

RESOLUTION NUMBER R- 295878

ADOPTED ON DEC 11 2001

WHEREAS, on October 2, 2000, Western Pacific Housing Inc. submitted an application to the City of San Diego for a Tentative Map, Rezone, Site Development Permit, and Planned Development Permit for the Santa Monica at Black Mountain Ranch 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

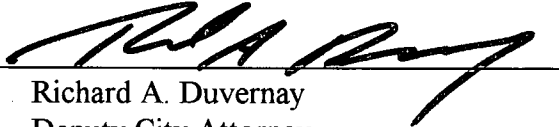
WHEREAS, the City Council considered the issues discussed in an Addendum to an Environmental Impact Report [EIR], LDR No. 40-0969 (Addendum to EIR No. 96-7902, EIR SCH No. 97111070); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum to an Environmental Impact Report [EIR], LDR No. 40-0969 (Addendum to EIR No. 96-7902, EIR SCH No. 97111070), 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 Santa Monica at Black Mountain Ranch project.

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 
Richard A. Duvernay
Deputy City Attorney

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10/10/01
Or.Dept:Dev.Svcs.
R-2002-434
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

**Santa Monica at Black Mountain Ranch
Tentative Map, Rezone, Site Development Permit
and Planned Development Permit
LDR NO. 40-0969
(Addendum to EIR No. 96-7902)**

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 Addendum to An Environmental Impact Report, LDR No. 40-0969 (Addendum to EIR No. 96-7902, EIR SCH No. 97111070) shall be made conditions of the Tentative Map, Rezone, Site Development Permit and Planned Development Permit as may be further described below.

General Measures

1. Prior to issuance of any grading permits, the owner/permittee shall deposit \$7,500.00 with the Environmental Analysis Section (EAS) of the Development Services Department to cover the City's costs associated with ensuring the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
2. Prior to issuance of any grading permits, the Environmental Review Manager (ERM) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading, *Environmental Requirements*: "The Santa Monica Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the environmental document Santa Monica Project - Addendum to the Black Mountain Ranch Subarea Plan EIR (LDR No. 40-0969). The project is conditioned to include the monitoring of grading operations by a biologist and a paleontologist, as outlined in said document. All mitigation measures as contained in the Santa Monica Mitigation, Monitoring, and Reporting Program (MMRP) shall be implemented for the following issue areas: Transportation/Circulation, Biological Resources, Hydrology/Water Quality, Landform Alteration/Visual Quality, Paleontological Resources, Historical Resources, and Public Facilities/Services."

3. Prior to issuance of any grading permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the City Field Resident Engineer assigned to the project, the monitoring biologist and paleontologist, and staff from the City's Mitigation Monitoring Coordination Section.

Transportation/Circulation

4. Prior to issuance of any building permit, the owner/permittee shall conform to the Black Mountain Ranch/Subarea I Transportation Phasing Plan in the Public Facilities Financing Plan, dated September 1998, to the satisfaction of the City Engineer.
5. Prior to the recordation of the first final map, the applicant shall construct a cul-de-sac at the project's entry intersection with Camino De La Rosa with a minimum pavement width of 35 feet within a 45-foot wide public right-of-way, to the satisfaction of the City Engineer.

Hydrology/Water Quality

6. Prior to issuance of any grading permits, the Environmental Review Manager shall verify that the following measures have been incorporated into the grading and/or landscaping plans and/or project design as appropriate:

Hydrology/Water Quality

Construction Phase (Short Term Mitigation Measures)

- A. Prior to issuance of any grading permits, development of this project shall comply with all requirements of the State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), and the owner/permittee shall submit evidence to the satisfaction of the ERM of LDR that a Clean Water Act Section 401 Water Quality Certification from the RWQCB has been obtained. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB.

Prior to issuance of any grading permits, a copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall also be filed with the City of San Diego.

In addition, the permittee/owner(s) and subsequent permittee/owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

- B. The SWPPP shall identify all applicable erosion control devices to be used during construction. These may include (but are not limited to) earthen berms, gravel bags, silt fences, temporary storm drains, desilting basins, energy dissipating devices, bladed swales, geotextile mats, plastic sheeting, and hydroseeding or other vegetation and irrigation practices.
- C. The SWPPP shall include a site plan on which the grading footprint (development area) is identified as shown on the approved Exhibit A. All construction activities (including staging areas) shall be restricted to the development area of this or other fully permitted project. Specified vehicle fueling, maintenance procedures and hazardous materials storage areas shall be clearly designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). The SWPPP shall include measures to preclude spills and provide for the containment of any hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- D. Grading plans shall clearly identify the type and location of erosion control devices to preclude any potential erosion impacts to the sensitive habitats to be preserved (including wetlands) within and adjacent to the project footprint as shown on the approved Exhibit A.
- E. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City/State approved SWPPP on the job site during all construction activities."

Hydrology/Water Quality

Post-Construction/Operational (Long Term Mitigation Measures)

- 7. Prior to issuance of any grading permits, the Environmental Review Manager shall verify that the type and location of post-construction Best Management Practices (BMPs) are clearly identified on the site plan(s), in conformance with Exhibit A and labeled as permanent water quality elements. All runoff shall be routed through extended detention and siltation basins prior to conveyance into the natural draw and/or the public drainage system. All surface runoff shall be filtered/treated for removal of sediment, constituents absorbed by sediment, and oil/grease prior to leaving the site. The owner/permittee shall construct all drainage facilities in a manner satisfactory to the City Engineer.

