

(R-99-553)

RESOLUTION NUMBER R- 291148

ADOPTED ON JAN 11 1999

WHEREAS, on February 25, 1998, Laguna Bernardo Company submitted an application to the Development Services Department for a Vesting Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit, Community Plan Amendment, and Rezone for the Saddle Club Estates development; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on December 8, 1998; and

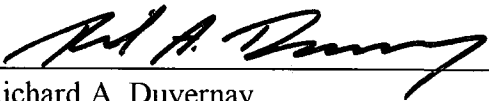
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 98-0197; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 98-0197, 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 declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the 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 Saddle Club Estates development.

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

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

By 
Richard A. Duvernay
Deputy City Attorney

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11/20/98
Or.Dept:Dev.Svcs.
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SADDLE CLUB ESTATES, VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, COMMUNITY PLAN AMENDMENT and REZONE

LDR NO. 98-0197

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 Mitigated Negative Declaration (LDR No. 98-0197) shall be made conditions of the VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, and RESOURCE PROTECTION ORDINANCE PERMIT as may be further described below.

1. Prior to recordation of the first final map and/or issuance of grading permits, impacts to approximately 0.6 acres of Coastal sage scrub shall be mitigated to the satisfaction of the City Manager at or above the mitigation ratio of 1.5:1. A total of 0.9 acres of "in kind" Coastal sage scrub mitigation land is required by the City's Biology Guidelines, although mitigation will consist of the dedication in fee title of 15.1 acres of natural open space adjacent to the City's Multiple Habitat Planning Area (MHPA). The habitat within the 15.1 acre parcel includes 11.4 acres of Coastal sage scrub, 3.0 acres of Coast live oak woodland, and 0.1 acres of Southern willow scrub.
2. Prior to the issuance of building permits, a site plan shall be submitted and approved by the City Manager which demonstrates that:
 - A. Barriers (e.g., fences or walls) are located along the portions of Lots 11-18 fronting MHPA and open space areas to reduce domestic animal predation and intrusion. Other barriers (e.g., non-invasive vegetation, rocks/boulders, fences and/or signage) shall be used, where necessary, to direct public access away from MHPA and open space areas.
 - B. Lighting from Lots 11-18 shall be directed away, and shielded as necessary, from the MHPA in order to minimize effects on wildlife.
 - C. Best Management Practices (BMPs) should be used to ensure that un-treated surface runoff from the project does not drain directly into the MHPA. These requirements shall be noted on the site plan.

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3. Prior to the issuance of building permits, a landscape plan shall be submitted and approved by the City Manager which demonstrates that no invasive plants will be planted on Lots 11-18. This requirement shall be noted on the landscape plan.
4. Prior to the recordation of the first final map and/or issuance of grading permits, the owner/permittee shall submit a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for the application of a National Pollutant Discharge Elimination System (NPDES) permit. A Notice of Receipt from the SWRCB, and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted and deemed satisfactory to the City Engineer.
5. The SWPPP shall be incorporated into the grading and drainage design plans, and shall provide for implementation of construction and post-construction Best Management Practices (BMPs) on-site to reduce the amount of pollutants and sediments in construction and post-construction surface runoff before it is discharged into the natural drainage. The grading plans shall note the condition requiring a SWPPP and Monitoring Program Plan. No grading shall be performed during the rainy season (November 15 through February 15) without special erosion control measures approved by the City Engineer.
6. Prior to the release of the subdivision bond, a site inspection of the drainage system by the City Engineer shall occur as part of the MMRP. Existing runoff catchment basins or temporary erosion control devices shall not cease operations until the SWPPP and drainage system are approved by the City Engineer.
7. The drainage system shall be cleaned and maintained every four months, or as necessary, to ensure the system functions properly. An annual letter report prepared by the owner/permittee identifying the quarterly clean-out dates, system conditions and required maintenance shall be provided to the City Engineer. Spot checks of the drainage system may be made by the City Engineer to ensure proper clean-out and maintenance.
8. Prior to issuance of the first grading permit, a letter of map revision (LOMR) shall be completed and submitted to the City Engineer. The LOMR shall be submitted to the Federal Emergency Management Agency (FEMA) to revise the FEMA flood insurance rate maps to remove the development area from the 100-year floodplain. Evidence of submittal and approval by FEMA of the LOMR shall be provided to the City Manager prior to approval of final maps for the project.
9. Prior to issuance of building permits, a 6-foot-high sound attenuation barrier located at the rear property lines of Lots 1, 2, 3, 4 and 40 fronting Pomerado Road shall be shown on the building plans to the satisfaction of the City Manager to achieve a 65 dB(A) exterior noise level for the exterior usable areas for Lots 1, 2, 3, 4 and 40. The proposed sound attenuation barrier shall be solid and continuous with no gaps or openings with the exception of a gated opening for a pedestrian walkway and an emergency vehicle entrance between Lots 3 and 4. The wall shall extend on Lot 3 from the terminus along Pomerado Road to the cul-de-sac in order to control noise from the opening.
10. Prior to final inspection, the City Manager shall verify that the sound attenuation barrier has

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been installed in accordance with the approved building plans.

11. Prior to the issuance of building permits, a final acoustical report and specific interior noise attenuation measures shall be submitted to and approved by the City Manager to achieve a 45 dB(A) interior noise level for the residences on Lots 1, 2, 3, 4 and 40. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound rated as high as STC 45, which generally requires a double, double-paned slider. Baffling or elimination of attic vents, and resilient channels in exterior walls may also be required. Sound attenuation greater than 30 dB(A) requires special construction techniques.
12. Prior to the issuance of grading permits or recordation of final map, the owner/permittee shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement an archaeological monitoring program. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review (LDR) Division. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL CONSTRUCTION MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.**
13. The qualified archaeologist shall attend preconstruction meetings to make comments and/or suggestions concerning the archaeological construction monitoring program and discuss plans with the engineer. The requirement for archaeological monitoring shall be noted on the grading plan.
14. The qualified archaeologist or archaeological monitor shall be present on site full-time during cutting.
15. 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 evaluation of potentially significant cultural resources. **THE ARCHAEOLOGIST SHALL CONTACT LDR AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR. LDR must concur with the evaluation before grading 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 before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
16. All cultural materials collected 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 material shall be identified as to species and specialty studies shall be completed, as appropriate.
17. A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR

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prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to issuance of a certificate of occupancy. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.

18. Prior to final inspection, the owner/permittee shall modify the traffic signal at the intersection of Pomerado Road and Mirasol Drive/Street "A". This condition shall be noted on the site plan.
19. Prior to the issuance of building permits, the owner/permittee shall provide proof that it has executed a mitigation agreement with the Poway Unified School District (PUSD) to annex the proposed project into PUSD Communities Facilities District #1 to the satisfaction of the City Manager.
20. The above mitigation monitoring and reporting program will require an additional deposit of \$3,200 to be collected prior to the recordation of the first final map to ensure the successful completion of the monitoring program.