

RESOLUTION NUMBER R- **290605**

ADOPTED ON **AUG 04 1998**

WHEREAS, on July 13, 1998, Western Pacific Housing and Torrey Pines Investment Group submitted an application to Development Services for amendments to the City of San Diego Progress Guide and General Plan [GPA], Carmel Valley Community Plan, Carmel Valley Planned District Ordinance Amendment [Rezone], Specific Plan/Precise Plan, Vesting Tentative Map [VTM], Carmel Valley Planned District Permit [PDDP], and Resource Protection Ordinance Permit [RPO], for the Loma Sorrento and Torrey Pines Estates parcels of Neighborhood 8A; and

WHEREAS, a Vesting Tentative Map, Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit is proposed for development of the Loma Sorrento parcel of Neighborhood 8A (LDR No. 98-0693); and

WHEREAS, the issue was heard by the Council on **AUG 04 1998**; and

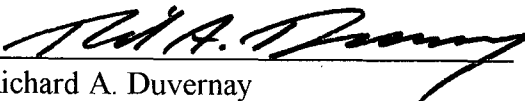
WHEREAS, the Council of The City of San Diego considered the issues discussed in Addendum to an Environmental Impact Report [EIR] LDR No. 98-0693 (Addendum to EIR No. 96-7996, SCH No. 97111053); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Addendum to an Environmental Impact Report LDR No. 98-0693 (Addendum to EIR No. 96-7996, SCH No. 97111053), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), 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 Neighborhood 8A Specific Plan and related plan amendments and development permits.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council 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 GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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07/27/98
Or.Dept:Dev.Svcs.
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MITIGATION MONITORING AND REPORTING PROGRAM

LOMA SORRENTO and TORREY PINES ESTATES

AMENDMENTS to the CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN (GPA), CARMEL VALLEY COMMUNITY PLAN, CARMEL VALLEY PLANNED DISTRICT ORDINANCE AMENDMENT (REZONE), SPECIFIC PLAN/PRECISE PLAN, VESTING TENTATIVE MAP (VTM), CARMEL VALLEY PLANNED DISTRICT PERMIT (PDDP), and RESOURCE PROTECTION ORDINANCE PERMIT (RPO). A Vesting Tentative Map, Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit is proposed for development of the following parcel: Loma Sorrento (LDR No. 98-0693).

LDR No. 98-0693

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. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Environmental Impact Report (LDR No. 98-0693) shall be made conditions of VTM, CVPDDP, and RPO PERMIT as may be further described below.

TRAFFIC CIRCULATION:

1. Prior to the issuance of building permits for any parcel of *Neighborhood 8A*, the applicant(s) shall provide adequate left turn capacity at the intersection of Carmel Mountain Road and "C" Street.
2. Prior to the issuance of building permits, the applicant(s) shall contribute fair share to the cost of signalizing the intersection of Sorrento Valle Road and Carmel Mountain Road.
3. Prior to the issuance of building permits, the applicant(s) shall be responsible for the construction of Carmel Creek Road/Street "A" through N8A. Portions of this roadway may be included in the Carmel Valley South FBA. If this inclusions occurs, each project applicant shall pay its fair share for the construction of Carmel Creek Road/Street "A" through required FBA contributions.

4. With implementation of the following mitigation measures, up to 766 building permits may be issued in Neighborhood 8A.
5. Prior to the issuance of building permits, the applicant(s) shall re-stripe the westbound left turn lane at the Sorrento Valley Road/Carmel Mountain Road intersection.
6. Prior to the issuance of building permits, the applicant(s) shall be responsible for the provision of a westbound right turn lane and an additional southbound right turn lane at the El Camino Real/Carmel Mountain Road/Carmel Creek Road South intersection.
7. Prior to the issuance of building permits and if more than 550 dwelling units are approved in *Neighborhood 8A*, the applicant(s) shall contribute fair share towards the construction of a westbound right turn lane, a southbound left turn lane, a northbound left turn lane and a northbound right turn lane at the El Camino Real/Carmel Mountain Road/Carmel Creek Road South intersection.
8. Within one year of issuance of the 767th building permit in *Neighborhood 8A*, construction of the I-5/Carmel Mountain Road interchange must begin.
9. Prior to the issuance of building permits, the applicant(s) shall construct an exclusive eastbound right turn lane and a third northbound through lane at the SR-56/El Camino Real intersection. Also within the median area south of the eastbound ramp, the applicant(s) shall provide a northbound left turn storage area.
10. Prior to the issuance of building permits and if Sorrento Valley Road is closed to vehicular traffic, the applicant(s) shall construct a triple left turn lane at the intersection of El Camino Real/Carmel Mountain Road/Carmel Creek Road South.

