

RESOLUTION NUMBER R- 294663

ADOPTED ON MAR 20 2001

WHEREAS, on September 9, 1999, DR Horton San Diego Holding Company submitted an application to the City of San Diego for a Planned Residential Development and Resource Protection Ordinance Permit, Rezone, and Tentative Map, including a street vacation, for the development of the Barczewski Property; 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 MAR 20 2001; and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Findings to a Master Environmental Impact Report No. 99-1087 (Findings to EIR No. 96-7918 [MEIR SCH No. 97111077]); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to California Public Resources Code section 21157.1 and California Code of Regulations section 15177, the City Council finds that the Barczewski Property project is a subsequent project within the scope of Master Environmental Impact Report No. 96-7918, that no additional significant environmental effect will result from the proposal, and that no new additional mitigation measures or alternative may be required.

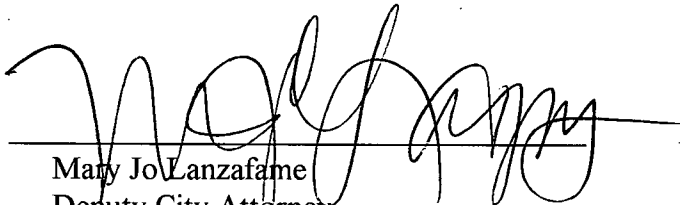
BE IT FURTHER RESOLVED, that it is certified that Findings to a Master Environmental Impact Report No. 99-1087 (Findings to EIR No. 96-7918 [MEIR SCH No. 97111077]), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California 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 the land use actions for the development of the Barczewski property.

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 Lanzafame  
Deputy City Attorney

MJL:lc  
02/06/01  
Or.Dept:DSD  
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## EXHIBIT A

### MITIGATION, MONITORING AND REPORTING PROGRAM BARCZEWSKI PROPERTY TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, REZONE and STREET VACATION LDR NO. 99-1087

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 Findings to a Master Environmental Impact Report (LDR No. 96-7918/SCH No. 97111077) shall be made conditions of TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, REZONE and STREET VACATION No. 99-1087 as may be further described below.

As conditions of the TENTATIVE MAP, PLANNED DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT and REZONE No. 99-1087 the following mitigation measures would be required to reduce potential adverse impacts to transportation/traffic circulation, hydrology/water quality, landform alteration/visual quality, geology/soils/erosion, paleontological resources, noise, public services/facilities, sewer, solid waste, water conservation, and public safety.

#### General Measures

1. Prior to the recordation of the first map and/or issuance of grading permits, the above mitigation monitoring and reporting program shall require an additional deposit of \$3,200 to ensure the successful completion of the Mitigation, Monitoring and Reporting Program.
2. All of the environmental mitigation measures listed above shall be shown on the second page of the grading/construction plans under the heading, "Environmental Requirements".

### Transportation/Circulation

3. Prior to issuance of the grading permit, the project shall conform to the Subarea III/Pacific Highlands Ranch Transportation Phasing Plan and the approved traffic study/final EIR to the satisfaction of the City Engineer. The following specific measures must also be assured to the satisfaction of the City Engineer:
  - a. The applicant shall design the proposed project to accommodate the planned SR-56 Freeway, satisfactory to the City Engineer.
  - b. The applicant shall construct a traffic signal at the ultimate intersection of Carmel Valley Road and Rancho Santa Fe Farms Road, satisfactory to the City Engineer.
  - c. The applicant shall construct Carmel Valley Road as a modified four-lane major street with appropriate transitions. The applicant shall dedicate 122 feet of right-of-way and shall provide 64 feet of pavement, including 38 feet median, curb, gutter and a five (5)-foot sidewalk within a ten-foot curb to property line, satisfactory to the City Engineer.
  - d. The applicant shall construct Rancho Santa Fe Farms Road as a two-lane collector street. The applicant shall dedicate 60 feet of right-of-way and shall provide 40 feet of pavement, curb, gutter and a 5 foot sidewalk within a ten-foot curb to property line, satisfactory to the City Engineer.
  - e. The applicant shall construct public Street "A" as a modified two-lane single loaded residential local street. The applicant shall dedicate 50 feet of right-of-way and shall provide 30 feet of pavement, curb, gutter, and a five-foot-wide sidewalk with a 10-foot curb to property line distance, satisfactory to the City Engineer.

