

RESOLUTION NUMBER R-292173

ADOPTED ON SEPTEMBER 14, 1999

WHEREAS, on November 25, 1997, Del Mar Land Management, Inc., submitted an application to The City of San Diego for a Carmel Valley Community Plan amendment, Carmel Valley Neighborhoods 4, 5 and 6 Precise Plan amendment, Progress Guide and General Plan amendment, Carmel Valley Planned District Development Permit/Resource Protection Ordinance Permit, Vesting Tentative Map, and rezone for the Seabreeze Farms project; 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 September 14, 1999; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR No. 96-7919; NOW, THEREFORE,

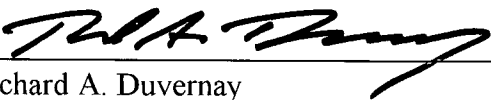
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 96-7919, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 land use actions for the Seabreeze Farms project.

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.

BE IT FURTHER RESOLVED, that the dollar amount in the Mitigation, Monitoring and Reporting Program, Biological Resources, paragraph 5, is amended from \$126,280 to \$78,925.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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Or.Dept:Plan.&Dev.Rvw.
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Exhibit A

MITIGATION, MONITORING AND REPORTING PROGRAM

Seabreeze Farms
LDR NO. 96-7919

This Mitigation, Monitoring and Reporting Program is designed to ensure compliance with Public resources Code Section 2181.6 during implementation of mitigation measures. This program specifies what is to be mitigated, how the mitigation shall be accomplished, the monitoring and reporting schedule, and the completion requirements. All mitigation measures contained in the Mitigated Negative Declaration (LDR NO. 96-7919) shall be incorporated into the plans and specifications for this project. The City of San Diego Planning and Development Review Department and the project Applicant are responsible for ensuring that this program is carried out.

Transportation/Traffic Circulation

1. Prior to issuance of any building permits, the applicant shall assure, by permit and bond, the construction of a traffic signal at the intersection of Del Mar Heights Road and Seagrove Drive, satisfactory to the City Engineer.
2. Prior to issuance of any building permits, the applicant shall provide a fair share contribution for the future construction of Del Mar Heights Road from Carmel Valley Road/Camino Santa Fe to the Carmel Valley Community boundary, satisfactory to the City Engineer (the estimated fair share amount is approximately one percent).

Land Use

3. Prior to issuance of any building permits, the applicant shall place a note on all building plans indicating that lighting within the developed areas of the site, including the equestrian center, located adjacent to conserved habitat/open space shall be selectively placed, shielded, and directed away from the open space area. Light from homes abutting conserved habitat/open space shall be screened with vegetation, and large spotlight-type lighting that may affect conserved habitat shall be prohibited.

Biological Resources

4. Prior to recordation of the first final map and/or issuance of the first grading permit, impacts to sensitive biological resources shall be mitigated by the off-site acquisition of 2.87 acres of habitat and recordation of a conservation easement and/or dedication of fee title to the City of San Diego or other acceptable entity of 2.87 acres consistent with this MND No. 96-7919. The mitigation parcel must be located within the City's Multi-Habitat Preservation Area (MHPA) and must have equal or greater habitat value than what is impacted. The parcel should support southern maritime chaparral, scrub oak chaparral, coastal sage scrub, southern mixed chaparral and/or other native habitats acceptable to the City of San Diego.
5. In lieu of off-site acquisition and placement of a conservation easement and/or land dedication and prior to recordation of the first final map and/or issuance of the first grading permit, impacts to sensitive biological resources

shall be mitigated by a contribution of \$78,925.00 for off-site mitigation to the City's Habitat Acquisition Fund (No. 10571).

Hydrology/Water Quality

6. Prior to recordation of the first final map and/or issuance of the first grading permit, the applicant shall prepare a drainage study in accordance with the City of San Diego Drainage Design Manual, subject to approval by the City Engineer. The Drainage Design Manual includes the following types of requirements:
 - a. Drainage system design shall be coordinated with the City Engineer to ensure compatibility with existing and planned drainage facilities;
 - b. Surface drainage shall be designed to collect and move runoff into adequately sized stream channels and/or drainage structures;
 - c. All project drainage facilities shall be designed to accommodate runoff associated with a 50-year storm event, acceptable to the City Engineer;
 - d. A maintenance plan shall be established for all drainage facilities, acceptable to the City Engineer. Such plans typically require the inspection, clearing and repair of all facilities after each runoff producing rainfall;
 - e. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as to slow down runoff over slopes or over disturbed areas;
 - f. Developed areas shall be surfaced with pervious materials wherever feasible to increase infiltration and decrease surface runoff;
 - g. Downstream drainage courses and facilities shall be protected from the potential effects of increased runoff volumes or velocities (if applicable) through the use of flow equalization and/or energy dissipating structures. Such facilities may include detention ponds, drop structures, or other measures, acceptable to the City Engineer;
 - h. Recommendations on the design and location of all surface and subsurface drainage facilities provided during geotechnical and engineering observations of grading and construction activities shall be incorporated into the final project design, acceptable to the City Engineer;
 - i. All appropriate compacted areas shall be scarified to induce infiltration and revegetation;
 - j. Direct surface drainage to natural slopes and manufactured slopes shall be minimized by (a) grading away from slopes, (b) providing

drainage swales at tops or toes of manufactured slopes, where appropriate, and (c) providing an underground drainage system;

