

RESOLUTION NUMBER R- 296953

ADOPTED ON AUG 05 2002

WHEREAS, on August 1, 2000, Western Pacific Housing submitted an application to the City of San Diego for a rezone, tentative map, site development permit, planned development permit and street action, Project No. 1418; 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 AUG 05 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 40-0968; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 40-0968, 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 Torrey Highlands Village Center (LMXU) 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

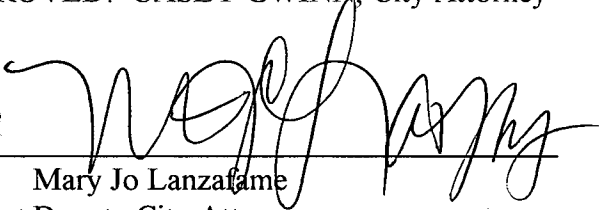
and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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:pev
7/15/02
Or.Dept:DSD
R-2003-146
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
TORREY HIGHLANDS VILLAGE CENTER
SITE DEVELOPMENT REVIEW, STREET ACTION, TENTATIVE MAP, REZONE,
PLANNED DEVELOPMENT PERMIT - PROJECT NO. 1418
LDR NO. 40-0968


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. 40-0968) shall be made conditions of the Site Development Review, Street Action, Tentative Map, Rezone, Planned Development Permit No. 1418 as may be further described below.

General Measures

1. Prior to recordation of any permit, the owner/permittee shall deposit \$3,200.00 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 Torrey Highlands Village Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in MND (LDR No. 40-0968)."
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 (RE), the Paleontologist, the Archaeologist, the Biologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.

Biological Resources

4. Prior to the issuance of a grading permit, the permittee shall complete the following measures to the satisfaction of the City ERM:
 - A. Tier I habitat impacts outside the MHPA shall be mitigated with southern maritime chaparral or equivalent Tier I habitat or better via off-site preservation within Subarea IV for a total of 0.97 acres inside the MHPA, or 1.94 acres outside of the MHPA.
 - B. Tier II habitat impacts outside the MHPA shall be mitigated with coastal sage scrub or equivalent Tier II or better habitat via off-site preservation in Subarea IV for a total of 4.20 acres inside the MHPA or 6.30 acres outside the MHPA.

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- C. Tier II habitat impacts inside the MHPA shall be mitigated with coastal sage scrub or equivalent Tier II or better habitat via off-site preservation in Subarea IV for a total of 0.7 acres inside the MHPA or 1.40 acres outside the MHPA.
 - D. Tier IIIA habitats impacts outside the MHPA shall be mitigated with southern mixed chaparral or equivalent Tier IIIB or better habitat via off-site preservation within Subarea IV for a total of 0.19 acres inside the MHPA, or 0.38 outside the MHPA.
 - E. Tier IIIB habitat impacts outside the MHPA shall be mitigated with non-native grasslands or equivalent Tier IIIB habitat or better via off-site preservation within Subarea IV for a total of 14.99 acres inside the MHPA, or 29.98 acres outside of the MHPA.
 - F. If mitigation is proposed to occur outside of Subarea IV, standard mitigation ratios listed above in items A-D will double.
5. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through D):
- 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. All unauthorized encroachments shall be reported and mitigated in accordance with the City's Biological Review References (November 2000), to the satisfaction of the ERM.
 - D. Off-site construction impacts associated with the sewerline/access easement/trail within of adjacent to the MHPA must be mitigated or avoided during the breeding season (March 1 - August 15).
6. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall provide a revegetation plan satisfactory to the ERM of LDR. This plan shall outline revegetation of impacts related to off-site sewer easement/trail. This area is shared by four projects (LMXU, City Park, School and Fairbanks Country Villas). The first project that applies for grading permits shall contract and submit the revegetation plan and arrange compensation with the other entities separately.

Historical Resources (Archaeology)

7. Prior to the first preconstruction meeting, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to

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implement the monitoring program. A second letter shall be submitted to the 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.

8. Prior to the first preconstruction meeting, the ERM shall verify that the requirement for archaeological monitoring and Native American monitoring, if applicable, has been noted on the grading plans.
9. Prior to beginning construction, the permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, 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 11x17) 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.

