

(R-97-606)

RESOLUTION NUMBER R- 288197

ADOPTED ON DEC 10 1996

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in the Environmental Impact Report No. 89-1296, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Bougainvillea Subdivision.

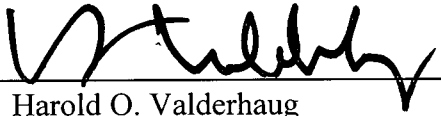
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order

to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: CASEY G. GWINN, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
11/26/96
Or.Dept:Dev.Svcs.
R-97-606
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MITIGATION MONITORING AND REPORTING PROGRAM

BOUGAINVILLEA

SCH No. 96051026
DEP No. 89-1296

November 21, 1996

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Environmental Impact Report (DEP No. 89-1296) shall be made conditions of the Vesting Tentative Map, Conditional Use Permit, and Planned Residential Development Permit as may be further described below.

A. BIOLOGICAL RESOURCES

Loss of Habitat, Sensitive Plants, and Sensitive Animals

To adequately mitigate direct impacts to sensitive biological resources to below a level of significance, the following specific mitigation ratios have been developed, based on the City's Resource Protection Ordinance Guidelines:

- Diegan coastal sage scrub/coyote bush scrub (intermediate conservation value) in development area and brush management zones 1 and 2 at 2:1
- Diegan coastal sage scrub/coyote bush scrub (intermediate conservation value) in brush management zone 3 at 1:1
- Southern maritime chaparral in development area and brush management zones 1 and 2 at 3:1
- Southern maritime chaparral in brush management zone 3 at 1:1
- Mule fat scrub (low quality): 1:1
- Freshwater marsh: 1:1
- 2.7-acre pond: 1:1
- Other waters: 1:1 (no net loss).

The subdivider shall implement the following specific mitigation requirements as a condition of the Vesting Tentative Map:

- Diegan coastal sage scrub/coyote bush scrub in development area and zones 1 and 2: 59.8 acres impacted to be mitigated @ 2:1 = 119.6 acres.

Diegan coastal sage scrub/coyote bush scrub in zone 3: 3.18 acres impacted to be mitigated
@ 1:1 = 3.18 acres.

Total Diegan coastal sage scrub/coyote bush scrub mitigation required: 122.78 acres

On-site preservation: 40.52 acres.

On-site revegetation: 30.79 acres.

Additional off-site mitigation required: 51.47 acres.

- Southern maritime chaparral in development area and zones 1 and 2: 10.6 acres impacted to be mitigated @ 3:1 = 31.8 acres.
Southern maritime chaparral in zone 3 : 0.31 acres impacted to be mitigated @ 1:1 = 0.31 acres.
On-site preservation: 16.89 acres in biological open space.
Additional off-site mitigation required: 15.22 acres.
- Mule fat scrub: 0.1 acre impacted to be mitigated @ 1:1 = 0.1 acre.
Loss of this habitat shall be mitigated on-site around the pond.
- Freshwater marsh: 1.8 acres potentially impacted to be mitigated @ 1:1 = 1.8 acres.
Loss of this habitat shall be mitigated on-site after repairing the dam and enlarging the pond.
- Wetlands: All wetlands impacted by the proposed project shall be replaced on-site under an Army Corps of Engineers Section 404 Permit and a California Department of Fish and Game Section 1603 Streambed Alteration Agreement.

On-Site Mitigation

As a condition of the Vesting Tentative Map, the subdivider shall dedicate in perpetuity an open space/conservation easement which incorporates all on-site preservation and revegetation areas as required above. The easement shall be assured prior to issuance of grading permit.

As a condition of the Vesting Tentative Map, clearing and/or grading of any coastal sage scrub on the project site shall be phased to avoid any direct impacts to California gnatcatcher during the breeding season (February 15 - August 15) to the maximum extent practicable. If due to unavoidable constraints clearing and/or grading must be done during the breeding season, a survey for the California gnatcatchers shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service for gnatcatcher surveys. If gnatcatchers are observed, a biological monitor shall be on-site prior to and during the clearing and grading phases to survey for gnatcatcher nests and to recommend potential measures that could be incorporated to avoid direct impacts to gnatcatchers. All measures identified by the biological monitor shall be reviewed by the Development Services Department, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, and implemented upon approval by the Director of the Development Services Department.

