

RESOLUTION NUMBER R- 296843

ADOPTED ON JUL 23 2002

WHEREAS, on February 15, 2001, Johnson Communities of Southern California submitted an application to the City of San Diego for a planned development permit/site development permit/neighborhood use permit and tentative map for Vista Bougainvillea; 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 JUL 23 2002; and

WHEREAS, the City Council considered the issues discussed in Findings to Master Environmental Impact Report (MEIR No. 95-0353) No. 41-0366; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Findings to Master Environmental Impact Report No. 41-0366, 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 planned development permit/site development permit/neighborhood use permit and tentative map for Vista Bougainvillea.

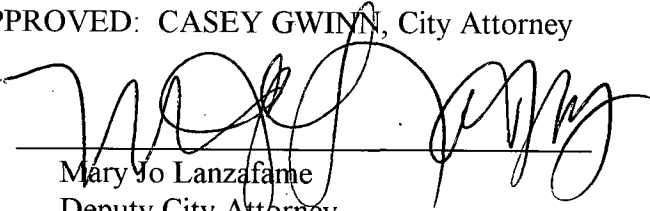
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21157.1 and Administrative Code section 15177, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

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:pev
07/02/02
Or.Dept:DSD
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

TENTATIVE MAP, STREET VACATION, PLANNED DEVELOPMENT PERMIT, NEIGHBORHOOD USE PERMIT, AND SITE DEVELOPMENT PERMIT

LDR NO. 41-0366

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. 40-0242) shall be made conditions of TENTATIVE MAP, STREET VACATION, PLANNED DEVELOPMENT PERMIT, NEIGHBORHOOD USE PERMIT, AND SITE DEVELOPMENT PERMIT as may be further described below.

1. Prior to the issuance of any grading permits, the City Manager shall verify that the owner/permittee has submitted a deposit of **\$3,200.00** to the Environmental Analysis Section (EAS) of Development Services Department to cover the City's costs associated with 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 Vista Bougainvillea Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the environmental document *Findings to Master EIR (LDR No. 41-0366)*. The project is conditioned to include the monitoring of grading operations by a biologist and a paleontologist, as detailed in said document."
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 Resident Engineer, the monitoring biologist and paleontologist, and staff from the City's Mitigation Monitoring Coordination Section.
4. Prior to the recordation of the first final map and/or issuance of any grading permits, direct impacts to 2.2 acres of southern maritime chaparral shall be mitigated at a 1:1 ratio, and direct impacts to 0.2 acre of chamise chaparral shall be mitigated at a 0.5:1 ratio, to the satisfaction of the Environmental Review Manager (ERM) of Land Development Review (LDR).
 - A. The owner/permittee shall record to the satisfaction of the City Manager, either a conservation easement, or dedicate in fee title to the City of San Diego the 2.3 acres of habitat located within on the mitigation parcel (APN 308-020-10). Of this amount, 2.2 acres must be in Tier I and 0.1 acre may be in Tiers I-III. The easement shall name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and identify the permissible uses and activities and/or restrictions to be placed on preserve areas, including a provision that no clearing, grubbing, grading

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or disturbance of the native vegetation shall occur within the area. Management of the preserved open space shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title. The remaining 2.7 acres of the mitigation parcel may be used as mitigation for other projects.

5. Prior to the issuance of any grading permits, the owner/permittee shall provide a letter to the ERM verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through F):
 - A. The qualified biologist (project biologist) shall attend the first preconstruction 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 beyond the limits of disturbance as shown on the approved Exhibit A.
 - D. The project biologist shall direct 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.
 - E. If construction occurs during the breeding season of the California gnatcatcher, March 1st to August 15th, the following measures shall be implemented:
 - a) Prior to the commencement of grading, the project biologist shall survey those areas of the Multi-Habitat Planning Area (MHPA) within 500 feet of any construction activity in accordance with the USFWS protocol for determining the presence/absence of gnatcatchers and shall notify the ERM of the results.
 - b) If no California gnatcatchers are found to be present, then no additional measures are required.
 - c) If it is determined that California gnatcatchers are present, construction operations shall be suspended or noise/line of sight/dust barrier(s) shall be constructed to buffer noise at the edge of the occupied habitat. The location of any such barrier(s) shall be determined by the project biologist.
 - d) Construction noise shall be monitored by an acoustical expert on an ongoing basis (i.e., at least twice weekly on varying days or more frequently depending on the construction activity) to verify that noise at the edge of gnatcatcher occupied areas of the MHPA is maintained below an hourly average of 60 dB(A). If the level is exceeded, additional measures, such as restrictions on the simultaneous use of equipment, shall be implemented to the satisfaction of the ERM. If such measures are not

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effective, construction activities shall cease in all areas where such activities would result in excessive noise levels at the edge of gnatcatcher occupied portions of the MHPA.

