

RESOLUTION NUMBER R- 297093

ADOPTED ON SEP 24 2002

WHEREAS, T.R. II, LLC, Owner and Poway Unified School District School Facilities Financing Corporation, Permittee, submitted an application to the City of San Diego for a vested tentative map, rezone, resource protection ordinance/planned residential development permit, easement vacation and an MHPA Boundary Adjustment for the Torrey 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 SEP 24 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 99-1331; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 99-1331, 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 Ranch 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

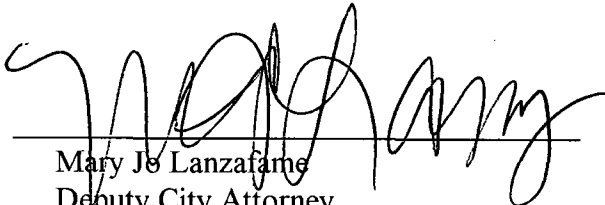
and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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  
08/20/02  
Or.Dept:DSD  
R-2003-285  
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## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM Site Development Plan, Conditional Use Permit Amendment and Easement Vacation for Torrey Ranch LDR No. 99-1331, Project No. 3192

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. 99-1331) shall be made conditions of the Site Development Plan and Conditional Use Permit Amedment as may be further described below.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

#### MITIGATION, MONITORING AND REPORTING PROGRAM:

To ensure that further site development would avoid significant environmental impacts, a Mitigation, Monitoring and Reporting Program (MMRP) is required. Compliance with the mitigation measures would be the responsibility of the applicant. The basis for the MMRP can be found in the Initial Study. The mitigation measures are described below.

#### MITIGATION, MONITORING AND REPORTING PROGRAM:

As conditions of the Tentative Map, Rezone, and Planned Development Permit, the following mitigation measures are required to reduce potentially adverse impacts to Biological Resources, Historical Resources, Hydrology/Water Quality, Land Use/MHPA, Paleontological Resources, Transportation/Circulation, Public Services/Utilities and Human Health and Public Safety:

#### General Measures

1. After project approval and prior to the recordation of the first permit, the owner/permittee shall deposit \$7,000.00 with the City's Development Project Manager 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 Ranch Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in MND (LDR No. 99-1331)."

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 any grading permits, 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.
  - D. If construction occurs during the breeding season of the California gnatcatcher, March 1 through September 15, the following measures shall be implemented:
    - (1) Prior to the commencement of grading, the project biologist shall survey those areas of the MHPA which support potential gnatcatcher habitat 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.
    - (2) If no California gnatcatchers are found to be present, then no additional measures are required.
    - (3) If it is determined that California gnatcatchers are present, construction operations shall be suspended or noise/line of sight 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.
    - (4) Construction noise shall be monitored by an acoustical expert on an ongoing basis to verify that noise at the edge of gnatcatcher occupied areas of the MHPA is maintained below a 60 dB hourly average. Construction noise monitoring shall continue at least twice weekly on varying days, or more frequently depending on activity, to verify that noise level maximums are not exceeded. 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 effective, construction activities shall cease in the area of occupied habitat within the MHPA.

- (5) Monthly letter reports shall be provided to the ERM with the results of noise monitoring and an assessment of the breeding/nesting behavior of the gnatcatchers.

*Biological Resources - Upland Mitigation*

5. Prior to the issuance of a grading permit, the permittee shall complete the following measures to the satisfaction of the City ERM:
  - A. Impacts to 11.2 acres of Tier II disturbed coastal sage scrub habitat outside the MHPA shall be mitigated with equivalent Tier II habitat or better. This shall be accomplished via on-site revegetation of 1.7 acres of coastal sage scrub and off-site preservation. If the preservation occurs inside of the MHPA, a 1:1 ratio shall be utilized, for a requirement of 9.5 acres. If the preservation occurs outside of the MHPA, a 1.5:1 ratio shall be utilized, for a requirement of 14.25 acres.
  - B. Impacts to 2.3 acres of Tier IIIA southern mixed and chamise chaparral habitat outside the MHPA shall be mitigated with equivalent Tier IIIA habitat or better. This shall be accomplished via off-site preservation. If the preservation occurs inside of the MHPA, a 0.5:1 ratio shall be utilized, for a requirement of 1.15 acres. If the preservation occurs outside of the MHPA, a 1:1 ratio shall be utilized for a requirement of 2.3 acres.
  - C. Impacts to 14.4 acres of Tier IIIB non-native grassland habitat outside the MHPA shall be mitigated with non-native grasslands or equivalent Tier IIIB habitat which has been revegetated to native Tier IIIA habitat or better. This shall be accomplished via off-site preservation. If the preservation occurs inside of the MHPA, a 0.5:1 ratio shall be utilized, for a requirement of 7.2 acres. If the preservation occurs outside of the MHPA, a 1:1 ratio shall be utilized for a requirement of 14.4 acres. Impacts to 0.2 acre of Tier IIIB non-native grassland habitat inside the MHPA shall be mitigated via on-site revegetation of 0.2 acre of non-native grassland to Tier II habitat.