A. LANDFORM ALTERATION/VISUAL QUALITY;

1. Prior to the issuance of grading permits, the City of San Diego's Land Development Review shall review final maps and grading plans to verify implementation of proposed contour grading of manufactured slopes where feasible. Field inspectors with the City of San Diego's Development Services shall inspect the grading to ensure conformance with approved grading plans.
2. Manufactured slopes over ten feet in height with high visibility from major public roads or neighborhood and community public facilities shall be contoured or

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undulated to produce a more naturalized appearance. Landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create a undulated slope appearance. Monitoring shall be required to assure the long-term establishment of the landscaping. The maintenance program would be effective for a three-year period following the installation of the plantings or until such time as all plantings are established. The long-term monitoring shall establish an inspection schedule, establish replanting specification, and require written notification once a year to the Development Services Development Coordinator from the applicant-hired consultant to verify the status of the revegetation.

B. NOISE:

1. Prior to issuance of building permits, a parcel-specific noise analysis shall be prepared by a qualified acoustician for residences within 100 feet of the centerline of El Camino Real to verify that the combination of final site grading, building placement and architectural attenuation features achieves a sufficient obstruction to traffic noise to meet City of San Diego exterior noise standards of 65 dB CNEL and state-mandated interior standard of 45 dB CNEL. The consulting acoustical analyst shall provide verification in writing to the Environmental Review Manager that these requirements are met. Building permits shall not be issued until the noise report is approved by the City's Acoustical Plan Check Section.
2. Prior to issuance of occupancy permits for residential dwelling units located along Carmel Creek Road, Street "A", and El Camino Real, any masonry walls (or equivalent) determined necessary by the parcel-specific noise analysis shall be constructed. All noise attenuation walls shall be shown on building plans and identified as "noise mitigation walls". The City's Development Services field inspector shall ensure noise walls are built on the project site according to approved plans.

C. BIOLOGICAL RESOURCES:

1. Under the proposed Loma Sorrento VTM/PDDP application, 38.91 acres would be disturbed, including 1.26 acres along the site's western boundary for the construction of a multi-use trail and the addition of landscaping and fencing. The total disturbance area would include 13.01 acres of Tier I habitat, 9.66 acres of Tier II habitat, 5.18 acres of Tier III habitat, and 11.06 acres of Tier IV habitat. Prior to the issuance of a grading permit the Environmental Review Manager of Development Services shall review the Tentative Map to ensure that mitigation includes on-site preservation of 5.9 acres of Tier I habitat, 4.75 acres of Tier II habitat, and 0.51 acres of Tier III habitat, and off-site acquisition of habitat in the

following quantities: Tier I - 13.01 acres inside the MHPA or 26.02 acres outside the MHPA; Tier II - 9.66 acres inside the MHPA or 14.49 acres outside the MHPA; and Tier III - 2.59 acres inside the MHPA or 5.18 acres outside the MHPA.

2. Prior to the issuance of grading permits, grading plans for the Loma Sorrento parcel shall be reviewed by the Environmental Review Manager to verify that impacts to the south coast saltbush, *Atriplex pacifica*, will be avoided where possible. Where avoidance is not possible, seeds shall be collected at seed set and planted in a protected areas (such as the MHPA) where similar hydrology, soils (including proper pH and salinity), vegetation, slope and aspect are present. Plants should be located in areas that do not contain the species already, unless these areas are evaluated for carrying capacity, but should be located where appropriate habitat is available.
3. Prior to issuance of the grading permit, a detailed restoration plan for impacts to the south coast saltbush for the Loma Sorrento parcel shall be submitted and approved, to the satisfaction of the City Manager and the California Department of Fish and Game.
4. Under the proposed 23.9-acre development footprint for the Torrey Pines Estates parcel, 23.9 acres would be disturbed. The total disturbance area would include 8.46 acres of Tier I habitat, 13.72 acres of Tier II habitat, and 1.72 acres of Tier IV habitat. Mitigation would include on-site preservation of 20.05 acres of Tier I habitat and 9.49 acres of Tier II habitat, and off-site acquisition of 11 of the 14 small property owner parcels in Neighborhood 8A for dedication to the City as open space.
5. Prior to the issuance of a grading permit for the Loma Sorrento parcel, the applicant shall provide written verification to the Environmental Review Manager that 2.8 acres of habitat, located within or directly adjacent to the MHPA and providing functional equivalency has been acquired. The acquired land shall provide long-term conservation of biological resources and shall be subject to the following criteria:
 - A) Acquisition shall be located within the MHPA or directly adjacent to the MHPA;
 - B) Acquisition sites shall be a minimum of 4.66 acres in size;
 - C) Acquisition sites shall be potentially developable property either by,
 1. Being part of the 25% development area for property within the MHPA,
 - or 2. Be a property located outside the MHPA, unencumbered by an

easement or other open space restriction. Development rights obtained as part of the acquisition, will no longer be available for future development entitlements;

D) Acquisition sites shall replace habitat acreage eliminated from the MHPA in-Tier or, if in-Tier replacement is not provided, acquisition sites shall contribute positively to preserve functions and values by (a) providing for increased functionality with respect to wildlife movement, habitat linkages, connectivity; (b) providing for increased functionality by eliminating a potential development area in the preserve, thereby minimizing edge effects, fragmentation and management requirements; and (c) providing for conservation of species of concern not on the MSCP covered species list.