- k. All manufactured slopes shall be landscaped and irrigated to ensure slope stability, reduce erosion, and enhance visual appearance within 30 days of their creation. Temporary slope erosion control measures, such as hydroseeding, and slope stability measures shall be undertaken; and
 - l. Native vegetation shall be preserved wherever feasible, and all disturbed areas shall be reclaimed as soon as possible after completion of grading. Native topsoils shall be stockpiled and reapplied as part of site reclamation whenever feasible.
- 7. Design necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff, subject to approval by the City Engineer.
 - 8. Design appropriate onsite detention basin facilities to ensure that runoff volumes do not exceed the existing runoff volumes, subject to approval by the City Engineer.
 - 9. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall comply with all requirements of State Water Resource Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan (MPP) shall be developed during discretionary permit review with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. The SWPPP and Monitoring Program Plan shall include:
 - a. Identification of location of Best Management Practices (BMP) in accordance with the City's Drainage Design Manual;
 - b. Timing of installation of BMPs;
 - c. Maintenance schedule of BMPs; and
 - d. Identification of onsite personnel administering the SWPPP and MPP.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received. Further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by a grading permit and by SWRCB Order No. 92-08-DWQ and any subsequent amendments thereto, shall comply with Section C (*Special Provisions for Construction Activity*) of SWRCB Order No. 92-08-DWQ (p.3).

10. Prior to recordation of the first final map and/or issuance of the first grading permit, the applicant shall incorporate the current Best Management Practices and Best Available Technologies (BMPs and BATs) available at the time for pollution control and erosion/siltation control. This plan would address both short-term and long-term erosion control.

Landform Alterations/Visual Quality

11. Prior to recordation of the first final map and/or issuance of the first grading permit, the use of contour grading, variable slope ratios and slope revegetation shall be incorporated into the project grading plan and delineated on the final "Exhibit A" to create more natural appearing manufactured slopes. Lengthy, continuous "engineered" slopes that have hard edges (especially slopes adjacent to Lots 68 to 76 and southwest of the equestrian village adjacent to Lots 56 and 57) and no transition/rolled areas at the top or toe of the slope shall be avoided. This is especially important along slopes where natural landform contour grading shall be used to create a more natural appearing transition to the undisturbed slopes.

Air Quality

12. Prior to the recordation of the first final map and/or issuance of grading permits, the applicant shall submit to the City's Planning and Development Review Department a dust control plan that includes the following measures: active grading sites shall be watered twice daily to reduce dust; all trucks hauling loose materials shall be covered and maintain at least two feet of free board; soil stabilizers shall be utilized wherever necessary; and material stockpiles shall be covered and/or watered. Dust control measures shall achieve a minimum of 80 percent dust suppression and shall be identified on plans submitted for the building permits.
13. Prior to the recordation of the first building permit for the equestrian facility, the applicant shall submit to the City's Planning and Development Review Department a dust control plan for the equestrian facility. The plan shall identify high areas of dust generation and control measures which shall include at a minimum a schedule for watering of dirt areas during dry months and control measures for all arenas, dirt roads and pathways. The dust control plan shall be made a condition of future discretionary permits for use of the equestrian facility.
14. Prior to issuance of the first building permit for the equestrian facility, the applicant shall submit a detailed manure management and facility maintenance plan to the City's Planning and Development Review

Department for approval. The plan shall identify facilities to be used for manure placement, which shall be enclosed. Daily manure management practices shall also be identified and shall include the following measures: a minimum maintenance schedule of daily stall cleaning; proper design for barn areas to minimize standing damp areas; and contracting with a waste hauler to dispose of manure when enclosed facilities are full. Manure placement areas shall be identified on construction plans submitted for the building permit. The manure management and facility maintenance plan shall also be made a condition of future discretionary permits for the use of the equestrian facility.

Geology/Soils

15. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall submit a detailed soils and geologic investigation report to the satisfaction of the City Engineer. The City Engineer shall verify that all measures identified in the approved report which are necessary to mitigate potential impacts that may occur from expansive soils have been incorporated into the grading plans. These measures shall include the following:
 - a. Surficial soils subjected to excessive consolidation or compression under increased loads, such as from fill or structures, shall be removed and recompacted during grading operations.
 - b. The "medium" expansive soils shall not be placed within 3 feet of the finished grade or near the face of fill slopes in areas of proposed buildings and roadways. Where "medium" expansive soils are present within 3 feet of the finished grade on cut lots, these soils shall be mitigated by appropriate foundation design and/or remedial grading.
 - c. The effects of deep fill settlement shall be mitigated by structural design or selective placement of structural improvements on the building pad so that they do not span a large differential fill thickness, or occur near the top of a fill slope.

Paleontology


16. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified paleontologist and/or paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, have been retained to implement the monitoring program. The requirements for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

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- a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
- b. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by Environmental Review Manager of LDR.