The subdivider shall prepare and implement a landscape/biological mitigation plan which achieves the requirements addressed above for on-site preservation/ revegetation as conditions of the Vesting Tentative Map, Conditional Use Permit and Planned Residential Development Permit. The areas of on-site preservation/revegetation shall be as shown in Figure 4C-4 in the EIR. The plan shall be reviewed by the City of San Diego and the wildlife agencies as requested and shall contain the following elements:

- A revegetation specialist with local experience in native species and approved by the Director of the Development Services Department shall be selected by the project applicant for implementing the labor portions of the revegetation/restoration plan. The revegetation specialist shall educate all contractors with regard to mitigation goals and requirements. This instruction shall be initiated at a pre-construction meeting. After each monitoring event, the revegetation specialist shall provide the project applicant and installation contractors with a written list of items in need of attention.
- An installation contractor shall be responsible for completion of grading, soil preparation, pre-planting weed control, planting and seeding. Once the revegetation specialist has verified completion of the landscape installation, a 180-day establishment period shall begin. At the end of this period, the revegetation specialist shall certify completion of the installation contract, provided all installation and maintenance tasks have been finished. These items include, but are not limited to, weed control, dead plant replacement and reseeded. All persons involved in installation of the revegetation effort shall be trained in native plant species identification, and the planting and care of native plants.
- After completion of the installation contract, a maintenance contractor shall be hired by the subdivider for the duration of the five-year monitoring period. The maintenance contractor shall service the entire revegetation area at least once a month. The maintenance contractor shall meet with the revegetation specialist at the site, when requested, and shall perform all checklist items in a timely manner. All persons involved in maintenance of the revegetation effort shall be trained in native plant species identification, and the planting and care of native plants.
- Cover by native vegetation should increase over time and ultimately approach that of the existing habitats on-site (near 100 percent). Cover is often slow at first as the roots become established, but with sufficient rainfall it should increase with time. Cover shall be measured and evaluated separately for shrub and herbaceous life forms.
- Impacts to Del Mar sand aster shall be mitigated through collection, proper handling and spread of seed from the populations to be impacted on-site. The collected seeds shall be spread in appropriate revegetated habitat within the biological open space on-site. A sufficient quantity of seeds to ensure establishment of a minimum of 330 specimens of Del Mar sand aster shall be collected.
- Impacts to Nuttall's scrub oak shall be mitigated by on-site preservation of 50% of the species and planting of one gallon specimens from a qualified nursery specializing in native plants. A sufficient number of individual plants shall be collected and planted to ensure the establishment of at least 77 specimens in appropriate revegetated habitat within the biological open space on-site.
- Seeds and rooted cuttings to be used in on-site revegetation programs shall be collected from natural areas to be impacted.
- Topsoil from areas that currently support Diegan coastal sage scrub, and are being impacted shall be collected and reused. This soil contains a viable and valuable seed bank as well as site-specific soil microbes. The revegetation specialist shall flag the collection areas to avoid collecting weed infested soil.

- Habitat outside of the construction zone shall be staked or otherwise clearly marked. The general contractor shall bear the burden of mitigation for incidental impacts caused by failure to comply with the limits of the construction zone.
- Specific staging areas shall be established in disturbed areas. All activities except for those directly related to the revegetation installation shall be restricted to the staging areas and any existing access roads.
- Revegetated areas within and surrounding the golf course should, at a minimum, be protected with signs stating that habitat revegetation is in process and no entry is allowed. If deemed necessary, protective fencing (such as split rail fencing) may be appropriate.
- All specifications of the Biological Mitigation Plan for Bougainvillea related to the quality, quantity, type and size of specific plant materials; contract growing/plant sources; substitutions; plant inspections; soils and soils preparation; reuse of topsoil; field plant layout and spacing of container plants; protection measures; planting methods and timing; maintenance and monitoring shall be adhered to.

The EAS and project landscape planner shall review the detailed landscape and irrigation plans and shall ensure that the above mitigation measures are clearly shown on the landscape/ mitigation plan.

The U.S. Fish and Wildlife Service and the California Department of Fish and Game shall be apprised in writing of the on-going work by the CSS restoration specialist. This shall include notification of the time and location of on-site seed collection and soil solarization and receipt of copies of the progress reports.

The long-term maintenance of the vegetation shall be conducted by a specialist hired by the applicant. The EAS analyst and/or landscape planner shall also conduct periodic site inspections.

Performance standards and a contingency plan shall be added to the final restoration plan. Maintenance of the biological mitigation plan shall be ensured by the applicant through the posting of a performance bond or other surety with the City. The amount of the surety shall be equal to the cost of the monitoring and maintenance effort (which would include replacement costs), plus an additional 10 percent per year of maintenance to account for inflation. Release of the surety is dependent on achievement of the goals of the revegetation/enhancement effort, as confirmed by the revegetation specialist in writing and/or the EAS analyst. At successful completion of the mitigation requirements, a "Notice of Completion," subject to prior review and approval by the wildlife agencies, will be issued by the City of San Diego. The project shall not be considered complete until the "Notice of Completion" has been issued.

