

RESOLUTION NUMBER R-295025

ADOPTED ON JUN 19 2001

WHEREAS, on October 22, 1999, Black Mountain Ranch Limited Partnership submitted an application to the Development Services Department for a Vesting Tentative Map and Street Vacation; Rezone; and Planned Residential Development Permit for the East Clusters at Black Mountain Ranch development; 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 JUN 19 2001; and

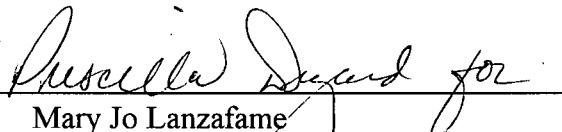
WHEREAS, the Council considered the issues discussed in Addendum LDR No. 99-1054 to Environmental Impact Report No. 96-7902; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum LDR No. 99-1054 to Environmental Impact Report No. 96-7902, 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 East Clusters at Black Mountain Ranch development.

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.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
06/05/01
Or.Dept:Dev.Svcs.
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EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
EAST CLUSTERS AT BLACK MOUNTAIN RANCH
APPROVAL OF VESTING TENTATIVE MAP/
REZONE/ PLANNED RESIDENTIAL DEVELOPMENT PERMIT/STREET VACATION
(VTM/RZ/PRD/SV)
LDR No. 99-1054

This Mitigation, Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) 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 East Clusters at Black Mountain Ranch VTM/RZ/PRD/SV as may be further described below.

General

1. The following mitigation monitoring and reporting program will require a deposit of \$3,200.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

Land Use (Multi-Habitat Planning Area)

2. Because the East Clusters project site is located adjacent to the Multi-Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines will be made conditions of project approval on the Tentative Map:
 - a. 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 of LDR 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.
 - b. 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.
 - c. If grading occurs before March 1 or after August 15, no mitigation measures regarding California gnatcatchers would be required.

- d. Lighting of all developed areas adjacent to the MHPA shall be directed away or shielded from the MHPA.
- e. 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.
- f. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Biological Resources

3. Prior to issuance of the first grading permit, the applicant shall provide verification that 1603 and 404 permits issued by the California Department of Fish and Game (CDFG) and the U.S. Army Corps of Engineers (USACE) have been obtained for direct impacts to wetlands and non-wetland ephemeral drainages. The mitigation shall consist of riparian restoration along Lusardi Creek at a ratio of 2:1 for mule fat scrub and 1:1 non-wetland ephemeral drainages.
4. Prior to issuance of the first grading permit, the applicant shall install orange construction fencing along the boundary separating the development area from the MHPA to delineate grading limitations.
5. Prior to issuance of the first grading permit, plans shall indicate that all staging/storage areas for equipment and materials are located away from the MHPA and clearly identified at the preconstruction meeting;
6. Prior to issuance of the first grading permit, the applicant shall assure that equipment maintenance shall not be conducted within or near to the MHPA where pollutants from equipment may enter the MHPA and the existing sage scrub habitat;
7. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities adjacent to the MHPA;
8. Spoil, trash, or any debris shall be removed off-site to an approved disposal facility.

Hydrology/Water Quality

The following measures would reduce levels of erosion, sedimentation, and runoff during construction activities:

9. Prior to issuance of any grading permit, the applicant shall provide a site plan (Exhibit A) to the Environmental Review Manager of LDR for review and approval that identifies pre- and post- construction Best Management Practices (BMP's). The site plan shall indicate that all runoff required by the Municipal Permit is directed into a sedimentation basin, grass filter strip, stormceptor, catch basin filtration device, or similar device at rates not exceeding those specified by the manufacturer for removal of sediments and floatable and non-floatable contaminants as shown on Exhibit A. The applicant shall maintain the the approved BMPs as recommended by the manufacturer(s) for the life of the system

