

RESOLUTION NUMBER R- 296047

ADOPTED ON FEB 05 2002

WHEREAS, on March 20, 2000, Elizabeth Riis submitted an application to the City of San Diego for a Vesting Tentative Map, Rezone, and Site Development Permit/Planned Development Permit for the Torrey View Estates 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 FEB 05 2002; and

WHEREAS, the City Council considered the issues discussed in Revised Mitigated Negative Declaration LDR No. 40-0197; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Revised Mitigated Negative Declaration LDR No. 40-0197, 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 Torrey View Estates project.

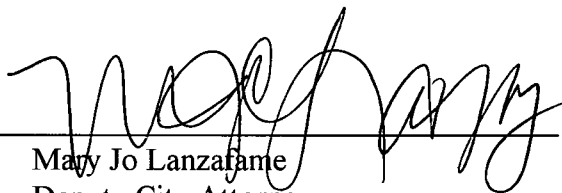
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study

and therefore, that the Revised 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

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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM TORREY VIEW ESTATES

LDR NO. 40-0197

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. 40-0197) are described below.

MITIGATION, MONITORING AND REPORTING PROGRAM:

The following mitigation measures are required to reduce potentially adverse impacts to land use, hydrology/water quality, paleontological resources, and biological resources due to project implementation.

Land Use - MSCP Subarea Plan Compliance

1. All backyard lighting installed on homes adjacent to the MHPA shall be shielded to prevent light pollution off-site. Shielding may consist of fixtures that physically direct light away from the outer edges of the property, or landscaping, berms or other barriers at the edge of the lots.
2. Prior to the issuance of building permits, permanent four-foot high fences shall be installed along the rear of building pads on Lots 6, 7, and 8 abutting the open space easement and the MHPA. The specific design of the fence will be subject to review and approval by the Environmental Review Manager. Upon review of the fence type, the Environmental Review Manager may require that wire mesh be attached to the fence as part of its installation.
3. Construction adjacent to the MHPA and sensitive habitats should only be done under the supervision of a qualified biologist to ensure that construction activities do not impact sensitive areas.
4. Landscaping in areas adjacent to the MHPA shall not contain invasive exotic plant species.
5. Runoff from impervious areas and other hardscape shall be directed into detention basins or other trapping devices that will filter out toxins and shall not drain directly into the MHPA.

Hydrology/Water Quality

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants (point-source pollution). Appropriate pre- and post-construction storm water Best Management Practices (BMPs) must be incorporated into the project which would be adequate to reduce water quality impacts to below a level of significance. The applicant shall fully mitigate this impact as follows:

6. Prior to issuance of any grading permit or the approval of any construction change to a 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 (BMPs).
7. The grading plan shall also include a drainage system which provides for implementation of Best Management Practices (BMPs) on site to reduce construction phase runoff of pollutants into adjacent water courses and shall include the following:
 - a. Construction phase erosion control measures shall be employed including such measures as short-term use of sandbags, matting, mulches, berms, hay bales, or similar devices, along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
 - b. 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.
 - c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
 - d. 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, if applicable.
 - e. Energy dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossing, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.
 - f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
 - g. Landscape design shall incorporate the use of drought tolerant vegetation.
 - h. All manufactured slopes, if applicable, 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.

- i. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
 - j. Grading shall be minimized during the rainy season (October 31 to April 1). 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.
 - k. A maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
8. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP) containing all of the following requirements, satisfactory to the Environmental Review Manager and the City Engineer:
- a. All comprehensive permanent post-construction Best Management Practices (BMPs) that may be deemed appropriate, shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into adjacent open space areas satisfactory to the City Engineer. BMPs may include but are not limited to grass lined swales and catch basins fitted with oil/sediment filters to filter runoff from the development prior to discharge into adjacent open space. Any proposed grass lined swales and oil/sediment filters (grease and heavy metal particulate trap), shall be installed on the project property and maintained by the owner/permittee to the satisfaction of the City Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer
 - b. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City- and State-approved SWPPP on the job-site during all construction activities."
 - c. No grading shall be performed during the rainy season (October 31 to April 1) without special erosion control measures approved by the City Engineer.
 - d. Prior to the issuance of certificates of occupancy, the City Engineer and/or Stormwater Administrator shall inspect the permanent, post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer and/or Stormwater Administrator based on the field inspection.

- e. The SWPPP shall include a permanent maintenance plan, prepared satisfactory to the City Engineer and/or the Stormwater Administrator, which defines the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, the oil/sediment filters shall be cleaned and maintained as necessary, satisfactory to the City Engineer and/or Stormwater Administrator.

Paleontological Resources

9. Prior to issuance of grading permits, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review Division (LDR).
ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.
10. **THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.**
11. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program and discuss grading plans with the construction contractors.
12. The qualified paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
13. **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 PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDINGS AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction and/or ground disturbance activities are allowed to resume.**
14. 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.

15. Within three months following completion of grading and/or construction activities, or prior to issuance of the first building permit, a monitoring report with appropriate graphics summarizing the results, analysis, and conclusions of the above monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

Biology

16. Prior to the issuance of a grading permit or the approval of any construction change to a grading permit, the project biologist shall flag the boundaries of Open Space Easements A, B, and C as identified on Exhibit "A" to distinguish them from Brush Management Zone 2.
17. Populations of Del Mar sand aster located in the area to be impacted by construction are to be propagated from seed. A total of 200 individuals will be outplanted in trail areas located in the western portion of the designated open space on the south edge of the property. The monitoring and maintenance period will begin immediately upon completion of plant installation and will last for a period of three years.

General

The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$450.00 to be collected prior to the recordation of the final map and/or issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.