10. The qualified archaeologist shall be present full-time during all grading/excavation of native soils associated with the project and shall document activity via the Consultant Site Visit Record. These records shall be faxed to the RE and MMC each month.
11. In the event of a discovery, and when requested by the archaeologist, the City RE shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The archaeologist with principle investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the 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.

12. 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.

13. 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 for 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 specialty studies are completed, as appropriate.
14. Within three months following the completion of monitoring, 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.
15. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring 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.
16. 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.

Hydrology/Water Quality

17. Prior to issuance of any grading permits, the Environmental Review Manager of Land Development Review (ERM of LDR) and/or the City Engineer shall verify that the following measures have been incorporated into the grading and/or landscaping plans and/or project design as appropriate:

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. 99-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. 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. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

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- B. The SWPPP 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).
- C. 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 within and adjacent to the project footprint as shown on the approved Exhibit A.
- D. Prior to issuance of any grading permits, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified specialist (e.g. biologist) has been retained to monitor grading activities (and supervise implementation of water quality measures as needed) adjacent to the sensitive habitat to be preserved, as shown on the approved Exhibit A.
- E. 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.
- F. The owner/permittee shall hydroseed all applicable areas within 30 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)

- 18. Prior to issuance of any grading permits, the ERM of LDR shall verify that the type and location of post-construction Best Management Practices (BMPs) are clearly identified on the site plan(s). All site runoff shall be routed through grass-lined swales (or equivalent structural BMPs) prior to flowing into 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.
- 19. Prior to issuance of any Certificates of Occupancy, the following mitigation measures shall be incorporated into project design to the satisfaction of the ERM of LDR and the City Engineer:

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- 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.
20. Prior to issuance of any Certificates of Occupancy, the owner/permittee shall submit a Monitoring and Maintenance Program to assure long-term maintenance of all private drainage facilities, including detention 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 entity responsible for doing the maintenance.

Land Use/Multiple Species Conservation Program

21. Prior to recordation of the first final map and/or issuance of the first grading permit, the ERM shall assure that all alterations of the subject property are consistent with the MSCP Land Use Adjacency Guidelines, including the following conditions A-G;
- A. Fencing shall not interfere with continued wildlife movement through significant wildlife corridors.
 - B. Artificial lighting shall not be permitted on the subject trail.
 - C. No new, exotic, invasive species (such as Australian saltbush (*Atriplex semibaccata*)) shall be utilized in, or adjacent to the MHPA.
 - D. Compliance with City Engineering Drainage Standards shall be ensured to the satisfaction of the City Engineer and EAS.
 - E. New trail and construction footprints shall be limited to those areas depicted on plans approved by EAS.
 - F. Uses in or adjacent to the MHPA must be designed to minimize direct impacts sensitive species in the MHPA. Construction impacts affecting the MHPA must be mitigated or avoided during the breeding season (March 15 - September 15).

Noise

22. Prior to issuance of building permits, all recommendations listed in the acoustical report entitled *Acoustical Impact Analysis, Torrey Highlands Village Center (LMXU)* (Hans Giroux, July 25, 2001) shall be shown on the building plans to the satisfaction of the City ERM and the City Engineer.
23. Prior to the issuance of the Certificate of Occupancy, an acoustical study shall be submitted by the applicant, satisfactory to the City ERM and the City Engineer. This report must show that construction materials and design have resulted in

exterior noise levels for usable outdoor spaces and interior spaces do not exceed 65 dB and 45 dB respectively.

Paleontological Resources

24. 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.
25. 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.
26. 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 11x17 inches) that identifies areas to be monitored. The paleontologist shall also submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.
27. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City 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 principle 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.
28. 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.
29. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
30. Prior to the release of the grading bond, two copies of the monitoring results report which describes 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