The revegetation/restoration plan may consider the following recommendation:

- When feasible, it may be appropriate to consider controlled burns of all of the southern maritime chaparral considered for open space prior to development of areas adjacent to this fire dependent habitat. A controlled burn would reduce the fire hazard temporarily, rejuvenate the soil with nutrients, delay the vegetation from becoming senescent (woody and flammable from old age) and other benefits. The controlled burn program must be

approved by the City Fire Department, the Director of the Development Services Department, the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Off-site Mitigation

~~Prior to the City of San Diego's certification of the Final EIR, the applicant shall enter into an agreement with the City, the USFWS and the CDFG for mitigation which will reduce all on-site biological impacts to Diegan coastal sage scrub/coyote bush scrub to a level below significant. The agreement is as follows:~~

- ~~1. Prior to the issuance of a grading permit or subdivision improvement agreement, the applicant shall ensure the permanent preservation of approximately 51.47 acres (or an alternative amount agreed to by the City, the USFWS, CDFG, and the applicant) of off-site mitigation for on-site biological impacts to Diegan coastal sage scrub/coyote bush scrub.~~

The follow shall be included as a condition of the Interim Habitat Loss Permit and the Vesting Tentative Map:

- The applicant shall ensure the permanent preservation of off-site biological resources as mitigation for impacts to coastal sage scrub habitat (including coyote bush scrub) (CSS). This will be accomplished by providing to the City, prior to issuance of a grading permit or subdivision improvement agreement, and as a condition of the issuance of the Interim Habitat Loss Permit (IHLP) and the Vesting Tentative Map (VTM), a bond, letter of credit or CD, in sufficient amount (approximately \$1,500,000) to secure mitigation for 51.47 acres of CSS. If, within eight months from issuance of the grading permit, the applicant is unable to acquire and dedicate to the City a mitigation parcel which meets the approval of the Manager of Development Services, the USFWS, and the CDFG, the City shall have the ability to call upon the security and utilize the funds to acquire the necessary off-site mitigation.

The follow shall be included as a condition of the Vesting Tentative Map:

- The applicant shall ensure the permanent preservation of off-site biological resources as mitigation for impacts to southern maritime chaparral (SMC). This will be accomplished by providing to the City, prior to issuance of a grading permit or subdivision improvement agreement, and as a condition of the issuance of the VTM, a bond, letter of credit or CD, in sufficient amount (approximately \$450,000) to secure mitigation for 15.22 acres of SMC. If, within eight months from issuance of the grading permit, the applicant is unable to acquire and dedicate to the City a mitigation parcel which meets the approval of the Manager of Development Services, the City shall have the ability to call upon the security and utilize the funds to acquire the necessary off-site mitigation.

Lighting

As conditions of the Conditional Use Permit and Planned Residential Development Permit, potentially significant lighting impacts shall be mitigated by using sodium lighting, and selectively placing, directing and shielding illumination away from conserved areas. Additionally, night play shall not be allowed on the golf course and tennis courts and lighting from homes shall be screened with vegetation to prevent illumination of habitat areas, and large spotlight-type lighting that may affect conserved habitat shall be prohibited. The EAS shall ensure that mitigation measures are clearly shown on building plans.

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Pest Control and Fertilization

As conditions of the Conditional Use Permit and Planned Residential Development Permit, and in accordance with the Conceptual Mitigation Plan for Bougainvillea, solarization techniques shall be used to prepare soils for habitat revegetation and restoration. This involves the use of UV-resistant plastic sheeting and sunlight to kill weeds, weed seeds and pathogens in the top 2-6 inches of the soil. Weeds shall be removed by hand methods. The EAS shall ensure that the mitigation measures are clearly shown on the landscape/conceptual mitigation plan.

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Noise

As conditions of the Vesting Tentative Map, noise impacts shall be mitigated by the following measures:

- Construction staging areas shall be located at least 100 feet from existing residences and coastal California gnatcatcher sites.
- Clearing and/or grading of any area adjacent to coastal sage scrub on the project site shall be phased to avoid any indirect impacts to California gnatcatcher during the breeding season (February 15 - August 15) to the maximum extent practicable. If due to unavoidable constraints clearing and/or grading must be done during the breeding season, a survey for the California gnatcatchers shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service for gnatcatcher surveys. If gnatcatcher nests are observed in adjacent coastal sage scrub, a biological monitor shall be on-site prior to and during the clearing and grading phases to survey for gnatcatcher nests and to recommend potential measures that could be incorporated to avoid indirect impacts to gnatcatchers. All measures identified by the biological monitor shall be reviewed by the Development Services Department, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, and implemented upon approval by the Director of the Development Services Department.

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B. HYDROLOGY/WATER QUALITY

Erosion and Flooding

The following measures shall be incorporated as conditions in the Vesting Tentative Map:

1. Prior to approval of the first final subdivision map within Del Mar Mesa , a Master Drainage plan shall be prepared to address sizing and siting of facilities required to mitigate potential impacts to downstream facilities from increases in runoff and erosion, as a result of the specific plan. This Master Drainage Plan shall be comprehensive, covering the entire Del Mar Mesa to the satisfaction of the City Engineer, and shall meet the special requirements for Coastal Zone conformance.
2. The following mitigation measures, and any others identified by the Master Drainage Plan, shall be incorporated into project design to mitigate the potential for increased flooding and erosion.
 - a. No permanent structures in floodplain.
 - b. Surface drainage designed to collect and move runoff into natural stream channels or drainage structures adequately sized for a 100-year storm.
 - c. All project related drainage facilities designed to accommodate runoff associated with 100-year flood.
 - d. Surface and subsurface drainage designed to preclude ponding outside of designated areas.
 - e. Runoff diversion facilities used where appropriate to preclude runoff flow down graded slopes.
 - f. Energy dissipating structures used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.
 - g. Permeable materials to be used wherever feasible to increase infiltration and decrease surface runoff.
3. Flood control devices as approved by the City Engineer shall be incorporated into the project.