Noise

17. Prior to issuance of the first building permit, the applicant shall incorporate sound attenuation measures as described in the acoustical report, dated January 26, 1999, to the satisfaction of the City Manager. Specifically, with the proposed construction of SR-56, plans shall indicate a five- to six-foot-high noise attenuation barrier along the backyard lot lines of Unit 2 Lots 13, 14, 16, 17, 27, 28, 30 and 31 and a seven-foot-high noise attenuation barrier along the eastern edge of Unit 2 Lot 56 (the multi-family units) to achieve a CNEL of 65 dB(A) exterior noise level. The proposed sound attenuation barrier shall be up to three feet of see through material (LEXAN or comparable material) over three feet of solid material that is continuous with no gaps or openings. Noise attenuation barriers over six feet in height shall include a berm so that the noise wall portion does not exceed six feet in height. These requirements shall be noted on the construction plans.
18. Prior to issuance of the first building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are

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necessary to achieve a 45 dB(A) CNEL interior noise level, have been incorporated into the design of the residential units. These requirements shall be noted on the construction plans.

Public Facilities and Services

19. Prior to the issuance of building permits, the applicant shall provide the City with a certification from the Del Mar Union ESD and San Dieguito Union HSD that any fee imposed by the Districts pursuant to Government Code Sections 53080 and 65995.3 has been paid. If necessary, to fully mitigate impacts on Del Mar Union ESD and San Dieguito Union HSD, and subject to applicable laws, specific financing plans and/or special districts may be established to provide adequate funding for school facilities. Special community facility districts may include but are not limited to the Mello-Roos Community Facilities Act of 1982.
20. Prior to approval of the proposed Plan amendments, a Public Facilities Financing Plan and Facilities Benefit Assessment shall be completed which establishes fair share contributions for property within the Carmel Valley Community Planning Area for regional facilities including community parks, libraries, fire stations and law enforcement facilities. The project plan shall require payment of approved fees.
21. Prior to the issuance of building permits, a general water conservation landscaping plan to reduce water consumption shall be prepared. Measures shall be provided on the landscape plans and be subject to approval by the Planning and Development Review Department Landscape Review Section.
22. The following mitigation measures would assure that the water and sewer infrastructure system in the project area is adequate to meet the expected demand and shall be incorporated into the Plan:
 - a. Prior to recordation of the first final map, the City's Planning and Development Review Department shall review the water and sewer distribution plans to determine their consistency with water and sewer distribution plans approved for the NCFUA by the City.
 - b. Prior to recordation of the first final map, Waste Management Plans shall be submitted to the Director of Planning and Development Review Department for approval. The plan shall address type and quantity of waste materials expected to enter the waste stream; source separation techniques and onsite storage of separated materials; method of transport and destination of waste materials; and whenever fiscally feasible, implementation of buy-recycled programs. The provisions of the Plan shall be incorporated into the mitigation monitoring plan for that project.
 - c. Development within the project shall comply with the construction timing and funding requirements to be established in the approved Facilities

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Benefits Assessment for the Carmel Mountain Road Water Pipeline and the Carmel Valley Road Trunk Sewer. The development shall also pay its fair share of other onsite and offsite water facility improvements necessary to serve the proposed development, as identified in the City's Water Master Plan (currently in preparation), the Facilities Benefits Assessment, or during City review of proposed tentative maps. These improvements would include roads, parks, police and fire, libraries, drainage and utilities.

Public Health and Safety

23. Prior to the recordation of the first final map and/or issuance of the first grading permit, the City's Planning and Development Review Department shall ensure that vector and rodent control measures are incorporated into project planning in accordance with the San Diego County Department of Health. These measures shall include ensuring that the design of detention basins include the following measures: steep slopes and minimum 4 feet in depth; adequate drainage; access for chemical control; and vegetation management.
24. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall prepare a Public Safety Plan for review by the City's Planning and Development Review Department, Caltrans, San Diego County Sheriff's Department, and San Diego Trails Council. The Public Safety Plan shall be coordinated with input from the City of San Diego, Caltrans, San Diego County Sheriff's Department, San Diego Trails Council, the residents of the proposed project, and equestrian trail users to incorporate measures to avoid conflicts between equestrian and motor vehicles and ensure public safety such as the following:
 - a. Trail design and construction along Carmel Valley Road to direct the equestrian crossing to designated location(s) and prevent uncontrolled crossings;
 - b. Location of the trail crossing away from equestrian facility entrance gates;
 - c. Installation of equestrian crossing signs and road markings visible under regular and low-light conditions;
 - d. Open access leading to the crossing with no bends in the trail;
 - e. Sight distance from 150 yards to the equestrian crossing without obstructing structures, brush or bushes;
 - f. Optional measures when traffic exceeds 5,000 ADTs on Carmel Valley Road such as flashing warning lights and signs, or restricting access until the full buildout transportation system is in place; and

- g. The Public Safety Plan for the equestrian crossing shall be approved by the City Engineer.
- 25. The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$3,200.00 to be collected prior to the issuance of grading permits to cover the City's costs associated with the implementation of the MMRP.