

RESOLUTION NUMBER R- 294524

ADOPTED ON FEB 06 2001

WHEREAS, McMillin Companies submitted an application to the City of San Diego for a Vesting Tentative Map, Planned Residential Development/Resource Protection Ordinance Permit and a rezone for the McMillin Torrey Highlands 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 FEB 06 2001; and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR No. 98-1177; 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. 98-1177, 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 land use actions for the McMillin Torrey Highlands 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.

APPROVED: CASEY GWINN, City Attorney

By   
Mary Jo Lanzafame  
Deputy City Attorney

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## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM McMILLIN TORREY HIGHLANDS VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT AND REZONE LDR NO. 98-1177


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. 98-1177) shall be made conditions of the Vesting Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit and Rezone as may be further described below.

#### Land Use MSCP Subarea Plan Compliance

1. All backyard lighting installed on homes adjacent to the MHPA shall be shielded to prevent light pollution off-site. Shielding may consist of fixtures that physically direct light away from the outer edges of the property, or landscaping, berms or other barriers at the edge of the lots.
2. Fences shall be installed along the common boundary between homes abutting the adjacent MHPA to control domestic pet predation of native animal species and access by residents into sensitive habitats. A minimum two-foot high solid bottom shall be installed on the bottom these fences to reduce encroachment of non-native landscaping species.
3. Graded slopes adjacent to the MHPA will be revegetated only with native species.
4. Construction adjacent to the MHPA and sensitive habitats should only be done under the supervision of a qualified biologist to ensure that construction activities do not impact sensitive areas.
5. Drainage facilities shall be designed to avoid the dumping of untreated urban runoff directly into drainages that ultimately feed into the MHPA open space preserve. Runoff shall be treated prior to release into MHPA/open space areas.

#### Transportation/Traffic Circulation

6. Prior to issuance of the building permits, the owner/permittee shall provide proof of conformance with the transportation requirements in the Torrey Highlands Subarea IV

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Land Use Plan (July 1996), the Transportation Phasing Plan (TPP) in the Torrey Highlands Public Facilities Financing Plan (October 1996), and the Torrey Highlands Final Environmental Impact Report (EIR No. 93-0152) Traffic Study (June 1996) to the satisfaction of the City Manager.

Biological Resources

7. Prior to the issuance of any grading permit, the owner/permittee shall provide a letter of verification to the Environmental Review Manager (ERM) of the Land Development Review Division stating that a qualified biologist has been retained to ensure implementation of the biological mitigation.
8. 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.
  - A. 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.
  - B. 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.
  - C. 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.
  - D. Prior to the release of the grading bond, the project biologist shall submit a letter report to the ERM which assesses any 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 Updated Biology Guidelines," to the satisfaction of the ERM.


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Uplands

9. Prior to issuance of the grading permit, impacts to 0.45 acres of southern maritime chaparral, 0.16 acres of Diegan coastal sage scrub and 36.50 acres of non-native annual grassland shall be mitigated by acquisition and dedication of appropriate habitat at respective mitigation ratios of 1:1, 1:1 and 0.5:1 (if mitigation is located in the MHPA) or 2:1, 2:1 and 1:1 ratios (if mitigation is located outside the MHPA). Higher mitigation ratios for impacts inside the MHPA to 0.29 acres of southern maritime chaparral (2:1) and 0.1.28 acres of non-native grassland (1:1) are required (assuming the mitigation occurs within the MHPA). The mitigation requirement of 20.72 acres shall occur within the MHPA (outside brush management zones 1 and 2) in the following manner; Tier I - 1.03 acres, Tier II - 0.16 acres, and 19.53 acres Tier IIIB unless otherwise specified by the ERM. Remainder MHPA land on-site may be banked and non-native grassland may be enhanced to allow future mitigation opportunities with the prior approval of the ERM.
10. The clearing of eucalyptus trees shall be done only after the qualified biologist provides evidence to the satisfaction of the ERM that no sensitive, nesting, raptor species are present.

Hydrology/Water Quality

11. 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 ERM and the City Engineer:
  - A. All comprehensive permanent post-construction Best Management Practices (BMPs) 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 installed on the project property and 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."

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- 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 Stormwater 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 Stormwater 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.

Air Quality

- 12. Prior to the issuance of grading permits, the owner/permittee shall provide a construction dust abatement management program. Dust abatement should consist of, but not be limited to, soil stabilizers, truck wash stations, and site watering to the satisfaction of the ERM of the Environmental Analysis Section (EAS) and the City Engineer. The dust abatement program shall achieve a minimum of 80 percent dust abatement. Non-compliance shall result in cessation of all construction activities. The dust abatement program shall be made a condition of the grading permit and monitored by the City.