The subdivider shall be responsible for the maintenance of the devices such that they perform as originally designed.

The EAS shall review the plans to ensure that the notes have been provided.

* * *

Downstream Water Quality

The following measures shall be incorporated as conditions in the VTM:

General

Best Management Practices (BMPs) implemented in conjunction with the City's Municipal National Pollutant Discharge Elimination System (NPDES) permit and State Regional Water Quality Control Board.

Construction

During the construction phase, the General Permit for Construction Activity issued by the RWQCB shall include adequate measures to mitigate direct impacts to water quality to below a level of significance. Such measures shall include the following:

1. The extent of the area exposed at one time and the duration of exposure shall be minimized. This can be accomplished by preserving native vegetation whenever feasible for immediate replacement by landscaping and hydroseeding on disturbed areas within 30 days after completion of each phase of grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
2. Areas of native vegetation or adjoining slopes shall be avoided during grading activities as delineated in the grading plan to minimize disturbance to existing vegetation slopes.
3. Porous pavement such as lattice pavers or porous asphalt, suitable for use for large surfaced areas not subject to heavy traffic shall be employed wherever possible instead of impervious materials.
4. Vegetative controls such as plant materials that intercept rainfall, and pollutant filters to absorb nutrients shall be employed wherever possible.
5. Temporary erosion control measures shall be implemented during construction. These shall include planting on fill, disturbed, and manufactured slopes within 30 days; grading to facilitate drainage away from slope faces; use of hay bales and swales at the top of slopes; and construction of desilting basins. All manufactured slopes shall be revegetated and landscaped within 30 days of grading and irrigated by means of a temporary system (not to exceed two years) to ensure adequate plant establishment and slope stability, reduce erosion and enhance visual appearance.
- ~~5~~6. A maintenance and follow-up program shall be implemented. Considerations shall include disposal locations for sediment that is removed from control structures, wet-weather emergency plans, 24-hour phone contact of the person responsible for maintenance and the designation of methods and responsibility for removal of temporary control structures.
- ~~6~~7. If quantities of hazardous or toxic materials shall be used during construction, the Hazardous Materials Business Plan (HMBP) administered by the Hazardous Materials Management Division of the County of San Diego Environmental Health Services Department shall be followed.

Design and Operation of Golf Course

BMPs shall be incorporated into the design and operation of the golf course. A description of some of the practices which shall be considered include the following:

1. Filter Strips. Filter strips shall be used to enhance pollutant removal from the site. Filter strips are planted with erosion-resistant grasses or plant species and are designed to spread flows from the site into a wide area where overland sheet flow conditions could occur. Vegetation within the strip slows the flow, causing heavier particulates to fall out of suspension, and also

acts as a biological filter when direct absorption of dissolved pollutants occurs. The use of vegetation to reduce flow velocities also allows for enhanced soil infiltration to take place. The soil also acts as a filter; dissolved pollutants are absorbed onto the soil particles. This is an effective method for removal of dissolved heavy metals and phosphorus from fertilizers. Biological activity in the soil can also metabolize toxic organic contaminants from pesticides. The proposed golf course would function in this manner to reduce impacts to the adjacent stream.

2. **Source Control.** An integral part of achieving adequate pollutant removal from collected storm water is the implementation of source control practices that reduce the amount of contaminants of the ground surface that can come in direct contact with surface flows. These practices include the following measures that shall be incorporated into the Bougainvillea golf course management plan:
 - a. Require outdoor chemical and contaminant storage facilities to be covered, as specified in the Business Plan for the handling and disposal of toxic and hazardous materials approved by the County Department of Environmental Health, Hazardous Materials Management Division (HMMD).
 - b. Require proper use and disposal of materials including fertilizers, pesticides, and herbicides, and including appropriate methods, rates, and frequency of application of these chemicals, as specified in the Business Plan for the handling and disposal of toxic and hazardous materials approved by HMMD.
 - c. Require alternative methods for controlling weeds and insects including physical, biological and non- or low-toxicity methods including non-toxic methods of weed control such as hand pulling and soil solarization techniques.
 - d. Recycle chemicals to the extent possible, and dispose of materials in a safe and proper manner, according to the rules and regulations of the City Fire Department, Environmental Services Department and County HMMD.

These BMPs shall be designed and implemented under the supervision of a California Certified Hydrologist licensed by the California State Department of Consumer Affairs.

