

RESOLUTION NUMBER R- 293714

ADOPTED ON AUG 15 2000

WHEREAS, on September 17, 1997, Janet Raschke submitted an application (subsequently purchased by D.R. Horton San Diego Holding) to The City of San Diego for a tentative map, planned residential development permit resource protection ordinance permit, multiple habitat planning area boundary adjustment and rezone; and

WHEREAS, on July 20, 2000, the Planning Commission of The City of San Diego considered Tentative Map, Planned Residential Development/Resource Protection Ordinance Permit [PRD/RPO] No. 96-7676, and pursuant to Resolution No. 2982-PC-2 voted to recommend City Council approval of the permit; 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 AUG 15 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR No. 96-7676; NOW, THEREFORE,

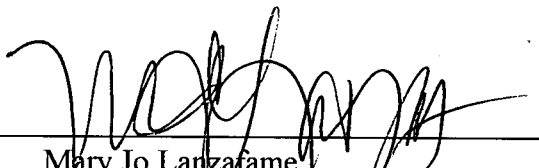
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 96-7676, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 Bryn Glen.

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 
Mary Jo Larzafame
Deputy City Attorney

MJL:pev
8/1/00
Or.Dept:PDR
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

BRYN GLEN, TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, MULTIPLE HABITAT PLANNING AREA BOUNDARY ADJUSTMENT, AND REZONE

LDR NO. 96-7676

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. 99-0761) shall be made conditions of Coastal Development Permit, Planned District Development Permit and Tentative Map as may be further described below.

Biological Resources

1. Prior to the issuance of the first grading permit, the Environmental Review Manager shall verify that a perpetual conservation easement has been recorded over Tentative Map Lot No. 68, totaling approximately 22 acres. This 22 acres includes the preservation of 4.99 acres of coastal sage scrub habitat onsite and the preservation of 8.36 acres of non-native grasslands. The easement shall identify permissible uses and activities as well as applicable restrictions within these open space lots.
2. Prior to the issuance of any grading permit, the owner/permittee shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division stating that a qualified biologist has been retained to implement Measures A through D below.
3. Prior to issuance of any grading permit, the City Manager shall verify that the following requirements are noted on the grading plans under the heading "Environmental Requirements":
 - A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on Exhibit A.
 - B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.

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- C. During grading activities, the project biologist shall implement and document erosion control Best Management Practices as needed to prevent any significant sediment transport. These practices may include but not be limited to the following: the use of materials such as sandbags; sediment fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.
 - D. All construction activities shall take place only inside the fenced area. Graded materials shall be stored either inside the fenced development area or in an area approved by the project biologist.
4. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager which assesses actual project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego "Land Development/Zoning Code Update Biology Guidelines," to the satisfaction of the City Manager.
 5. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a wetlands mitigation plan to the satisfaction of the Environmental Review Manager, and the California Department of Fish and Game and shall demonstrate that all required wetlands permits have been obtained from the resource agencies. Impacts to southern willow scrub and disturbed southern willow scrub shall be mitigated at a 3:1 ratio by creation/enhancement of 2.1 acre of southern willow scrub habitat onsite as shown on Exhibit "A."
 6. Prior to the issuance of the first grading permit, the project biologist shall provide a letter of verification to the Environmental Review Manager of Land Development Review Division stating that the two individual *Ferocactus viridescens* plants have been successfully transplanted to suitable habitat within the designated onsite open space area.
 7. The clearing of eucalyptus trees shall be done only between March 15 and September 15 (the non-breeding season of observed raptor species). Habitat maybe cleared during the breeding season only if the qualified biologist provides evidence to the satisfaction of the Environmental Review Manager that the sensitive species is no longer present.

Hydrology/Water Quality

8. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP) containing all of the following requirements, satisfactory to the City Engineer:
 - A. Comprehensive permanent post-construction Best Management Practices (BMPs), as recommended by the Preliminary Drainage Study for Bryn Glen (prepared by P & D/CTE Engineers, INC. - July 27, 1998) and any other BMP that maybe deemed appropriate, shall be incorporated into the construction plans to reduce the

amount of pollutants and sediments discharged from the project site into adjacent open space and wetland areas satisfactory to the City Engineer. BMP's may include but are not limited to catch basins fitted with oil/sediment filters to filter runoff from the development prior to discharge into adjacent open space and wetland areas. Any proposed oil/sediment filters (grease and heavy metal particulate trap), shall be maintained by the owner/permittee to the satisfaction of the City Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer.


- B. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City- and State-approved SWPPP on the job-site during all construction activities."
- C. No grading shall be performed during the rainy season (November 15 through March 31) without special erosion control measures approved by the City Engineer.
- D. Prior to the issuance of certificates of occupancy, the City Engineer and/or Storm water Administrator shall inspect the permanent, post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer and/or Storm Water Administrator based on the field inspection.
- E. The SWPPP shall include a permanent maintenance plan, prepared satisfactory to the City Engineer and/or the Stormwater Administrator, which defines the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, the oil/sediment filters shall be cleaned and maintained as necessary, satisfactory to the City Engineer and/or Stormwater Administrator.

Noise

- 9. Prior to issuance of the first building permit, the owner/permittee shall incorporate sound attenuation measures as described in the acoustical report, (Bryn Glen Property - Exterior Noise Study, Dudek and Associates, July 27, 1998), to the satisfaction of the Environmental Review Manager. Specifically, plans shall indicate a six-foot-high sound attenuation barrier located along Camino Ruiz. The sound attenuation barrier shall be solid and continuous with no gaps or openings (and may include a clear plexiglas element to the satisfaction of the Environmental Review Manager). These requirements shall be noted on the construction plans.

Paleontological Resources

- 10. Prior to issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor (as defined in the

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City of San Diego Paleontological Guidelines) have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.

11. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
12. 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.
13. WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER OR HIS/HER DESIGNEE 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.
14. 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.
15. 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 the Environmental Review Manager of LDR.

General

16. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$1,350.00 to be collected prior to the recordation of the final map and/or issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

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