Offsite impacts to 0.3 acre of Tier IIIB non-native grassland habitat in the Poway School Preserve, within the MHPA, shall be mitigated via in-place revegetation of 0.3 acre of non-native grassland to Tier II habitat.
  - D. If mitigation occurs outside of Subarea IV, standard mitigation ratios listed above in items A-C shall double, unless the applicant can demonstrate, to the satisfaction of the ERM and the Community Planner, that mitigation in Subarea IV is not feasible.

- E. If the offsite sewer line is constructed as a part of this project, the owner/permittee shall be required to mitigate for such impacts, to the satisfaction of the ERM, as follows:
- (1) Impacts to 0.5 acre of Tier IIIA chamise chaparral habitat outside the MHPA shall be mitigated with equivalent Tier IIIA habitat or better. If the preservation occurs inside of the MHPA, a 0.5:1 ratio shall be utilized, for a requirement of 0.25 acre. If the preservation occurs outside of the MHPA, a 1:1 ratio shall be utilized for a requirement of 0.5 acre.
  - (2) Impacts to 0.3 acre of Tier IIIB annual grassland habitat outside the MHPA shall be mitigated with annual grasslands or equivalent Tier IIIB habitat which has been revegetated to native Tier IIIA habitat or better. If the preservation occurs inside of the MHPA, a 0.5:1 ratio shall be utilized, for a requirement of 0.15 acre. If the preservation occurs outside of the MHPA, a 1:1 ratio shall be utilized for a requirement of 0.3 acre.
- F. If the off-site sewer/trail is constructed by the applicant, then prior to the issuance of any grading permits, the owner/permittee shall provide a revegetation plan satisfactory to the ERM of LDR.
- G. Revegetation slopes within the MHPA boundaries shall be contour graded at gradients ranging from 10:1 to 2:1, with the toe blending naturally into the existing topography. Contours shall meander in a curvilinear form, with uniform long slope runs avoided to the extent possible. The top eight inches of the slopes must be disked prior to installation of the irrigation system if it is compacted beyond 70%.

*Biological Resources - Wetlands Mitigation*

6. Impacts to 0.9 acre of southern willow scrub and 0.03 acre of unvegetated waters shall be mitigated by creating new wetlands at a ratio of 3:1, for a total requirement of 2.79 acres. At least 0.93 acre of the required mitigation must be accomplished via habitat creation or restoration, to assure no net loss of wetland habitat. The proposed mitigation shall create 2.8 acres of wetland habitat, achieving no net loss of wetland habitat. Mitigation shall occur as specified in the *Biological Technical Report for the Torrey Ranch Project*, prepared by *Dudek and Associates* and dated February 2002. Mitigation amounts shall be as follows:
- A. Mitigation for 0.23 acre of wetland impacts shall be achieved via onsite creation of 0.65 acre of southern willow scrub habitat within the newly created channel located at the southern boundary of the proposed residential development.
  - B. The creation of 0.05 acre of freshwater marsh within the terraced weirs located immediately west of the newly created channel.
  - C. Mitigation of the remaining 0.70 acre shall be accomplished by the offsite creation and enhancement of 2.1 acres of wetland habitat, immediately downstream within McGonigle Canyon. The offsite mitigation area shall

be installed, maintained and monitored according to the *McGonigle Canyon Conceptual Wetland Mitigation Plan*, prepared by *Helix* and dated January 8, 2001.