Reclaimed Water

The following measures shall be required to reduce the potential Total Dissolved Solids (TDS) and nutrient impacts associated with reclaimed water when it becomes available if the reclaimed water source exceeds TDS objectives or does not employ nutrient removal:

1. Monitoring for TDS and nutrient levels shall be required on a regular basis by the Regional Water Quality Control Board (RWQCB). If the levels exceed waste discharge requirements limits for the use of reclaimed water in the basin, the discharge must cease until proper treatment has been accomplished to the satisfaction of the RWQCB, or the reclaimed water has been diluted to meet the RWQCB requirements.
2. In addition to special treatment of the reclaimed water, operational practices at the reclaimed water source such as aeration, circulation, and chemical addition shall be required to mitigate any seasonal problems associated with stored reclaimed water.

* * *

Groundwater Sufficiency

The following measures shall be incorporated as conditions in the ~~VTM~~:

- ~~• Prior to the approval of the final map, the subdivider shall provide the following studies:~~
 - ~~— Conduct on-site field tests to determine characteristics of the groundwater basin. These tests shall include pump tests conducted within Shaw Valley.~~
 - ~~— Obtain data from pump tests of existing nearby wells (if proprietary information can be obtained) and evaluate.~~
 - ~~— Calculate a prediction of a sustainable yield based upon the obtained aquifer parameters.~~
 - ~~— Provide a discussion of the groundwater availability during years of no recharge to determine if sufficient imported water will be available for use during periods of drought when wells may be in operative.~~
 - ~~— Determine the response of neighboring wells from the proposed pumping, especially during periods of minimum recharge.~~
 - ~~— Conduct appropriate environmental review of proposed groundwater pumping.~~
- ~~• The above studies shall be submitted to the Director of the Development Services Department for evaluation and approval.~~
- ~~• The extraction of groundwater shall be permitted only if the above studies conclude that the extraction of groundwater will not significantly impact neighboring wells.~~

* * *

Groundwater Quality

The following measures shall be incorporated as conditions in the ~~Vesting Tentative Map~~:

- ~~• Prior to the approval of the final map, the subdivider shall provide the following study:~~
 - ~~— Conduct on-site field tests to determine groundwater quality from several on-site wells. These tests shall include pump tests conducted within Shaw Valley.~~
 - ~~— Conduct a laboratory analysis to determine groundwater characteristics.~~
 - ~~— Based on the analysis, a ratio of groundwater to domestic water shall be determined to achieve the surface water quality objectives as specified in Table 4D-1.~~
 - ~~— Conduct appropriate environmental review of proposed groundwater pumping.~~

- ~~The above studies shall be conducted under the direction of the City's staff geologist. Upon completion, the studies shall be submitted to the Director of the Development Services Department for evaluation and approval.~~

~~The following measure shall be incorporated as a condition in the Planned Residential Development Permit:~~

- ~~To ensure suitable water quality, the developer shall flush the irrigated areas in accordance with the ratio established above to achieve the surface water quality objectives as specified in Table 4D-1 in the Final EIR.~~

* * *

C. LANDFORM ALTERATION/VISUAL QUALITY

Visual Quality

Grading

The following measure shall be incorporated as a condition in the VTM:

1. Sensitive grading techniques such as daylighting, contouring, blending and varying slope ratios, especially adjacent to open space area, shall be implemented.

Prior to the issuance of a grading permit, the Development Services Department/Land Development Review Division/Environmental Analysis Section (EAS) shall review the VTM to ensure that the above note has been provided.

The City Engineer shall verify that the above grading techniques have been performed.

Landscaping

The following measures shall be incorporated as conditions in the VTM, PRD and CUP:

1. All manufactured slopes shall be revegetated and landscaped within 30 days of grading and irrigated by means of a temporary system (not to exceed two years) to ensure adequate plant establishment and slope stability, reduce erosion and enhance the visual appearance.
2. ~~A landscape assessment district to be managed by the subdivider~~ homeowners' association shall be established to assume responsibility for landscape maintenance. A performance bond shall also be filed with the City of San Diego to ensure completion of the landscape program. The subdivider shall be responsible for implementing the landscape maintenance and brush management programs; and establishing the ~~landscape assessment district~~ homeowners' association.
3. A detailed landscape plan shall accompany future development permits. The plan shall be reviewed and approved by the Development Services Department prior to issuance of any permits.

Prior to the issuance of a grading permit, the Development Services Department/Land Development Review Division/Environmental Analysis Section (EAS) shall review the plans to ensure that the above notes have been provided.

Building Techniques

The following measure shall be incorporated as a condition in the PRD and CUP:

1. Impacts associated with the implementation of brush management shall be mitigated by the use of reduced-width fuel management zones made possible by employing fire-resistant architectural features such as fire retardant roofs and reduced eave overhangs.

Prior to the issuance of building permits, the Development Services Department/Land Development Review Division/Environmental Analysis Section (EAS) shall review the plans to ensure that the above note has been provided.

* * *

Landform Alteration

The following measures shall be incorporated as conditions in the VTM:

1. Daylight grading shall be performed along canyon rims to minimize fills on canyon slopes.
2. Manufactured slope gradients shall be employed varying from 2:1 to 4:1 entailing contouring, rounding and blending to maintain a natural appearance, especially adjacent to open space and sensitive resource areas and to those areas with high neighborhood and community visibility.
3. Minimizing the height of manufactured slopes to the extent possible.
4. Sensitive grading techniques shall be used adjacent to open space and sensitive resource areas to preclude encroachment.
5. These measures shall be depicted on the grading plan with a note identifying the grading techniques as an environmental requirement. Field inspectors from the Development Services Department shall inspect the grading to ensure conformance with the approved plans. The EAS shall review grading plans to ensure that the notes have been provided.