Paleontological Resources

- 13. 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 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.**
- 14. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.

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15. 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.
16. If significant fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.
17. In the event that significant fossil resources are discovered, the paleontologist shall immediately contact LDR. The determination of significance shall be at the discretion of the qualified paleontologist.
18. 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.
19. 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.

Noise

20. Prior to issuance of the Certificate of Occupancy (COO), the owner/permittee shall incorporate sound attenuation measures as described in the acoustical report, (McMillin Torrey Highlands - Environmental Noise Assessment, March 22, 2000), to the satisfaction of the Environmental Review Manager. The following lot information is subject to change with further project refinement, however, all noise impacts shall be confirmed to be mitigated to below a level of significance requirements prior to issuance of the COO.

Exterior Noise Impacts:

- A. Noise barriers, five (minimum) to eight feet in height shall be constructed along the backyards of Lots 1-14, 23-26 and 103. The noise barriers shall be constructed along the top of the slope of the lots.
- B. Noise barriers shall be constructed as a wall, berm or combination of both. The noise barriers must have surface density of at least 3.5 pounds per square foot, and have no openings or cracks. The wall may be constructed of 5/8-inch plexiglas, any masonry material or a combination of these materials.

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Interior Noise Criteria:

- A. Prior to issuance of building permits, a final acoustical report shall be submitted for Lots 1-14, 23-27, 71-79, 81-86, 89-104 and 130 to ensure that the interior CNEL would not exceed 45 dB. If interior noise levels are projected to exceed 45 dB, mitigation recommended in the noise report shall be incorporated into the final plans and specifications prior to issuance of the project building permit. Potential mitigation would include, but is not limited to, the incorporation of air conditioning and/or mechanical ventilation and possibly sound-rated windows.

Short-term Construction-related Noise Impacts:

- A. All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 7 a.m. to 7 p.m., with construction prohibited on Sundays and legal holidays, or as allowed by the City of San Diego Noise Ordinance (Section 59.5.0404 of the Municipal Code). All construction equipment shall use properly operating mufflers, and no combustion equipment (e.g., generators) shall be allowed to operate within 500 feet of any occupied residence during non- construction hours unless the equipment is surrounded by a noise protection barrier. All construction staging shall be performed as far as possible from occupied dwellings.

Public Services/Utilities


- 21. Prior to issuance of certificates of occupancy, the applicant shall contribute a fair share of funding relative as specified in the Subarea IV, Torrey Highlands EIR, Mitigation Monitoring and Reporting Program, which includes funding for the future development of fire stations, schools, parks, libraries,

Fire:

- A. Prior to the issuance of each building permit, a fire response time analysis shall be submitted to the ERM for the building permit in question. If the structure is located outside of a six-minute response time from an existing or planned fire station, a fire sprinkler system shall be installed in the structure satisfactory to the ERM and the City Fire Marshall.

Solid Waste:

- B. In order to reduce the amount of solid waste that is processed at landfills, the City of San Diego has adopted a recycling ordinance and Source Reduction and Recycling Element (SRRE). As required by the Subarea Plan, the project must comply with SRRE recycling measures and City Council Policy 900-06.

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Water Conservation

22. Prior to issuance of the building permits, the project shall incorporate the following into the construction plans: low-flush toilets; all landscaping shall feature permanent fully automatic drip or low precipitation timed sprinkler heads with soil moisture override systems, soil infiltration shall be improved with a low clay soil amendment, raised planters and berms shall be used, drought-tolerant, indigenous plants appropriate to the area shall be predominate the landscape and turf shall not be utilized in parkways. Slopes over 5 feet in height steeper than 6:1 shall be planted with herbaceous or prostrate shrubby groundcovers. Slopes over 15 feet in height shall be planted with a combination of trees, shrubs and groundcovers with a minimum 1 gallon size with a rate of one tree or shrub per 100 square feet. A minimum of 50% of shrubs and groundcovers shall be deep rooting (5 feet or greater).


Safety

23. Any detention ponds or water bodies on-site shall be maintained in accordance with the San Diego County Department of Health. Prior to issuance of grading permits, measures ensuring compliance shall be shown on the plans to the satisfaction of the City Engineer.

General

24. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$3,200 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.
25. All of the environmental mitigation measures listed above shall be shown on as features the construction plans and/or copied on an appropriate construction sheet under the heading, "Environmental Requirements."

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