### Hydrology/Water Quality

4. Prior to issuance of the grading permit, the following mitigation measures shall be specified on the grading plan to the satisfaction of the City Engineer:

#### **Short-term Construction Practices**

- a. Grading and other surface-disturbing activities either shall be planned to avoid the rainy season (i.e., November through March) to reduce potential erosion impacts or shall employ construction phase erosion control measures, including

the short-term use of sandbags, matting, mulch, berms, hay bales, or similar devices along all graded areas to minimize sediment transport.

- b. The grading plan shall locate temporary desilting basins at all discharge points adjacent to drainage courses or where substantial drainage alteration is proposed.
- c. The developer shall within 90 days of completion of grading activities, hydroseed landscape graded and common areas with appropriate ground cover vegetation (e.g., use of native or noninvasive plants). These revegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City's grading inspector.
- d. Compacted areas shall be scarified, where appropriate, to induce surface water infiltration and revegetation as directed by the project geologist, engineer, and/or biologist.
- e. General Construction Activity Storm Water Permits (NPDES No. CAS000002) shall be obtained from the SWRCB prior to project implementation. The SWPPP shall include erosion and sediment controls, as well as a monitoring program to be implemented both during and after construction. Pollution control measures also require the use of best available technology, best conventional pollutant control technology, and/or best management practices to prevent or reduce pollutant discharge (pursuant to SWRCB definitions and direction and to the satisfaction of the City Engineer).
- f. A Dewatering Waste Discharge Permit (NPDES No. CA0108804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Such permits are intended to ensure compliance with applicable water quality, and beneficial use objectives, and typically entail the use of BMPs to meet these requirements. Discharge under this permit shall require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions (pursuant to RWQCB direction).

A complete and accurate Notice of Intent shall be filed with the SWRCB. A copy of the SWRCB acknowledgement that an NOI has been received shall be filed with the City when received; further, a copy of the completed NOI showing the permit shall be available during construction at the project site

- 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 use of temporary impervious liners to prevent soil and water contamination.

### **Project Design**

5. Prior to issuance of the Certificate of Occupancy, the following mitigation measures shall be completed to the satisfaction of the Environmental Review Manger (ERM) of the City's Land Development Review Division (LDR) and/or the City Engineer:
  - a. Post-construction erosion control measures shall be implemented where proposed disturbance is adjacent to or encroaches within existing drainage courses and projected runoff velocities exceed 5 cubic feet/second.
  - b. Final project design shall incorporate all applicable BMPs contained in the City and State *Best Management Practices to be Considered in the Development of Urban Stormwater Management Plan*. Specifically, these may include measures such as detention basins, retention structures, infiltration facilities, permeable pavements, vegetation controls, discharge controls, maintenance (e.g., street sweeping), and erosion controls.
  - c. Surface drainage shall be designed to collect and discharge runoff into natural stream channels or drainage structures. All project-related drainage structures shall be adequately sized to accommodate a minimum 50-year flood event (or other storm events pursuant to direction from the City Engineer).
  - d. Project operation and maintenance practices shall include a schedule for regular maintenance of all private drainage facilities within common development areas to ensure proper working condition.
  - e. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as flow down slopes or over disturbed areas.
  - f. Runoff diversion facilities (e.g., inlet pipes and brow ditches) shall be used where appropriate to preclude runoff flow down graded slopes.
  - g. 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.

- h. Long-term maintenance responsibility of any detention basins on-site shall be ensured by the permittee/owner.
- i. Direct impacts to water quality shall be mitigated through the construction of desiltation basins as shown on Exhibit A. Monitoring and maintenance programs for these facilities shall be prepared, approved by the City, and incorporated into the CC&Rs for the development with these facilities in their common areas or be included in the Landscape Maintenance District Documentation.