7. Wetlands Mitigation Plan Requirements:
- A. Implementation of the wetland mitigation program must be coordinated among the Applicant, Landscape Architect/Habitat restoration specialist, landscape contractor and plant materials suppliers.
  - B. If tree removal occurs during the migratory bird nesting season, a focused survey shall be performed by a qualified wildlife biologist two days prior to tree removal in accordance with the Migratory Bird Treaty Act (16 U.S.G. 703-712). Results shall be documented in writing and forwarded to the permitting agencies. If nesting birds are detected, the vegetation within the nest location including a buffer area to be determined by the project biologist in coordination with the ERM, shall be protected until fledging has occurred.
  - C. Prior to the issuance of any grading permits, a detailed wetland mitigation plan; that is, a final set of landscape construction documents (plans and specifications) including planting plans, irrigation plans, installation details and specifications (installation and maintenance requirements) shall be prepared by a Landscape Architect/Habitat Restoration Designer to the satisfaction of the ERM and the applicable resource agencies.
  - D. Monitoring shall consist of monthly field visits during the 120-day plant establishment period and then quarterly during years one through three and during the spring and fall of each year thereafter by a qualified biological monitor/habitat restoration specialist. The biological monitor/habitat restoration specialist shall conduct quarterly maintenance inspections during the five-year monitoring period. Maintenance activities shall be based upon these site observations.
  - E. A report outlining the results of the annual monitoring surveys based upon the anniversary date of the installation, shall be submitted to the ERM, the Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Game (CDFG) by the end of each year's monitoring period, through the end of the five-year period. The monitoring report shall describe the existing site conditions, provide quantitative and qualitative data, identify all shortcomings of the revegetation program, recommend remedial actions and demonstrate compliance with appropriate permit conditions.
  - F. If the success criteria are not achieved at the end of the five-year period, the wetland mitigation shall be extended until the criteria are met. Alternatively, if the final success criteria are achieved prior to the end of the five-year period, the wetland mitigation program may be discontinued at the authorization of the ERM and the resource agencies.

## Historical Resources

8. The portion of CA-SDI-5325 that is outside of the construction foot print shall be preserved in open space.

*Data Recovery Program*

9. The data recovery program shall be implemented according to the *Cultural Resource Mitigation Plan for Torrey Ranch, Site CA-SDI-5325, City of San Diego, California*, prepared by *Gallegos and Associates*, dated May 2002.
10. The data recovery program shall be implemented after the issuance of grading permits but prior to construction. Data recovery shall be conducted only within the portion of the site directly effected by project implementation.
11. Based on the results of the completed random sample of the area of impact, an additional one percent Phase I refined sample shall be performed. Based on the findings of Phase I, a Phase II one percent excavation will be performed to excavate and document prehistoric features and activity areas.
12. Upon completion of the Phase I and II excavation, the ERM shall be consulted to review the work completed and the address the need for additional work. If additional work is needed, it shall be performed in one to five percent increments, up to 15 percent of the total area of impact.
13. A report shall be submitted to the City within three months of completing all field work and laboratory analysis

*Monitoring Program*

Prior to Preconstruction (Precon) Meeting:

14. Land Development Review (LDR) Plan Check--  
Prior to the issuance of the first Grading Permit, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for archaeological monitoring have been noted on the appropriate construction documents.
15. Letters of Qualification have been Submitted to ERM--  
Prior to the issuance of a Grading Permit, 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 (HRG), has been retained to implement the monitoring program.
16. Second Letter Containing Names of Monitors has been sent to MMC--
  - A. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to Mitigation Monitoring Coordination (MMC) which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.
  - B. MMC will provide Plan Check with a copy of both the first and second letters.

Precon Meeting:



17. Monitor Shall Attend Precon Meetings--
  - A. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE) and MMC. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - B. If the Monitor is not able to attend the Precon Meeting, the RE will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.
18. Identify Areas to be Monitored--

At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.
19. When Monitoring Will Occur--

Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction:

20. Monitor Shall be Present During Grading/Excavation--

The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE each month. The RE will forward copies to MMC.
21. Discoveries--
  - A. Discovery Process  
In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE shall be contacted and 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 PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.
  - B. Determination of Significance  
The significance of the discovered resources shall be determined by the PI in consultation with LDR. 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, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

22. Human Remains--

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 implemented as follows:

A. Notification

- (1) Archaeological Monitor shall notify the RE or PI, if the Monitor is not qualified as a PI, and Mitigation Monitoring Coordination (MMC). MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
- (2) The PI shall notify the County Coroner after consultation with the RE, either in person or via telephone.