- e) The monitoring biologist shall provide monthly letter reports to the ERM documenting the results by of noise monitoring and an assessment of the breeding/nesting behavior of the gnatcatchers.
6. The qualified biologist shall assure that all construction taking place adjacent to the MHPA is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:
- A. All required lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. Bollard lighting or other lighting alternatives shall be used in place of City pole lights to the satisfaction of the ERM and/or City Engineer.
 - B. No new, exotic, invasive species shall be utilized in, or adjacent to the MHPA. All non-irrigated hydroseeded revegetation areas and areas adjacent to the MHPA shall consist of native or non-invasive species to the satisfaction of the ERM.
 - C. No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales or detention basins are used as needed during construction. All storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City Engineering Drainage Standards shall be ensured to the satisfaction of the ERM and City Engineer.
 - D. No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of disturbance.
 - E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the ERM which assesses actual project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego "Land Development/Zoning Code Update Biology Guidelines," to the satisfaction of the ERM.
7. Prior to the issuance of the grading permit, the applicant shall provide a geotechnical report to the satisfaction of LDR Geology. If the geotechnical report requires geologic mitigation that would impact additional biological resources, then the applicant would be required to amend the development permit and be subject to additional environmental review prior to the issuance of the grading permit.
8. Prior to the start of any geologic or geotechnical exploration or associated grading activity on this property, a bond shall be posted in an amount sufficient to provide mitigation for any and all damage to environmentally sensitive lands or resource due to the exploration program in the event the project is terminated. The geologic/ geotechnical exploration program bond would be exonerated upon securing a grading permit and performance bond.

Construction Phase (Short Term Mitigation Measures)

9. Prior to issuance of any grading permits, the ERM shall verify that the following measures

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have been incorporated into the grading and/or landscaping plans and/or project design as appropriate:

- A. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared satisfactory to the City Engineer, which shall identify all applicable erosion control devices to be used during construction. These may include (but may not be 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. The SWPPP and grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into Los Peñasquitos Lagoon and other waters. Such BMPs must fulfill the intent of City Clerk Document No. 00-17068, "Erosion Control Measures for North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons" (City of San Diego Municipal Code).
- B. 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 adjacent to the project footprint as shown on the approved Exhibit 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.
- C. Prior to issuance of any grading permits, the owner/permittee shall provide a letter to the ERM verifying that a qualified biologist has been retained to monitor grading activities (and ensure implementation of water quality measures as needed) adjacent to the sensitive habitat to be preserved, as shown on the approved Exhibit A.
- D. 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. 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.
- E. 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.
- F. 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.
- G. The owner/permittee shall hydroseed all applicable areas within 90 days of

completion of grading activities with appropriate ground cover vegetation (e.g., use of native or noninvasive plants) to the satisfaction of the ERM of LDR in conformance with the requirements of the City's Landscape Standards.

Post-Construction/Operational (Long Term Mitigation Measures)

10. Prior to issuance of the grading permit, the following mitigation measures shall be incorporated into project design to the satisfaction of the ERM and the City Engineer:
 - A. All project-related drainage structures shall be adequately sized to accommodate at a minimum a 50-year flood event (provisions for other storm events may be required pursuant to direction from the City Engineer).
 - B. Surface and subsurface drainage shall preclude ponding outside of designated areas and sheet flow down slopes.
 - C. Energy-dissipating structures (e.g., detention ponds, rip rap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all drainage channels to reduce velocity and prevent erosion.
11. Prior to issuance of grading permits, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on the TM and PRD of the approved Exhibit A.
12. Street lights shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type. All street and residential lights shall be directed away from open-space areas (consistent with MSCP Guidelines) with appropriate placement or shades.

Schools

13. Prior to the recordation of the first Final Map, the applicant shall fully mitigate impacts to the Del Mar Union School District and San Dieguito Union High School District through payment of school mitigation costs and/or participation in a Mello-Roos Community Facilities District.

Fire

14. Prior to recordation of the first Final Map, the City Fire Department shall determine whether a first response can be provided on the project site within six minutes. Mitigation measures in the form of individual sprinkler systems and/or construction/site design safeguards shall be required if a six-minute response cannot be provided at the time of future development.

Safety

15. Prior to recordation of the first Final Map, if the project includes water quality devices that will result in the impoundment of water, either within the project site or as a condition of approval, then the applicant shall provide a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management will vary with proximity to residences, human activity, risk and environmental factors.

16. Prior to recordation of the first Final Map, sedimentation basins (if they are required by the hydrology analysis) shall be designed to be self-draining within 72 hours, consistent with the California State Storm Water BMPs. Additionally, an access plan, funding and a maintenance contact shall be provided by the responsible party to the City Engineer. Cleaning shall be performed at the frequency necessary to remove algae and vegetation blooms and prevent mosquito breeding and the build-up of contaminated sediments.

Paleontological Resources

17. Prior to the issuance of the first grading permit, the owner/permittee 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. All persons involved in the paleontological monitoring of this project shall be approved by LDR prior to the start of monitoring. The applicant shall notify LDR of the start and end of construction.
 - a. The requirement for paleontological monitoring shall be noted on the grading plans.
 - b. 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 contractors.
 - c. The qualified paleontologist shall be on-site full time during the initial cutting of previously undisturbed sediments. 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 material excavated, and the abundance of fossils.
 - d. When requested by the paleontologist, the 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.
 - e. 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 recovered by the paleontologist at the San Diego Natural History Museum.
 - f. Within three months following completion of grading and/or construction activities, or prior to issuance 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.

Transportation/Circulation

18. Prior to the issuance of any building permits, the project shall conform to the revised Del Mar Mesa/Subarea V Transportation Phasing Plan.

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19. Prior to the recordation of the first Final Map, the applicant shall construct Ranch Toyon Place as a two-lane residential street with a minimum pavement width of 28 feet within 52 feet of the right-of-way, including 10 feet to 14 feet parkway and an eight foot multi-use trail on the north side of the property, satisfactory to the City Engineer.
20. The project shall be connected to State Route-56 by a network of improved public streets based on the approved transportation phasing plan for Del Mar Mesa/Subarea V. 1.

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