* * *

D. CULTURAL RESOURCES

Compliance with the site-specific archaeological mitigation measures shall be the responsibility of the applicant and shall be assured through full-time monitoring of project grading by a qualified archaeologist. This will ensure that unanticipated potentially significant cultural deposits are handled in a timely manner, in compliance with City of San Diego Cultural Resources Guidelines and State CEQA Guidelines.

The following mitigation measure shall be incorporated as a condition of the VTM:

An archaeological monitoring program shall be implemented. The program shall include the following:

1. Prior to issuance of a grading permit, the subdivider shall provide verification that a qualified archaeologist and/or archaeological monitor has been retained to implement the archaeological monitoring program. This verification shall be in the form of a letter from the subdivider to the Director of the Development Services Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists (SOPA). An archaeological monitor is defined as an individual who has expertise in the identification and recovery of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved in the archaeological construction monitoring of this project shall be approved by the Environmental Analysis Section (EAS) prior to construction.
2. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological construction monitoring program and discuss plans with the construction contractors. The requirement for archaeological construction monitoring shall be noted on the grading plan. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a monitoring report. These duties are defined as follows:

Monitoring

The qualified archaeologist or archaeological monitor shall be present on-site full-time during project grading to ensure that unanticipated potentially significant cultural deposits are handled in a timely manner.

Evaluation

In the event that unanticipated cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow for an evaluation of their significance. The Archaeologist shall contact EAS at the time of discovery and significance determinations shall be made by the archaeologist, in consultation with EAS. EAS must concur with the evaluation before construction activities will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

Analysis

All cultural materials collected during monitoring or evaluations shall be cleaned, catalogued and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal materials shall be identified as to species and specialty studies shall be completed, as appropriate.

Report Preparation

A monitoring report and/or evaluation report, if appropriate, which describes the result, analysis, and conclusions of the monitoring program (with appropriate graphics) shall be submitted to and approved by the Director of the Development Services Department within three (3) months following termination of the monitoring program. For significant cultural

resources, a Research Design and Data Recovery Program shall be prepared as part of the evaluation report and carried out to mitigate project impacts. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the of the Development Services Department prior to the issuance of a Certificate of Occupancy.

Testing Program

Areas that need enhanced surveys, due to very poor ground visibility, occur in several portions of Bougainvillea, in areas identified both for development and as open space. Areas within Shaw Valley may contain buried deposits that are not visible on the ground surface due to deposition of alluvial soils and agricultural uses. Special attention shall be given to the monitoring program at SDi-11803, because of the potential for historic artifacts buried under existing Shaw Ridge Road or isolated pockets of intact stratigraphy. All off-site grading and construction shall be monitored to ensure that the work does not stray from the surveyed alignments and disturb any unidentified cultural sites in the near vicinity. Archaeological monitoring of any grading in cultivated portions of Shaw Valley shall be performed because of the possibility of buried or masked cultural resources.

Prior to the issuance of grading permits, an enhanced resurvey after brushing shall be implemented in areas of undisturbed vegetation, Shaw Valley and in the vicinity of CA-SDi-11803, especially under existing Shaw Ridge Road, prior to mass grading. (see Figure 4F-1). The following additional studies may be required:

- a. Ancillary studies (i.e., Carbon-14 dates from collected shell and/or charcoal, obsidian sourcing and hydration rim measurements, faunal analysis, and shell analysis).
 - b. ~~Sites' loci~~ The evaluation of sites' loci in terms of site size, depth, content, integrity and potential to address important research questions as per CEQA, RPO, Specific Plan and City guidelines.
 - c. Report preparation of findings as per State of California guidelines. The final test report shall include mitigation recommendations for all sites identified as significant/important. The feasibility of preservation of CEQA and RPO significant sites shall be explored, consistent with those requirements. For sites identified as not significant under City Guidelines or important under CEQA, no further work will be required.
3. These measures shall appear as notes on the Vesting Tentative Map (VTM) and grading plans. The report preparation requirement shall also appear on final construction drawings to ensure that the required reports are submitted to and approved by EAS prior to the issuance of a Certificate of Occupancy. Prior to the issuance of a grading permit, EAS shall review the grading plans and final construction drawings to ensure that the notes are provided.

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E. GEOLOGY AND SOILS

Unstable Conditions

The following mitigation measures shall be required as a condition of the Vesting Tentative Map.

- Prior to the approval of final map(s) for the property, a detailed soil, geologic, and hydro geologic investigation addressing which addresses the proposed plan and adheres to the City of San Diego Technical Guidelines for Geotechnical Reports shall be performed. The investigation shall be reviewed and approved by the City's Geologist.
- Remedial grading in the form of removal and recompaction shall be required in areas with loose, compressible surface, and or expansive deposits of topsoils, alluvium, and colluvium soils.
- Installation of fill subdrains may be required to reduce the potential for future groundwater buildup, especially where in-filling of canyons or ravines might be planned.