Transportation/Circulation

31. Prior to recordation of the first final map, the applicant shall assure the construction of Camino Ruiz as a six lane primary arterial . The applicant shall dedicate 157 feet of right-of-way and shall provide 122 feet of pavement, curb, gutter and 5-foot wide within 20 feet curb to property line distance on the east side and within 15-foot curb to property line distance on the west side of Camino Ruiz, satisfactory to the City Engineer.
32. Prior to recordation of the first final map, the applicant shall assure the construction of Torrey Meadows Drive as a four lane collector from Private Drive "K" to the school entrance. The applicant shall dedicate 102 feet of right-of-way and shall provide 72 feet of pavement, curb, gutter and 5-foot wide sidewalk within 15 feet curb to property line distance then transitioning to a modified two-lane collector , satisfactory to the City Engineer.
33. Prior to recordation of the first final map, the applicant shall assure the construction of Torrey Meadows Drive as a two-lane collector with two-way left-turn lane from the school entrance to Private Drive "A". The applicant shall dedicate 80 feet of right-of-way and shall provide 50 feet of pavement, curb, gutter and 5-foot wide sidewalk within 15 feet curb to property line distance, satisfactory to the City Engineer.
34. Prior to recordation of the first final map, the applicant shall assure the construction of traffic signal at the intersection of Private Drive "A" and Torrey Meadows Drive, satisfactory to the City Engineer.
35. Prior to recordation of the first final map, the applicant shall assure the construction of traffic signal at the intersection of Camino Ruiz with Torrey Meadows Drive, satisfactory to the City Engineer.
36. Prior to recordation of the first final map, the applicant shall assure the construction of traffic signal at the intersection of Camino Ruiz with Street "A", satisfactory to the City Engineer.
37. Prior to recordation of the first final map, the applicant shall assure the construction of traffic signal at the intersection of Torrey Meadows Drive and the proposed school entrance, satisfactory to the City Engineer.
38. Prior to recordation of the first final map, the applicant shall assure the construction of two standard left-turn pockets with a minimum of 250-foot storage length plus 120-foot transition from Camino Ruiz onto Street "A" and Torrey Meadows Drive, satisfactory to the City Engineer.
39. Prior to recordation of the first grading permit, Caltrans review and approval of this project is required with regard to the planned SR-56 freeway.
40. Prior to recordation of the first final map, the applicant shall assure the construction of Street "A" as a four lane modified collector . The applicant shall dedicate 108 feet of right-of-way and shall provide 78 feet of pavement, curb, gutter and 5-foot wide sidewalk within 15 feet curb to property line distance then transitioning to a modified two lane collector, satisfactory to the City Engineer.
41. Prior to recordation of the first final map, the applicant shall assure the construction of the cul-de-sac at the western end of Street "A". The applicant shall dedicate 60 feet radius of right-of-way and shall provide 50 feet radius of

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pavement, curb, gutter and 5-foot wide sidewalk within 10 feet curb to property line distance, satisfactory to the City Engineer.

42. The applicant shall coordinate with the approved Greystone project TM 98-0392 and incorporate an additional access point at Private Drive "D" satisfactory to the City Engineer.
43. Prior to recordation of the first final map, the applicant shall assure the construction of traffic signal at the intersection of Torrey Meadows Drive and Private Drive "K", satisfactory to the City Engineer.
44. Prior to recordation of the first final map, the applicant shall assure the construction of traffic signal at the intersection of Street "A" the Commercial Center access (Lot 2), satisfactory to the City Engineer.
45. Prior to issuance of any building permit, the project shall conform to the Torrey Highlands Subarea IV Transportation Phasing Plan in the Torrey Highlands Subarea IV Public Facilities Financing Plan, and the final EIR/Traffic Study dated June 1996.

Public Services/Utilities

46. Prior to issuance of certificates of occupancy, the applicant shall contribute a fair share of funding relative as specified in the Subarea IV, Torrey Highlands EIR, Mitigation Monitoring and Reporting Program, which includes funding for the future development of fire stations, schools, parks, libraries.
 - A. Prior to the issuance of each building permit, a fire response time analysis shall be submitted to the ERM for the building permit in question. If the structure is located outside of a six-minute response time from an existing or planned fire station, a fire sprinkler system shall be installed in the structure(s) satisfactory to the ERM and the City Fire Marshall.
47. In order to reduce the amount of solid waste that is processed at landfills, the City of San Diego has adopted a recycling ordinance and Source Reduction and Recycling Element (SRRE). As required by the Subarea Plan, the project must comply with SRRE recycling measures and City Council Policy 900-06.