

RESOLUTION NUMBER R-293255

ADOPTED ON JUNE 6, 2000

WHEREAS, on January 1, 1999, Frank E. and Norma Anderson, Gary D. Anderson and Lori S. Anderson-Wolfe, Owners/Permittees submitted an application to Planning and Development Review for a tentative map, planned residential/resource protection ordinance/hillside review permit and street vacation; and

WHEREAS, on March 30, 2000, the Planning Commission of The City of San Diego considered Planned Residential Development [PRD]/Resource Protection Ordinance [RPO]/Hillside Review Permit No. 99-0023, and pursuant to Resolution No. 2945-PC voted to recommend City Council approval of the permit; and

WHEREAS, the issue 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 June 6, 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Master Environmental Impact Report No. 99-0023; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Master Environmental Impact Report No. 99-0023, 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

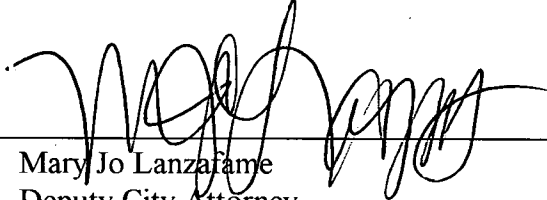
report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Silver Oaks Estates.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council 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 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 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 
Mary Jo Lanza
Deputy City Attorney

MJL:pev
10/10/00
Or.Dept:PDR
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EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
SILVER OAKS ESTATES
TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE
PROTECTION ORDINANCE PERMIT, HILLSIDE REVIEW PERMIT AND STREET
VACATION
LDR NO. 99-0023

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 Findings (LDR No.99-0023) shall be made conditions of Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit, Hillside Review Permit and Street Vacation No. 99-0023 as may be further described below.

As conditions of the tentative map, planned residential development permit, resource protection ordinance permit, hillside review permit and street vacation, the following mitigation measures would be required to reduce potential adverse impacts to hydrology/water quality, biological resources, land use, light/glare/shading, landform alteration, public facilities and services, paleontological resources, and safety from the project.

Hydrology/Water Quality

1. Prior to issuance of the grading permits, the applicant shall file a Notice of Intent with the Regional Water Quality Control Board (RWQCB). A General Permit for Construction Activity from the RWQCB, a Storm Water Pollution Prevention Plan and Monitoring Program Plan shall be submitted, satisfactory to the City Engineer. The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMP's) on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Penasquitos Lagoon and other waters. Such BMP's must fulfill the intent of "City Clerk Document No. 00-17068 - Erosion Control Measures for North City Areas Draining Into Los Penasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons (City of San Diego Municipal Code)," and shall include the following:
 - a. Construction phase erosion control measures shall be employed; including such measures as short-term use of sandbags, matting, mulches, berms, hay bales or similar devices; along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.

- b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
- c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
- d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes.
- e. Energy dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
- f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
- g. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- h. Landscape design shall incorporate the use of drought tolerant vegetation.
- i. Native and naturalized species shall be planted on slopes. If fertilization is deemed necessary, it shall be discontinued on areas adjacent to open space after one year.
- j. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City of San Diego Landscape Technical Manual, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
- k. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
- l. Grading shall be minimized during the rainy season (October 31 to April 1). If grading is conducted during this period, the Contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.
- m. A maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather

emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.

- n. All conditions of the General Permit for Construction Activity shall be adhered to.
2. Prior to issuance of the grading permits, the City Engineer shall assure that drains are designed to control runoff into the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and that drains are directed only to sedimentation basins, swales, mechanical trapping devices or similar devices to minimize the potential for erosion damage and minimize water quality impacts.

Biological Resources

3. Prior to issuance of grading permits, impacts to 2.65 acres of Southern maritime chaparral (SMAC) and 0.41 acres of Native grassland (NG) and 2.19 acres of disturbed Diegan coastal sage scrub (Dcss), 1.28 acres of Southern mixed chaparral (SMC), 0.80 acres of Chamise chaparral (CC), 0.36 acres of Scrub oak chaparral (SOC) and 0.40 acres of Non-native grassland (NNGL) habitats shall be mitigated, to the satisfaction of the City Manager, through a combination of the following: (a) off-site acquisition of 6.29 acres of habitat within the MHPA and, (b) preservation of 1.80 acres of MHPA habitat on-site, thereby preserving a total of 8.09 acres of native habitat, as described below.
- A. The owner/permittee shall record a Conservation Easement in favor of the City of San Diego for the on-site preservation of 1.80 acres, including 1.39 acres of Tier I and 0.41 acres of Tier II-III habitat within the MHPA. The easement shall name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and provide that no clearing, grubbing, grading or disturbance of the native vegetation shall occur within the area.
- B. The owner/permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 6.29 acres, including 1.67 acres of Tier I and 4.62 acres of Tier II-III habitat located off-site, in the City of San Diego's Multiple Habitat Planning Area (MHPA).