6. Prior to the issuance of a grading permit a conservation easement shall be placed over the open space portion of the site.
7. Prior to the issuance of building permits, a permanent, four foot high or greater fence shall be installed along the open space/MHPA boundary as indicated on "Exhibit A". The specific design of the fence will be subject to review and approval by the Environmental Review Manager. Upon review of the fence type, the Environmental Review Manager may require that wire mesh be attached to the fence as part of it's installation.
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this permit hereby confers upon permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No RR-00-18394. Third Party Beneficiary status is conferred upon permittee by the City: (1) to grant permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this permit shall be altered in the future by the City of San Diego, USFWS or SDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon permittee maintaining the biological values of any and all lands committed for mitigation

pursuant to this permit and of full satisfaction by permittee of mitigation pursuant to this permit and of full satisfaction by permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

D. HYDROLOGY/WATER QUALITY:

1. When the Notice of Termination for construction of this project is filed, implementation of stormwater discharge best management practices (BMPs), including maintenance and monitoring, would be required by the City of San Diego. In compliance with Permit No. CA0108758, the City of San Diego has prepared a BMP Program for Stormwater Pollution Control. BMPs appropriate to the characteristics of a project may be employed to reduce pollutants available for transport or to reduce the amount of pollutants in runoff prior to discharge to a surface water body. The developers of the proposed *Neighborhood 8A* project would implement storm water discharge BMPs as required by the City.

E. GEOLOGY/SOILS:

1. Prior to the issuance of grading permits, the Environmental Analysis Section (EAS) shall review the grading plans to ensure the measures have been provided. The applicant shall notify the EAS upon installation of the erosion control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided to the EAS. The maintenance of erosion control devices shall be the responsibility of the applicant and the future property owners for the individual lots. The City shall be responsible for maintenance of drainage improvements in the public right-of-way and in public easements. Erosion control measures shall be provided to the satisfaction of the City Engineer in conjunction with site development. These measures will include such devices as hay bales and sandbags to control and direct runoff during construction, temporary detention basins to detain runoff and restrict sediment from leaving the site, directing runoff to the storm drain system proposed as part of the project and permanent desiltation basins constructed for the community, and the placement of rip rap at outlets draining into natural areas to dissipate energy and help trap sediment. The locations shall be noted on the grading plans.
2. Landscaping of cut/fill slopes and the undeveloped building pads shall be accomplished within 90 days of completion of grading.
3. Prior to the issuance of grading permits, the EAS shall review plans to ensure the measures have been provided. In conformance with the provisions of AB 3180, the applicant shall retain an engineer of work to monitor the grading, construction, and installation of runoff control devices and revegetation of the

project site. Prior to the issuance of building permits for the project, the engineer of work shall submit in writing to the City Engineer and EAS certification that the project has complied with the required notes on the grading plan addressing erosion/urban runoff controls.

4. Grading of areas within the Coastal Zone shall be conducted outside of the traditional California rainy season (October 1 through March 15), unless special erosion control measures are implemented to the satisfaction of the City Engineer.
5. Energy dissipation devices shall be installed at the terminus of canyon subdrains to minimize erosion impacts to native vegetation.
6. Prior to issuance of a grading permit, a full-scale geotechnical investigation with subsurface exploration and laboratory testing will be required as development plans proceed. The full-scale geotechnical investigation should address such items as the numerical factor-of-safety of existing and proposed slopes, proposed slope stabilization recommendations, removal and recompaction of existing fills, foundation recommendations, and a slope maintenance program.
7. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to ensure that grading will be performed in accordance with the geotechnical investigation.
8. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to verify their compliance with the recommendations contained in the geotechnical investigation.
9. Prior to the issuance of building permits, the City Engineer shall review and approve all construction documents to ensure adherence to the applicable foundation recommendations contained in the geotechnical investigation.

F. PALEONTOLOGY:

1. Prior to issuance of a grading permit, the applicant shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Environmental Analysis Section (EAS). All persons involved in the paleontological monitoring of the project shall be approved by EAS.
2. The qualified paleontologist or paleontological monitor shall attend any preconstruction meeting to discuss grading plans with the grading and

excavation contractor. The requirement for paleontological monitoring shall be noted on the construction drawings.

3. The paleontologist or paleontological monitor shall be on site full-time *during the initial cutting of previously undisturbed areas* to inspect for well-preserved fossils. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with EAS, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.
4. In the event that well-preserved fossils are found, the paleontologist shall direct the project engineer to divert, direct, or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of exposed fossils. The paleontologist shall immediately notify EAS staff of such finding at the time of discovery. EAS shall respond to the finding within 48 hours and shall approve salvaging procedures to be performed before construction activities are allowed to resume.
5. 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).

G. PUBLIC FACILITIES:

1. Prior to issuance of any building permit the applicant shall provide written verification to the Environmental Review Manager confirming participation in a Special Assessment District formed by the applicants and the affected school districts to ensure the payment of appropriate school impact fees.

The above Mitigation Monitoring and Reporting Program will require an additional deposit of \$3,200.00 to be collected prior to the issuance of certificates of occupancy to ensure the successful completion of the monitoring program.