8. Prior to issuance of any certificates of occupancy, the owner/permittee shall submit a Monitoring and Maintenance Program to assure long-term maintenance responsibility of all private drainage facilities, including detention and siltation basins and all structural and non-structural BMPs. The Monitoring and Maintenance Program shall be subject to the approval of the ERM of LDR. The Monitoring and Maintenance Program shall include a schedule for the regular maintenance of all private drainage facilities and permanent BMPs and shall identify the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls.

Biological Resources

9. Prior to issuance of any grading permits, the ERM of LDR shall verify that the following impacts are mitigated in accordance with the requirements of the Black Mountain Ranch Subarea Plan EIR (LDR No. 96-7902), Land Development Code - *Environmentally Sensitive Lands* Regulations, and the City's *Biology Guidelines*:

Table 1 - Impacts and Mitigation Requirements
(accounted by acreage)

<i>Habitat</i>	<i>Tier</i>	<i>Impacts</i>		<i>Mit. Requirements</i>	
		<i>In</i>	<i>Out</i>	<i>In</i>	<i>Out</i>
<i>Relation to the MHPA</i>					
Non-native grasslands	IIIB	0.00	67.1	33.55	67.1

The upland mitigation requirement shall be satisfied through habitat acquisition, habitat restoration, and/or monetary contribution into the City's Habitat Acquisition Fund (Fund # 10571), as specified under the City's *Biology Guidelines*. The applicant/permittee shall conform to the Mitigation Program elements as specified in the City's *Biology Guidelines* and *Environmentally Sensitive Lands Regulations*.

10. Prior to the issuance of the first grading permit, the applicant/permittee shall record a conservation easement over the areas demarcated for implementation of the *Santa Monica Riparian Mitigation Plan* (Recon, June 2001). Impacts to 0.08 acres of riparian scrub shall be mitigated on-site and shall include a minimum of 0.08 acres of wetland creation required to achieve no net loss as well as the enhancement of 0.62 acres of the drainage channel as described in the *Santa Monica Riparian Mitigation Plan* (Recon, June 2001).
11. Prior to issuance of the first grading permit, the applicant/permittee shall submit verification that a qualified project biologist has been retained to oversee the implementation of the wetland mitigation plan. The project biologist shall have experience

preparing and implementing wetland and riparian mitigation plans in San Diego County and shall be acceptable to the Environmental Review Manager. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.

12. Prior to the issuance of any grading permits, the owner/permittee shall submit the following items to the ERM of LDR:

- A. Evidence of compliance with Sections 404 of the federal Clean Water Act,
- B. Evidence of compliance with Section 1603 of the State of California Fish and Game Code.

Evidence shall include either copies of the permits issued, letters of resolutions issued by the responsible agencies documenting compliance, or other evidence which demonstrates that state and federal permits have been obtained.

13. Prior to the issuance of any grading permits, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as outlined below (see A through E):

- A. The qualified biologist (project biologist) shall attend the first pre-construction meeting.
- B. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A.
- C. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas.
- D. The project biologist shall monitor the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures adjacent to all graded areas, and identify locations where trench spoil may be stockpiled in order to prevent sedimentation of the habitat. The project biologist shall oversee implementation of Best Management Practices as needed to prevent any significant sediment transport.

Landform Alteration/Visual Quality

14. Prior to issuance of any grading permits, the ERM of LDR shall verify that the grading plans submitted identify contour grading techniques in manufactured slopes in conformance with the approved Exhibit A.

Paleontological Resources

15. Prior to issuance of the first grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff 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.
16. Prior to the issuance of any grading permits, the ERM of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
17. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction manager or grading contractor, resident engineer (RE), and MMC staff. 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 11 x 17 inches) 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 staff of the start and end of monitoring.
18. In the event of a significant paleontological discovery, and when requested by the paleontologist, the 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 level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.
19. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. 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.

20. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
21. Prior to the release of the grading bond, two copies of the monitoring results report which describe 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. A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.

Public Services/Facilities

Water Service Infrastructure

22. Prior to the issuance of the first certificate of occupancy, the owner/permittee shall assure, by permit and bond, the design and construction of water facilities necessary to serve the subject development, in a manner satisfactory to the Water Department Director and the City Engineer.

Sewer Service Infrastructure

23. Prior to the issuance of the first certificate of occupancy, the owner/permittee shall assure, by permit and bond, the design and construction of sewer facilities, necessary to provide sewer services to the subject development in a manner satisfactory to the Metropolitan Wastewater Department Director. Such facilities shall be constructed in accordance with established criteria in the City of San Diego's current sewer design guide.

Solid Waste

24. Prior to the issuance of the certificate of occupancy, the ERM of LDR shall verify that the owner/permittee has developed a comprehensive waste management plan in coordination with the City's Environmental Services Department.
25. Prior to the issuance of the first certificate of occupancy, the ERM of LDR shall verify that interior and exterior containers for waste recycling are provided and an on-site yard waste-composting program has been developed.

Historical Resources

If the applicant proposes to mitigate for upland habitat impacts through habitat restoration, the following mitigation measure shall be implemented in a manner satisfactory to the Environmental Review Manager:

26. Prior to issuance of the first grading permit, the owner/permittee shall submit a habitat restoration site plan to the Environmental Review Manager for review and approval. The restoration site shall then be evaluated by the Environmental Review Manager for potential impacts to historical resources. If any potentially significant impacts are identified, the applicant/permittee shall demonstrate full compliance with all of the requirements of the City of San Diego Land Development Code and *Historical Resources Guidelines*, prior to issuance of the first grading permit.