#### Landform Alteration/Visual Quality

- 6. Prior to issuance of the grading permit, the revegetation plan for erosion control shall conform with the City's *Landscape Technical Manual* with a monitoring period of 25 months.
- 7. Prior to issuance of the grading permit, the ERM of LDR shall review the grading plans for consistency with the subarea plan guidelines and the approved plan (Exhibit A). These measures shall include slope rounding and blending techniques where manufactured slopes meet natural slopes, varying slope gradients and widths, and contouring edges to achieve a more natural appearance.
- 8. Upon completion of grading and prior to the issuance of the Certificate of Occupancy, the developer shall submit a letter to the ERM of LDR from a qualified landscape consultant certifying that all landscaping for the major manufactured slopes (e.g. roadway slopes) has been implemented. Monitoring shall be done by the consultant to ensure the long-term establishment of the landscaping. The maintenance program shall be effective for a three (3) year period following the installation of the plantings or until such time that all plantings are established. The consultant shall prepare a monitoring and maintenance program acceptable to the ERM, which includes an inspection schedule, specifications for any needed replanting and the requirement for once-yearly written notification by the applicant-hired consultant to the ERM of LDR describing the status of the revegetation.

#### Geology/Soils/Erosion

- 9. Prior to the issuance of the first building permit, the owner/permittee shall provide proof of conformance with the geological recommendations in the Pacific

Highlands Ranch Subarea III Land Use Plan, the Pacific Highlands Ranch Final Environmental Impact Report (EIR No. 96-7918) and Site Specific Geology Study (Geotechnical Investigation, Barczewski Property, San Diego, California; prepared by Geocon Inc., dated May 15) to the satisfaction of the City Geological Engineering Staff.

10. Prior to the issuance of the first building permit, proper surface drainage shall be provided. Drainage swales shall be installed on graded pads to conduct storm or irrigation runoff to controlled drainage facilities and away from buildings and the tops of slopes. Measures shall be taken to ensure that storm and irrigation water does not flow over the tops of cut or fill slopes. This measure shall be implemented to the satisfaction of the City Engineer and/or the Geological Engineering Staff.
11. Prior to issuance of the grading permit, the applicant shall prepare a grading/construction management plan to the satisfaction of the ERM of LDR.
12. Prior to issuance of the first building permit of each phase, the geotechnical engineer shall inspect all cut and fill slopes and foundation work.
13. A landscape architect shall observe the revegetation of graded slopes. Each of these experts shall submit a report to the City Engineer and/or the ERM of LDR addressing the following points as appropriate:
  - a. Areas that have been stripped of native vegetation or areas of fill material shall require particular attention. These areas may require desilting basins, improved surface drainage, or planting of ground covers early in the improvement process, to reduce the potential for erosion.
  - b. Short-term measures for controlling erosion shall be incorporated into grading plans for the site. These measures shall include sandbag placement and temporary detention basins.
  - c. Temporary catch basins shall be provided during grading activities.
  - d. After grading, slopes shall be immediately revegetated or hydroseeded with erosion-resistant species. These plants shall be carefully irrigated to ensure coverage of the slopes prior to the next rainy season.
  - e. Measures to control construction sediment shall be implemented in areas near watercourses. These measures may include interim desiltation basins, sandbags, hay bales, or silt fences, which shall be placed at the toe of slopes to prevent erosion. Punch straw or matting shall be installed to stabilize graded



slopes and prevent the slope or construction material from sloughing into watercourses.

14. Prior to the issuance of grading permits City Geologic Engineering staff shall verify that cut and fill slopes shall be designed no steeper than 2:1. The potential effect of geologic conditions on slope stability shall be evaluated in areas of proposed high cut slopes.
15. A comprehensive soil and geologic evaluation shall be performed prior to providing final grading plans for the site. A geotechnical engineer shall also perform an on-site reconnaissance. A report shall be submitted for review and approval by the City Engineer and/or City's Geological Engineering Staff prior to issuance of the grading permit.

#### Paleontological Resources

16. Prior to the recordation of the first final map and/or issuance of the first grading permit (whichever occurs first), the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has 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 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.**
  - a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor.
  - b. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be decreased at the discretion of the qualified paleontologist, in consultation with LDR, and shall depend on the rate of excavation, the materials excavated, and the abundance of fossils.
  - c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE CITY'S MITIGATION MONITORING**

COORDINATION (MMC) STAFF SHALL IMMEDIATELY NOTIFY LDR STAFF IN THE EVENT OF SIGNIFICANT FOSSIL DISCOVERY. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST.