10. The requirements for BMPs shall be made a condition of approval on the Tentative Map. Notes on the Tentative Map plan shall indicate that all drainage facilities, per the approved grading plan, shall be constructed prior to issuance of building permits, and that all permanent controls (i.e., BMPs) shall be privately maintained to the satisfaction of the City Engineer.
11. Grading plans shall incorporate short-term erosion control measures, including planting on disturbed and manufactured slopes, grading to facilitate drainage away from the slope faces, use of sediment control devices and swales at the top of slopes, and construction of desilting basins, to the satisfaction of the City Engineer and the Environmental Review Manager. Any special grading techniques, as recommended in subsequent geotechnical investigations, shall be implemented.
12. 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 (SWPPP) shall be submitted, satisfactory to the City Engineer. The grading plan shall include a drainage system which provides for implementation of BMPs on-site to reduce construction phase runoff of pollutants into adjacent water courses (such as the Pacific Ocean).
13. In conformance with the provisions of Public Resources Code Section 21081.6, the applicant shall retain a civil engineer and geotechnical consultant to monitor and document project grading, construction, and installation of runoff control devices and landscaping.
14. Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of this project with appropriate ground cover vegetation shall be performed within 30 days of completion of grading activities.
15. Areas of native vegetation or adjoining slopes to be avoided during grading activities shall be delineated by a qualified biologist, if applicable to minimize disturbance to existing vegetation and slopes.
16. Sediment and erosion control devices to retard the rate of runoff from manufactured slopes shall be installed if grading occurs during wet weather season, November 1 through April 1.
17. Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified unless a suitable alternative is not available.
18. Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading, as appropriate.
19. Desilting basins shall be provided during grading.
20. No grading shall occur between October 1 and April 30 unless an erosion control system has been made a part of grading plans to the satisfaction and approval of the City Engineer. 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.
21. Fill areas stripped of native vegetation shall require special consideration, such as desilting basins, improved surface drainage, and early planting of erosion-resistant ground covers to reduce the erosion potential.

22. All manufactured slopes shall be immediately revegetated or hydroseeded with erosion-resistant plant mixes and irrigated to ensure plant coverage prior to the next rainy season. In areas to be included as naturalized open space, such plantings shall be noninvasive native grasslands and shrubs and include native plant mixes preferencing the surrounding native habitat.
23. All development shall comply with the requirements of State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ (NPDES General Permit No. CAS000002), General Construction Activity Storm Water Permit. In accordance with said permit, a SWPPP and a Monitoring Program Plan shall be developed prior to the issuance of grading permits. The SWPPP shall incorporate Best Available Technology (BAT), Best Conventional Pollutant Control Technology (BCT), and Best Management Practices (BMPs) as appropriate, and shall be designed in accordance with applicable City Engineering Department Standards.
24. Construction-related vehicle fueling, maintenance and associated activities (such as hazardous material storage) shall be located at least 100 feet from storm drains and water courses, and shall include features such as temporary berms and impervious liners to prevent discharge in the event of a hazardous materials spill. Safety training shall be provided by the project contractor for applicable employees in the proper use and handling of hazardous materials; as well as specific actions to take in the event of a spill to contain discharged materials, notify applicable regulatory agencies and implement clean up procedures. Pursuant to guidelines in the California Storm Water BMP Handbooks, (Stormwater Quality Task Force 1993), such actions would include conformance with manufacturer specifications for hazardous material use and storage, stockpiling absorbent and clean up materials where they are readily accessible, marking on-site drainages and storm drains (e.g., with high visibility construction fencing) to avoid inadvertent disposal of hazardous materials, placement of warning signs in areas of hazardous material use and storage, and posting of regulatory agency/emergency telephone numbers and summary spill response/clean up procedures (as outlined in the BMP Handbooks) in a conspicuous location at or near the job site trailer.
25. Prior to the issuance of building permits, the project applicant shall implement appropriate pollution control measures to minimize the long-term discharge of urban contaminants in runoff from the site and protect sensitive water and biological resources. Specific measures shall incorporate state-of-the-art techniques, including BAT, BCT, and/or BMPs. Such pollution control efforts may include implementing the following types of structural and non-structural measures: (1) infiltration systems (e.g., porous pavement) in applicable areas to reduce runoff and remove contaminants; (2) public education and recycling programs; (3) good housekeeping practices (e.g., proper material storage and cleanup techniques); and (4) appropriate monitoring and maintenance efforts (e.g., verification of drainage/pollution control measures by a City field inspector prior to the issuance of building permits, regular inspection and maintenance of such facilities, and properly designed street sweeping).
26. Providing and maintaining proper surface drainage is imperative to assure soil stability and reduce erosion. All graded pads shall have drainage swales which direct storm or irrigation runoff away from structures or the top of slopes to control drainage facilities.
27. Permanent erosion control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, shall be provided to the satisfaction of the City Engineer.
28. Energy dissipators (e.g., rip rap aprons) shall be placed at all project storm drain outlets to reduce off-site flow velocities.

