

RESOLUTION NUMBER R- 295655

ADOPTED ON OCT 30 2001

WHEREAS, on August 20, 1998, Newland Communities submitted an application to the City of San Diego for Tentative Map, Rezone, Planned Residential Development/Hillside Review/Resource Protection Ordinance/Coastal Development Permit for the Tierra Alta 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 City Council on October 30, 2001; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration, LDR No. 98-0792 (SCH No. 2001061066); NOW, THEREFORE,

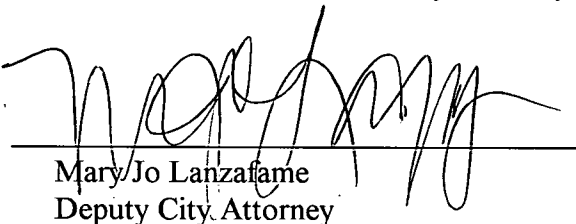
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration, LDR No. 98-0792 (SCH No. 2001061066), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources 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 Tierra Alta project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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
10/12/01
Or.Dept:Dev.Svcs.
R-2002-531
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

TIERRA ALTA

TENTATIVE MAP No. 98-0792 and REZONE/PLANNED RESIDENTIAL
DEVELOPMENT/HILLSIDE REVIEW/RESOURCE PROTECTION
ORDINANCE/COASTAL DEVELOPMENT PERMIT No. 98-0792
LDR NO. 98-0792

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. 98-0792) shall be made conditions of TENTATIVE MAP NO. 98-0792 and REZONE/PLANNED RESIDENTIAL DEVELOPMENT/HILLSIDE REVIEW/RESOURCE PROTECTION ORDINANCE/COASTAL DEVELOPMENT PERMIT NO. 98-0792 as may be further described below.

General

1. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$450 to be collected prior to the issuance of any grading permits and/or recordation of the final map to cover the City's costs associated with implementation of the MMRP.

Biological Resources

2. Prior to issuance of any grading permit and/or the recordation of the final map, a perpetual conservation easement or covenant of easement in a form acceptable to the City Manager shall be recorded for the on-site preservation of a minimum of 0.91 acre of southern mixed chaparral. The easement shall identify permissible uses and activities as well as applicable restrictions within this open space lot.
3. Prior to issuance of any grading permit and/or recordation of the final map, the City Manager shall verify that the biological habitat to be preserved on-site is clearly denoted on the grading plans as "Sensitive Biological Habitat to be Avoided." In addition, the grading plans shall clearly denote the installation of a five-foot tall slump block wall, or suitable alternative fencing, to be placed around the 0.09 acre portion of Lot 1 containing

the degraded vernal pool (Reference Exhibit "A" - PRD Site Plan/Tentative Map), to the satisfaction of the City Manager.

4. Prior to the issuance of any grading permit and/or recordation of the final map, the following Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines shall be incorporated into the final design of the project, satisfactory to the City Manager:
 - a. Lighting of all developed areas adjacent to the MHPA shall be directed away or shielded from the MHPA with appropriate placement or shades. Street lighting shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type.
 - b. Drainage from all developed areas adjacent to the MHPA must not drain directly into the MHPA, but instead into storm drainage control and filtration devices prior to discharge into the MHPA.
 - c. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Historical Resources (Archaeology)

5. 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.**
6. **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.**
7. 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 archaeologist shall attend any grading-related preconstruction meetings to make comments and/or

suggestions concerning the archaeological 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 11 x 17) 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.

8. 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.
9. **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 A 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 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.

10. 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.

11. 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 speciality studies are completed, as appropriate.
12. 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 ERM of LDR and one copy sent to the RE.
13. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the evaluation monitoring report. Two copies of the final mitigation report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.
14. 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.

Water Quality

15. Prior to the issuance of any grading permit and/or recordation of the final map, comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation, satisfactory to the City Engineer. BMPs may include, but are not limited to, graded surface scarification, soil stabilizers, temporary hydroseeding/ planting, mulching, matting, blankets, geotextiles, sod stabilization, vegetative buffer strips, sediment traps/catch basins, silt fencing and gravel bags. All stabilization and structural controls shall be inspected at least monthly and after every significant storm event, and shall be repaired or maintained as needed to reduce sediment discharge from the site.

16. Prior to the issuance of any grading permit and/or recordation of the final map, comprehensive permanent post-construction BMPs, as shown on Exhibit "A," shall be incorporated into the project plans to control erosion and reduce the amount of pollutants (e.g., oil, grease, heavy metals) and other sediments discharged from the project's driveway, street and landscape areas into Penasquitos Canyon, satisfactory to the City Engineer. BMPs shall include the use of a curb inlet filtration device at the end of the proposed private street where all project storm runoff is collected in conjunction with a rip-rap dissipator structure at the storm drain outlet in the adjacent MHPA. These BMP's shall be inspected after every significant storm event, and shall be repaired or maintained as needed to ensure that these areas are free of debris and sediment. Spot checks may be made by the City Engineer to ensure that the curb inlet filtration device is being adequately maintained in accordance with the manufacturer's specifications.

Equivalent alternative available technologies and BMPs may be approved by the City Engineer.

Grading will be allowed during the rainy season (November 15 through March 31) upon the approval of special erosion control measures by the City Engineer.

17. Prior to the issuance of the first Certificate of Occupancy, the City Engineer shall inspect the permanent, post-construction hydrology and/or water quality controls to ensure the system functions properly.