- 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 MMC staff for review and approval by the ERM of LDR.

#### Noise

##### **Exterior**

- 17. Prior to the issuance of the first building permit, the owner/permittee shall incorporate sound attenuation measures into the project plans as described in the acoustical report (Barczewski Development Acoustical Study - Investigative Science and Engineering Inc. July 14, 2000) to the satisfaction of the City's ERM. Specifically, the plans shall indicate that lots fronting SR-56 shall have 7-8-foot AGL noise walls. Final design shall be deferred until complete grade control plans for SR-56 are available. The noise barriers must attenuate exterior noise levels to 65 dB CNEL or less. Barriers should be free of cracks and holes. Examples of acceptable barrier materials include, but are not limited to, masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, or 0.25-inch-thick plate glass. If transparent barrier materials are used, no gaps shall occur between the panels.

##### **Interior**

- 18. Prior to the issuance of the first building permit, a final acoustical report shall be required for selected lots fronting Carmel Road as indicated in the acoustical report (Barczewski Development Acoustical Study - Investigative Science and Engineering Inc. July 14, 2000) or for lots called out in subsequent City accepted acoustical studies. The final acoustical report shall ensure that the interior CNEL does not exceed 45 dB. Where needed to meet the City's interior noise standards, air-conditioning or mechanical ventilation shall be installed in homes on the lots identified in the final acoustical report as needing such equipment.

19. Prior to issuance of certificates of occupancy, the City's ERM shall verify that the sound attenuation barriers have been installed in accordance with the approved building plans and interior noise levels do not exceed 45 dB.

Public Services/Facilities

20. Prior to issuance of building permits, the applicant shall comply with the Schools Mitigation Agreement (SMA) to the satisfaction of the ERM of LDR.
21. Prior to issuance of building permits, the applicant pay their fair share of the Facilities Benefit Assessment District (FBA) for trails and other required amenities to the satisfaction of the ERM of LDR.
22. Until the new fire station is operating, developers shall demonstrate to the satisfaction of the City Fire Department that a response time of six minutes or less from Fire Station 24 to all portions of new developments can be achieved. For those areas of such new developments where a six-minute response time cannot be provided, individual sprinkler systems or other construction or site design safeguards, approved by the Fire Department, shall be required prior to the issuance of building permits.

Sewer

23. Prior to issuance of the first building permit, the permittee shall be required to provide sewer studies showing the proposed sewer system for the subarea. All public sewer facilities shall be designed and constructed according to the most current edition of the City of San Diego Water and Sewer Design Guide to the satisfaction of the City Engineer.

Solid Waste

24. Prior to issuance of the certificate of occupancy, the project's prime contractor in cooperation with the City of San Diego's Environmental Services Department shall develop a comprehensive waste management plan. The plan shall describe programs to be implemented to reduce the potential for direct and cumulative impacts to the City's waste management services to below a level of significance. The plan shall address construction phase as well as long-term waste management issues to the satisfaction of the City's ERM of LDR.

### Water Conservation

25. The ERM of LDR shall review grading, landscape, and building plans to ensure the following measures have been noted on plans.
  - a. Limit grading in areas where no construction is proposed; thereby reducing the need for planting and irrigation of graded areas.
  - b. Provide lifts of low-clay content soil in landscaped areas to improve infiltration.
  - c. Reduce runoff potential from landscaped areas by using berming, raised planters, and drip irrigation systems.
  - d. Install soil moisture override systems in all common irrigation areas to avoid sprinkling when the ground is already saturated.
  - e. Project design guidelines shall identify all plant material and specify whether or not plants are native or naturalize easily and incorporate a list of local California sources for native plants.
  - f. Incorporate low-flush toilets, low-flow faucets, and timers on sprinklers (including nighttime watering) into project design.
  - g. Provide information regarding water conservation measures to new residents at the time of lot purchase.

### Public Safety

26. Prior to issuance of the first grading permit, the applicant shall provide a letter from the County Environmental Health Department Vector Surveillance and Control Division to the ERM of LDR verifying that a vector control program has been designed and is satisfactory.
27. Prior to issuance of the certificates of occupancy, Vector Control Program elements shall be verified to the satisfaction of the ERM of LDR.