The Development Services Department shall ensure compliance with the above measures by directing a construction monitoring program to be conducted by a qualified geotechnical engineer. The Environmental Analysis Section (EAS) shall review the plans to ensure that the notes have been provided.

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Erosion

The following mitigation measures shall be required as conditions of the Vesting Tentative Map:

- Temporary erosion control measures shall be implemented during construction. These shall include planting on fill, disturbed, and manufactured slopes within 30 days; grading to facilitate drainage away from slope faces; use of hay bales and swales at the top of slopes; and construction of desilting basins. All manufactured slopes shall be revegetated and landscaped within 30 days of grading and irrigated by means of a temporary system (not to exceed two years) to ensure adequate plant establishment and slope stability, reduce erosion and enhance visual appearance.
- Drought-tolerant, slope-stabilizing vegetation and an irrigation system as specified in the landscape concept and brush management plan shall be installed on all fill, disturbed and manufactured slopes as permanent erosion control measures. Desilting basins shall be installed.
- Prior to the issuance of the grading permit a geotechnical soils report or a site specific soil erosion and sedimentation control plan shall be developed by a Certified Professional Erosion and Sediment Control (CPESC) Specialist and approved by City Engineer. This report shall define additional site specific soil erosion control measures.

Recommendations of the plan shall be incorporated the grading plans to the satisfaction of the City Engineer.

The EAS shall review the grading permit to ensure that the notes have been provided.

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F. PALEONTOLOGICAL RESOURCES

The following measures shall be incorporated as conditions of the Vesting Tentative Map and the monitoring results report shall be incorporated as a condition of the Planned Residential Development Permit and the Conditional Use Permit. EAS shall place a hold on the final inspection until the monitoring report has been approved.

1. The subdivider shall provide verification that a qualified paleontologist has been retained to implement the paleontological mitigation program. The verification shall be presented in a letter from the paleontologist to the Environmental Analysis Section (EAS) of the Development Services Department prior to any grading activity. (A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.)
2. Prior to issuance of a grading permit, the requirement for paleontological monitoring shall be noted on the construction plans. The qualified paleontologist shall attend the pre-grading meeting to consult with the grading and excavation contractors.
3. During and after grading, the paleontologist's duties shall include monitoring of grading, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a final report. These duties are defined as follows:

Monitoring. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed sediments of all geologic formations to inspect for well-preserved fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project site.

Salvaging: In the event well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery the paleontologist shall contact EAS. EAS must concur with the salvaging methods before construction is allowed to resume.

Preparation: Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections such as the San Diego Natural History Museum.

Final Report. Prior to issuance of building permits and after grading has occurred a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the above program shall be prepared and submitted to EAS. If subsequent building permits are not pursued, then the monitoring results report shall be provided to EAS within three months following termination of the paleontological monitoring program.

Prior to issuance of grading permits, the EAS shall review the plans to ensure that these notes have been provided.

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G. NOISE

The following measures shall be incorporated as conditions of the Vesting Tentative Map and Planned Residential Development Permit.

- Prior to the issuance of building permits for any residential units located in the northwestern portion of the project site, a site-specific acoustical analysis shall be prepared to determine if the proposed residential units would, in fact, be located within the 60 dB(A) CNEL contour from SR-56 after considering topography and shielding from structures in Carmel Valley Neighborhood 8. The analysis shall be approved by the Director of the Development Services Department. If the more definitive noise study determines that the residential units would be located within the 60 dB(A) contour, then a site-specific interior noise analysis shall be prepared for determination of site-specific mitigation measures, such as acoustical shielding walls, architectural treatments and construction techniques based on future buildout traffic volumes on SR-56.
- Construction staging areas shall be located at least 100 feet from existing residences and coastal California gnatcatcher sites.
- Equipment shall be operated within the City-wide noise ordinance restrictions.
- Clearing and/or grading of any area adjacent to coastal sage scrub on the project site shall be phased to avoid any indirect impacts to California gnatcatcher during the breeding season (February 15 - August 15) to the maximum extent practicable. If due to unavoidable constraints clearing and/or grading must be done during the breeding season, a survey for the California gnatcatchers shall be conducted by a biologist permitted by the U.S. Fish and Wildlife Service for gnatcatcher surveys. If gnatcatcher nests are observed in adjacent coastal sage scrub, a biological monitor shall be on-site prior to and during the clearing and grading phases to survey for gnatcatcher nests and to recommend potential measures that could be incorporated to avoid indirect impacts to gnatcatchers. All measures identified by the biological monitor shall be reviewed by the Development Services Department, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, and implemented upon approval by the Director of the Development Services Department.
- EAS shall review the plans to ensure that these notes have been provided.