B. Stop work and isolate discovery site

- (1) RE shall stop work immediately in the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the County Coroner in consultation with the PI concerning the origin of the remains and the cause of death.
- (2) The County Coroner, in consultation with the PI, shall determine the need for a field investigation to examine the remains and establish a cause of death.
- (3) If a field investigation is not warranted, the PI, in consultation with the County Coroner, shall determine if the remains are of Native American origin.

C. If Human Remains are Native American

- (1) The Coroner shall notify the Native American Historic Commission (NAHC).  
(By law, **ONLY** the Coroner can make this call.)
- (2) NAHC will identify the person or persons it believes to be the Most Likely Descendent (MLD).
- (3) The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment, with appropriate dignity, of the human remains and any associated grave goods (PRC 5097.98).

D. If Human Remains are not Native American

- (1) The PI shall contact the NAHC and notify them of the historical context of the burial.
- (2) NAHC will identify the person or persons it believes to be the MLD.
- (3) The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment of the human remains (PRC 5097.98).
- (4) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner, the NAHC and the Museum of Man.

E. Disposition of Human Remains

The land owner, or his authorized representative, shall reinter the Native American human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface disturbance, IF:

- (1) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
- (2) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

23. Night Work--

- A. If night work is included in the contract
  - (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  - (2) The following procedures shall be followed
    - (a) No Discoveries  
In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.
    - (b) Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction**; 21., a. & b, will be followed, with the exception in **During Construction**; 21.,a., that the PI will contact MMC by 8AM the following morning to report and discuss the findings.
- B. If night work becomes necessary during the course of construction
  - (1) The Construction Manager shall notify the RE a minium of 24 hours before the work is to begin.
  - (2) The RE shall notify MMC immediately.
- C. All other procedures described above will apply, as appropriate.

24. Notification of Completion--

The Archaeologist shall notify MMC and the RE in writing of the end date of monitoring.

Post Construction:

25. Handling and Curation of Artifacts and Letter of Acceptance--

- A. 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 from 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.

- B. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR.
26. Final Results Reports (Monitoring and Research Design And Data Recovery Program)--
- A. Prior to the release of the grading bond, two copies of the Final 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.
  - B. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.
  - C. MMC shall notify the RE of receipt of the Final Results Report.
27. Recording Sites with State of California Department of Park and Recreation--  
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 with the Final Results Report.

### **Hydrology/Water Quality**

28. Prior to issuance of any grading permits, the ERM and/or the City Engineer shall verify that the following measures have been incorporated into the grading plans:

#### Construction Phase (Short Term Mitigation Measures)

- A. Prior to issuance of any grading permits, the owner/permittee 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.

- 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 or engineering hydrology expert) 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)

- 29. 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.

30. Prior to issuance of any Certificates of Occupancy, the following mitigation measures shall be constructed to the satisfaction of the ERM of LDR and the City Engineer:
  - A. All project-related drainage structures shall be adequately sized to accommodate a minimum 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. All such structures shall be located on the owner's property.
31. 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**

32. Prior to the 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-F;
  - A. Fencing shall not interfere with continued wildlife movement through significant wildlife corridors.
  - B. Artificial lighting shall not be permitted on the off-site trail nor in any wetland creation areas which are intended to be added to the MHPA upon completion of the required monitoring period.
  - 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 to the satisfaction of the City Engineer and EAS.
  - E. New trail and construction footprints shall be limited to those areas depicted on the approved Exhibit A.