29. Source control shall be implemented through project Conditions, Covenants and Restrictions (CC&Rs), if applicable. An integral part of achieving adequate pollutant removal from collected storm water is the implementation of source control practices that reduce the amount of contaminants of the ground surface that can come in direct contact with surface flows. These practices include:
- Cover outdoor storage facilities that contain potential contaminants.
 - Encourage proper use and disposal of materials, including fertilizers, pesticides, and herbicides and including appropriate methods, rates, and frequency of application of these chemicals.
 - Encourage alternative methods for controlling weeds and insects using physical, biological, and lower-toxicity methods.
 - Recycle chemicals to the extent possible, and dispose of materials in a safe and proper manner.
30. 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.
31. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
32. 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.
33. 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.
34. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
35. Landscape design shall incorporate the use of drought tolerant vegetation.
36. 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.
37. 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.
38. All conditions of the General Permit for Construction Activity shall be adhered to.

Landform Alteration/Visual Quality

39. Development for East Clusters shall include guidelines that specifically address grading techniques to minimize large manufactured or major alterations to underlying terrain. The guidelines shall place limitations on the severity of slopes and require blending and contouring to natural adjacent slopes with appropriate landscaping.

40. Prior to issuance of the first grading permit, the final map shall indicate that implementation of grading techniques shall be shown on the tentative map(s) and shall be assured through the approval of the final grading plans. Those slopes which are visible from major roadways and public viewing areas shall vary slope gradient, width and contour edges, and use blending and rounding to blend to natural slopes. The applicant shall clearly indicate on the grading plans special design requirements (in the form of enhanced landscaping) for slopes that are to be graded. Grading for major slopes shall minimize encroachment into sensitive vegetation. A note shall be included on the grading plans for the tentative and final grading plans for the East Clusters development indicating that the grading techniques are "Environmental Mitigation Measures" and shall include the following measures:
- Utilize grading techniques that blend transitional manufactured slopes with the natural slope;
 - Employ blending and rounding techniques where manufactured slopes meet natural ground;
 - Vary slope gradient and width and contour edges to achieve a more natural appearance to slope banks;
 - Limit the height and gradient of slopes fronting open space to no more than 30 feet in any case. Except as specified on the Tentative Map (Carmel Valley Road).
41. Prior to the issuance of grading permits, the applicant shall submit to the Environmental Review Manager, for review, the grading and landscape plans to ensure that sensitive grading techniques are being utilized and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. Areas shown as open space shall be flagged in the field and construction crews shall be restricted from these areas. The applicant shall retain a soils engineer to monitor the grading and construction and a landscape architect to monitor revegetation of the project. Landscaping shall be in place along the developed roadways and development areas prior to issuance of building permits for each area. The soils engineer and landscape architect shall submit in writing to the City Engineer and provide certification that the project has complied with the required mitigation measures on the grading plans. Only after the Environmental Review Manager and City Engineer approve the grading shall recommendations be made to the City Council for the release of the subdivision bond.
42. Grading for major roads and other common facilities and areas shall include provisions for erosion control and hydroseeding. Landscape plantings for native shrubs or exotics as shown on the overall landscape plans shall be shown on the grading plans. The landscape plans shall be implemented in phases coincident with development phases.