Land Use

Because the Siver Oaks Estates development site will be located adjacent to the Multiple Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines will be made conditions of approval of the Resource Protection Ordinance Permit for this project:

4. If grading occurs between March 1 and August 15 (breeding season for California gnatcatchers), a gnatcatcher survey shall be completed. Prior to commencement of grading, a qualified biologist shall survey habitat of the adjacent MHPA within 800

feet of any grading activity in accordance with USFWS protocol for determining the presence or absence of gnatcatchers. A report shall be provided to the Environmental Review Manager presenting the results of the survey. If the survey concludes that no gnatcatchers are present, then no additional mitigation shall be required. If the applicant chooses not to conduct a gnatcatcher survey, then EAS shall assume gnatcatchers are present.

If California gnatcatchers are present, a temporary wall or berm shall be constructed between grading activity and occupied habitat in order to buffer noise levels. Grading noise shall be monitored weekly to verify that noise levels within occupied habitat is maintained below 60 dB. Additional attenuation, including complete cessation of work during the breeding season, shall be required as necessary to maintain noise levels below 60 dB. Monthly reports regarding noise monitoring results shall be provided to the Environmental Review Manager. Prior to issuance of a grading permit, the applicant shall post bond in the amount required to prepare the gnatcatcher survey, monitoring, and report to ensure performance of the mitigation measure. Upon receiving evidence of performance, the bond shall be released.

If grading occurs before March 1 or after August 15, no mitigation measures regarding California gnatcatchers would be required.

5. Lighting of all developed areas adjacent to the MHPA shall be directed away or shielded from the MHPA.
6. Drainage from all developed areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices.
7. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Light/Glare/Shading

8. Street lighting shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type. All street and residential lights shall be directed away from open-space areas (consistent with the MSCP Guidelines) with appropriate placement or shades.

Landform Alteration

9. Prior to issuance of grading permits, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on the TM and PRD Exhibit A.

Public Facilities and Services:

Schools

10. Prior to the recordation of the first Final Map, the applicant shall fully mitigate impacts to the Del Mar Union School District and San Dieguito Union High School District through payment of school mitigation costs and/or participation in a Mello-Roos Community Facilities District.

Libraries

11. Prior to recordation of the first Final Map, the project applicant shall pay a development impact fee to provide for fair-share funding of a new branch library in the NCFUA.

Water

12. Prior to recordation of the first Final Map, the 610/712 Water Zone Study and construction of accessory applicable water facilities shall be completed to the satisfaction of the City Engineer.

Sewer

13. Prior to the recordation of the first Final Map, the applicant shall provide a project level sewer study which shows the proposed sewer system for Subarea V to the satisfaction of the City Engineer.

Fire

14. Prior to recordation of the first Final Map, the City Fire Department shall determine whether a first response can be provided on the project site within six minutes. Mitigation measures in the form of individual sprinkler systems and/or construction/site design safeguards shall be required if a six-minute response cannot be provided at the time of future development.
15. Prior to recordation of the first Final Map, the applicant shall pay a development impact fee to partially fund construction of new fire stations, if a phase shift occurs for the NCFUA as a whole.

Paleontological Resources

16. Prior to issuance of grading permits, 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 Land Development Review Division (LDR). ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING PROGRAM SHALL BE APPROVED BY LDR.

17. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss grading plans with the construction contractors. The requirement for paleontological monitoring shall be noted on the grading plans.
18. The qualified paleontologist shall be present full-time, on-site during the original cutting of previously undisturbed sediments. Monitoring will include inspection of excavations and salvage of any fossils from the Friars and Scripps Formations (high resource potential) and the Lindavista Formation (moderate resource potential). Monitoring time may be increased or decreased at the discretion of the paleontologist in charge, in consultation with LDR, and will depend on the rate of excavation, materials excavated and the abundance of fossils.
19. In the event that fossil remains are discovered, the paleontologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow the evaluation and recovery of exposed fossils. THE PALEONTOLOGIST SHALL CONTACT LDR AT THE TIME OF DISCOVERY. LDR must concur with the proposed salvaging procedures to be performed before ground disturbance operations will be allowed to resume.
20. All paleontological materials collected during monitoring of ground disturbance operations shall be cleaned, sorted and catalogued following standard professional procedures. The collection shall be donated to, and permanently curated with, an appropriate institution.
21. Prior to issuance of the first building permit, a monitoring report which describes the results (even if negative), analysis and conclusions of the above program (with appropriate graphics) shall be submitted and approved by the Environmental Review Manager of LDR.

Safety

22. Prior to recordation of the first Final Map, if the project includes water quality devices that will result in the impoundment of water, either within the project site or as a condition of approval, then the applicant shall provide 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 will vary with proximity to residences, human activity, risk and environmental factors.
23. Prior to recordation of the first Final Map, sedimentation basins (if they are required by the hydrology analysis) shall be designed to be self-draining within 72 hours, consistent with the California State Stormwater BMPs. Additionally, an

access plan, funding and a maintenance contact shall be provided by the responsible party to the City Engineer. Cleaning shall be performed at the frequency necessary to remove algae and vegetation blooms and prevent mosquito breeding and the build-up of contaminated sediments.

24. The above mitigation monitoring and reporting program will require a deposit of \$3,200 to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.