#### **Paleontological Resources**

Prior to preconstruction (Precon) meeting:

33. Land Development Review (LDR) Plan Check--  
Prior to the issuance of the first Grading Permit, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
34. Letters of Qualification have been Submitted to ERM--  
Prior to the issuance of a Grading Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.
35. Second Letter Containing Names of Monitors has been sent to MMC--
  - A. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to Mitigation Monitoring Coordination (MMC) which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.
  - B. MMC will provide Plan Check with a copy of both the first and second letters.
36. Records Search Prior to Precon Meeting--  
At least thirty days prior to the Precon meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting:

37. Monitor Shall Attend Precon Meetings--
  - A. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE) and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.
  - B. If the Monitor is not able to attend the Precon Meeting, the RE will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.
38. Identify Areas to be Monitored--  
At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.
39. When Monitoring Will Occur--

Prior to the start of work, the Paleontologist also shall submit a construction schedule to MMC through the RE indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction:

40. Monitor Shall be Present During Grading/Excavation--  
The qualified Paleontologist shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and shall document activity via the Consultant Site Visit Record (form). This record shall be faxed to the RE and MMC each month.
41. Discoveries--
  - A. Minor Paleontological Discovery  
In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE if a potential significant discovery emerges.
  - B. Significant Paleontological Discovery  
In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE shall be notified and 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 (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.
42. Night Work--
  - A. If night work is included in the contract
    - (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
    - (2) The following procedures shall be followed:
      - (a) No Discoveries  
In the event that nothing was found during the night work, The PI shall record the information on the Site Visit Record Form.
      - (c) Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures under 41 .a. & b., will be followed, with the exception that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.
  - B. If night work becomes necessary during the course of construction
    - (1) The Construction Manager shall notify the RE a minimum of 24 hours before the work is to begin.
    - (2) The RE will notify MMC immediately.



C. All other procedures described above will apply, as appropriate.

43. Notification of Completion--  
The Paleontologist shall notify MMC and the RE of the end date of monitoring.

Post Construction:

44. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.
45. Submit Letter of Acceptance from Local Qualified Curation Facility--  
The Paleontologist shall be responsible for submittal of a letter of acceptance to ERM of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.
46. If Fossil Collection is not Accepted, Contact LDR for Alternatives--  
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. MMC shall be notified in writing of the situation and resolution.
47. Recording Sites with San Diego Natural History Museum--  
The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
48. Final Results Report--
- A. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.
  - B. MMC shall notify the RE of receipt of the Final Results Report.

**Transportation/Circulation**

49. Prior to recordation of the first final map, the applicant shall install a traffic signal at the intersection of Torrey Meadows Drive and Street "A", satisfactory to the City Engineer.
50. Prior to recordation of the first final map, the applicant shall install a traffic signal at the intersection of Torrey Meadows Drive and the elementary school entrance, satisfactory to the City Engineer.
51. Prior to recordation of the first final map, the applicant shall construct Torrey Meadows Drive as a four-lane modified collector street with a minimum curb-to-curb width of 78' within 108' of right-of-way, which transitions to a two-lane collector street with a minimum pavement width of 50' within the 80' right-of-way, satisfactory to the City Engineer.
52. Prior to recordation of the first final map, the applicant shall construct Street "A" as a two-lane collector street with a minimum pavement width of 40' within 60' of

right-of-way at the intersection of Torrey Meadows Drive, which transitions to a 36' pavement width within 56' of right-of-way, satisfactory to the City Engineer.

53. Prior to recordation of the first final map, the applicant shall construct the cul-de-sac at the northern end of Street "A" with a minimum pavement radius of 50' within 60' of right-of-way radius, satisfactory to the City Engineer.
54. Prior to issuance of any building permit, the ERM shall verify that the project conforms 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**

55. Prior to the issuance of each building permit, a fire response time analysis shall be submitted to the Fire and Life Safety Services Section of LDR. If the building site is located outside of a six-minute response time radius from an existing operating fire station, a fire sprinkler system shall be installed in the structure(s) satisfactory to the City Fire Marshall.

#### **Human Health/Public Safety**

56. Prior to the issuance of the first grading permit, the ERM shall verify that the required Phase 1 Site assessment has been completed, as required by the Subarea IV EIR. This assessment shall include soil sampling and analysis for the presence and/or concentration of chlorinated herbicides and pesticides. This testing and any necessary soils removal and/or remediation shall be completed to the satisfaction of the County of San Diego Department of Health, Hazardous Materials Management Division (HMMD).