Historical Resources (Archaeology)

43. Prior to the recordation of the first final map, and/or issuance of a Notice to Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND**

SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.

44. **PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE GRADING PLANS.**
45. Prior to beginning construction (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.
46. Prior to the issuance of the first final map, and/or issuance of a Notice to Proceed (NTP), grading permit, or demolition permit, a qualified archaeologist shall field inspect the limits of grading relative to CA-SDI-5094 prior to ground disturbance.
47. Documentation shall be submitted by the archaeologist to the ERM of LDR indicating that the limits of grading have been checked and development is either clear of any potential impacts to archaeological resources or may recommend monitoring of grading, in accordance with Measure No. 49 a-f, if surface evaluation is not conclusive that avoidance would be achieved.
48. Should archaeological resources be encountered during monitoring, Measure 49d shall be implemented, and the qualified archaeologist shall submit a preservation plan and data recovery program consistent with the requirements for mitigation of CA-SDI-5094 as specified in the 1995 EIR for Black Mountain Ranch II VTM/PRD and the City's Historical Resources Guidelines.

The following monitoring program would only be required if recommended based on results of field check as specified in Measure Nos. 46 and 47 above.

49. The applicant shall conduct a full-time archaeological monitoring program during the initial stages of grading for CA-SDI-5094 within the East Clusters to be implemented as follows:
 - a. Prior to the recordation of the first final map, and/or issuance of a Notice to Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.**
 - b. **PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE GRADING PLANS.**

- c. Prior to beginning construction (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.

AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE ARCHAEOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR.

THE QUALIFIED ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES. THE ARCHAEOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.

- d. The qualified archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month.

IN THE EVENT OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW FOR PRELIMINARY EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.

The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR **must** concur with the evaluation **before** grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts **before** ground disturbing activities in the area of discovery will be allowed to resume.

- e. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed by the archaeological monitor after notification to the County Coroner by the City RE. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.

- f. The archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
50. Prior to the release of the grading bond, two copies of a monitoring results report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the Environmental Review Manager of LDR and one copy sent the Resident Engineer.
51. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR and one copy sent the Resident Engineer.
52. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center at San Diego State University with the final monitoring results report.

Paleontological Resources

53. Prior to the recordation of the first final map, and/or issuance of a Notice To Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) 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. A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.
54. **PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
55. Prior to beginning construction (any work on site) the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN

MONITORING IS TO OCCUR. THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.

56. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS Staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
57. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (RE) SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE PALEONTOLOGIST WITH PRINCIPAL INVESTIGATOR(PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**
58. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
59. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
60. Prior to the release of the grading bond, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.

Noise

61. Prior to issuance of the first building permit, the Final Map, shall indicate that sound attenuation measures as indicated on the Tentative Map have been implemented to the Satisfaction of the City Engineer. Specifically, plans shall indicate a solid six-foot-high sound attenuation barrier located at the edge of the building pads (Lots 9 and 10 in Unit 2) to reduce noise in exterior usable areas to below 60 dBA CNEL. The barrier shall be solid and continuous with no gaps or openings, except where access is required to the subject property, if applicable.
62. Prior to issuance of issuance of any building permits, a final acoustical report shall be submitted to the Acoustical Plan Check Section (APCS) which includes measures ensuring that interior noise levels are below 45 dBA CNEL based on the average daily traffic volumes (ADTs) along Carmel Valley Road. Construction measures needed to reduce noise levels shall be called out on plans as "Environmental Mitigation Measures." The APCS shall review all building plans to ensure that interior levels for Lots 9 and 10 in Unit 2 in the south portion of

the East Clusters along Carmel Valley Road will not exceed 45 dBA CNEL. The Environmental Analysis Section (EAS) of the Land Development Review Division shall not approve any final building plans until EAS, in conjunction with the APCS has reviewed the plans to determine conformance.