on a private section of Sandia Creek Drive. The granting of the Administrative Permit will not be materially detrimental because the County has reviewed the Sandia Creek Drive Gate project pursuant to CEQA guidelines on potential impacts on the environment and the public such as traffic, fire hazards and biological impacts. The applicant has prepared a traffic study that has been reviewed and accepted by the County. The North County Fire Protection District has reviewed, approved, and provided requirements for the proposed gate that will be implemented during the building permit phase. The proposed gates project will include, three turnaround areas, a signage plan to place permanent signs on the private portions of Sandia Creek Drive and on public roads in advance of entering the private section of Sandia Creek Drive, a Traffic Control Plan, and safety features for emergency access.

Therefore, allowing the private gates will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.

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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. 10410](#) 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 during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**LOW IMPACT DEVELOPMENT NOTICE:** 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 in May 2013. *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:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED\\_PROTECTION\\_PROGRAM/susmppdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.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. Visit the following link: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

**STORMWATER COMPLIANCE NOTICE:** Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

**DRAINAGE:** The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance](#) No. 10091, adopted December 8, 2010.

**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.

**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](#).

**NOTICE:** - The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

**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.

<b>EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS</b>			
<b>Planning &amp; Development Services (PDS)</b>			
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		
<b>Department of Public Works (DPW)</b>			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
<b>Department of Environmental Health (DEH)</b>			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMDS HMD
<b>Department of Parks and Recreation (DPR)</b>			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
<b>Department of General Service (DGS)</b>			
Real Property Division	RP		

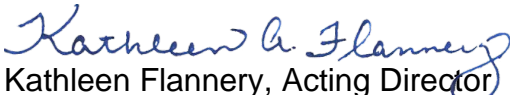
**APPEAL PROCEDURE:** Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with [Section 7166 of the County Zoning Ordinance](#). An appeal shall be filed with the Secretary of the Planning Commission within TEN 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

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4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. 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.

**NOTICE OF INDEMNITY OBLIGATION:** Pursuant to County Regulatory Code Section 86.203, each applicant for a discretionary land use development project ("Project"), to the extent the applicant is at fault in causing liability to the County, shall indemnify the County, its agents, officers and employees (collectively "County Parties") from any claim, action, liability or proceeding against the County Parties to attack, set aside, void or annul the Project or any of the proceedings, acts or determinations taken, done or made as a result of County's processing and/or approval of the Project, as specified below. Each applicant's obligation to indemnify shall apply to any lawsuit or challenge against the County Parties alleging failure to comply with the California Environmental Quality Act or compliance with the requirements of any other federal, state, or local laws, including but not limited to general plan and zoning requirements. Each applicant's obligation to indemnify the County Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the County, damages, and/or settlement costs, which arise out of County's processing and/or approval of the Project, except that an applicant shall only be responsible for indemnifying the County Parties in the amount of liability which is equal to the proportion of fault caused by the applicant, as determined by a court. Where any court action results in a ruling for the plaintiff/petitioner, the applicant and the County shall request a determination on the percentage contribution of fault from the court which adjudicated the underlying challenge to the Project.

PLANNING & DEVELOPMENT SERVICES  
KATHLEEN FLANNERY, ACTING DIRECTOR

BY:   
Kathleen Flannery, Acting Director  
Project Planning Division

cc: Sandia Creek Road Committee

email cc:  
Bronwyn Brown, Planning Manager, PDS  
Jack Wood, Fallbrook Community Planning Group