

RESOLUTION NUMBER R- 296290

ADOPTED ON APR 09 2002

WHEREAS, on June 2, 2001, Hillside Ventures Limited Partnership submitted an application to the Development Services Department for a Rezone, Tentative Map and Planned Development Permit and Site Development Permit for the Fairbanks Summit II 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 APR 09 2002; and

WHEREAS, the Council considered the issues discussed in Addendum to an Environmental Impact Report [EIR], LDR No. 41-0480 (Addendum to EIR No. 96-7902, 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. 41-0480 (Addendum to EIR No. 96-7902, 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

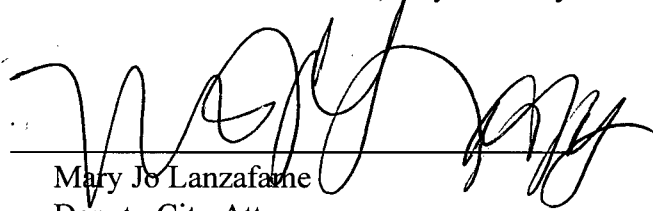
Council in connection with the approval of the land use actions for the Fairbanks Summit II development.

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

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EXHIBIT A  
MITIGATION MONITORING AND REPORTING PROGRAM  
FAIRBANKS SUMMIT II  
APPROVAL OF REZONE, TENTATIVE MAP,  
PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION  
ORDINANCE PERMIT (RZ/TM/PRD/RPO)  
LDR No. 40-0480

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 Fairbanks Summit RZ/TM/PRD/RPO Permit as may be further described below.

**General**

1. The following mitigation, monitoring and reporting program will require a deposit of \$900.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

**Biological Resources**

2. Prior to issuance of the first grading permit, direct impacts to 0.19 acre of Diegan coastal sage scrub (Dcss), 0.05 acre of Eucalyptus Woodland/Coastal Sage Scrub (EW/Css), and 0.55 acre of Non-native grassland (NNGL) habitat shall be mitigated, to the satisfaction of the City Manager, through off-site acquisition of 0.24 acre of Tier II, and 0.28 acre of Tier III-B habitat within the MHPA, for a total of 0.52 acres as described below.
  - A. The owner/permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 0.24 acre of Tier II habitat, and 0.28 acre of Tier III-B or better habitat located off-site, in the City of San Diego's Multi-Habitat Planning Area (MHPA) in accordance with the City's Biological Guidelines; or
  - B. Prior to issuance of the first grading permit, the applicant shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 0.52 acres plus a 10 percent administration fee. Said payment is currently estimated at \$45,000.00 per acre and is subject to revision at the time of payment.

3. No mature trees shall be removed during the breeding season for raptor species. If removal of any mature trees is proposed during the breeding season, the following measures shall ensure that construction related impacts to raptor species are avoided:
  - A. Prior to the issuance of grading permits, a qualified biologist shall determine the presence or absence of occupied raptor nests within the project site, with written results submitted to the Environmental Review Manager (ERM) of the Land Development Review Division (LDR).
  - B. If active raptor nests are identified during the pre-grading survey, the following measure shall be implemented: Grading and construction which creates adverse effects to active raptor nests, including noise levels above 60 dB(A), shall be restricted to 300 feet from any Cooper's hawk (*Accipiter cooperii*) nesting site and 900 feet from any Northern harrier (*Circus cyaneus*) nesting site. This restriction shall be noted on all grading and construction plans. If raptor nests are located within the distances listed above, weekly biological monitoring of the nests shall be conducted by the project biologist during the breeding season (February 1 through August 15) with written results submitted to the ERM of LDR. If no raptor nests are discovered in the trees to be removed, no further mitigation is required.
  - C. If raptor nests are discovered, the qualified biologist shall mark all pertinent trees and delineate the appropriate "no construction" buffer area as noted in measure 3B around any nest sites, satisfactory to the ERM of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ERM of LDR, that the nests are no longer being used.

#### Hydrology/Water Quality

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

4. 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 Stormwater 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 approved BMPs as recommended by the manufacturer(s) for the life of the system.

5. 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.
6. 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.
7. 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).
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading, as appropriate.

14. Desilting basins shall be provided during grading.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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).
21. 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.
22. Permanent erosion control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, shall be provided to the satisfaction of the City Engineer.
23. Energy dissipators (e.g., rip rap aprons) shall be placed at all project storm drain outlets to reduce off-site flow velocities.
24. 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.
25. 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.
  26. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
  27. 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.
  28. 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.
  29. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
  30. Landscape design shall incorporate the use of drought tolerant vegetation.
  31. 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.
  32. All manufactured slopes shall be maintained per Section 4.5, Maintenance Requirements, of the City of San Diego Land Development Code, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
  33. All conditions of the General Permit for Construction Activity shall be adhered to.

**Paleontological Resources**

34. Prior to issuance of grading permits, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division (LDR) stating that a qualified paleontologist and/or paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, have 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 LDR. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START**



**MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

35. **THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.**
36. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss grading plans with the construction manager.
37. The paleontologist or paleontological monitor shall be on-site full-time during initial cutting of previously undisturbed areas. Monitoring will include inspection of excavations and salvage of any fossils from the **Stadium Conglomerate, Friars Formation and the Mission Valley Formation**. Monitoring time may be increased or decreased at the discretion of the paleontologist in charge, in consultation with LDR, and will depend on the rate of excavation, materials excavated and the abundance of fossils.
38. **IN THE CASE OF A SIGNIFICANT DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE RESIDENT ENGINEER SHALL DIVERT, OR TEMPORARILY HALT CONSTRUCTION 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 disturbing activities are allowed to resume.**
39. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined by 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.
40. Within three months following completion of grading and/or construction activities, or 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 and approved by the Environmental Review Manager of LDR.