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H. PUBLIC FACILITIES AND SERVICES

Schools

~~Prior to approval of the tentative map, the subdivider shall provide the Development Services Department with a notarized copy of the Mitigation Agreements that have been executed with the Del Mar Union School District and the San Dieguito Union High School District.~~

- With respect to the Del Mar Union School District (DMUSD), Statutory School Fees are not adequate to fully mitigate for school facility impacts. Therefore, prior to City approval of any subdivision, planned development or other discretionary residential development application within the DMUSD; the City shall require each applicant to obtain a Certificate of Compliance or a Certificate of Exemption from the DMUSD. A Certificate of Compliance will be issued by the DMUSD only after the applicant has executed a School Facilities Funding and Mitigation Agreement agreeing to pay the specified Mitigation Payment or acquiescing to be annexed into Community Facilities District No. 95-1 of the DMUSD. A Certificate of Exemption shall be issued solely at the discretion of the DMUSD and only when after analyzing the project, the DMUSD determines that the applicant should not be required to execute a School Facilities Funding and Mitigation Agreement. The DMUSD has agreed to defend, indemnify and hold the City of San Diego harmless from any claim, action, or proceeding against the City arising from or related to the City's requirement that each applicant obtain a Certificate of Compliance or a Certificate of Exemption from the DMUSD prior to project approval to the extent provided in such Indemnification Agreement.
- With respect to the San Dieguito Union School District (SDUSD), Statutory School Fees are not adequate to fully mitigate for school facility impacts. Adequate mitigation can and should be achieved by SDUSD by forming a new Community Facilities District for landowners within the specific plan or annexing those landowners into an existing Community Facilities District in accordance with procedures set forth in state law. Implementation of this mitigation measure shall be solely within the responsibility and jurisdiction of the SDUSD.

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Fire Protection

The following mitigation measure shall be incorporated as a condition of the Vesting Tentative Map:

- Prior to the issuance of building permits, all building permit applications shall be reviewed by the City Fire Department to determine whether a first response can be provided within six minutes by engines. Mitigation measures in the form of individual sprinkler systems or other construction or site design safeguards shall be required if a six-minute response time cannot be provided.

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Water Service/Supply

The following mitigation measures shall be incorporated as a condition of the Vesting Tentative Map:

- Prior to the approval of final map(s), the following conditions shall be satisfied.

1. The North City Area 610/712 system zones analysis shall be completed and approved by the Water Utilities Department..
2. A master water system analysis for Del Mar Mesa shall be completed and approved by the Water Utilities Department. The analysis shall demonstrate that adequate water facilities will be available to support the proposed Del Mar Mesa development.

The Water Utilities Department shall notify the Development Services Department in writing when the North City Area 610/712 system zones analysis and the master water systems analysis have been completed and approved.

- Prior to the issuance of occupancy permits all applicable water facilities shall be designed and constructed to the satisfaction of the Water Utilities Department.

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Sewer Service

The following mitigation measures shall be incorporated as a condition of the Vesting Tentative Map:

- Prior to approval of final map(s), the subdivider shall provide a sewer study acceptable to the Water Utilities Department showing the proposed sewer system for Del Mar Mesa.

The Water Utilities Department shall notify the Development Services Department in writing when the sewer study has been completed and approved.

- Prior to approval of final map(s), project-level sewer analysis shall be required to the satisfaction of the Water Utilities Department.
- Prior to the issuance of occupancy permits all public sewer facilities shall be designed and constructed to the Water Utilities Department's most current standards.

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I. WATER CONSERVATION

The following mitigation measure shall be incorporated as a condition of the Planned Residential Development Permit:

- Upon completion of the North City Water Reclamation Plant and distribution system, the developer shall use reclaimed water to irrigate the golf course and landscaping.

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J. SAFETY

Vectors

The following mitigation measures shall be incorporated as conditions in the Vesting Tentative Map:

- Prior to the issuance of building permits, a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management would vary with proximity to residences, human activity, risk and environmental factors. The subdivider shall provide the Development Services Department with a copy of the approved plan.
- ~~Sedimentation~~ Desilting basins shall be designed to be self-draining within 72 hours, consistent with the California State Stormwater BMPs. Access and funding for maintenance shall be provided, with a clear statement of the responsible party.

The following mitigation measure shall be incorporated as a condition in the Planned Residential Development Permit:

- ~~Sedimentation~~ Desilting basins shall be cleaned out at a frequency set to prevent mosquito breeding, and contaminated sediments and vegetation shall be removed.

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Hazardous Materials

The following mitigation measure shall be incorporated as a condition in the Vesting Tentative Map:

- An updated environmental assessment shall be conducted for the area addressed by the 1988 report prior to the approval of the final map(s). The assessment shall be prepared by a qualified professional to determine if hazardous soils are currently present on the site. If hazardous soils are found, a remediation plan shall be prepared and approved by the County Department of Environmental Health for the project. The recommendations of the remediation plan shall be implemented as a condition of project approval.

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- Prior to the issuance of building permits, a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management would vary with proximity to residences, human activity, risk and environmental factors. The subdivider shall provide the Development Services Department with a copy of the approved plan.
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