

RESOLUTION NUMBER R- 297251

ADOPTED ON OCT 29 2002

WHEREAS, Pardee Construction Company submitted an application to the City of San Diego for a planned development permit, site development permit, multiple habitat planning area boundary adjustment, street vacation, rezone and tentative map; 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 OCT 29 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 40-0644; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 40-0644, 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 Savannah Terraces project.

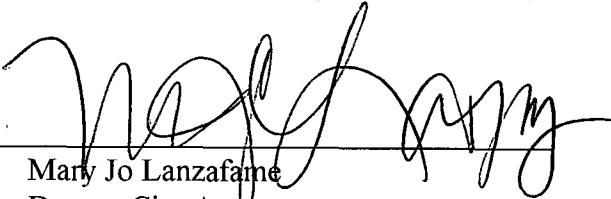
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study

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
8/27/02
Or.Dept:DSD
R-2003-317
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, MHPA BOUNDARY ADJUSTMENT, STREET VACATION, REZONE, and TENTATIVE MAP

LDR NO. 40-0644

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. 40-0644) shall be made conditions of Planned Development Permit, Site Development Permit, MHPA Boundary Adjustment, Street Vacation, Rezone, and Tentative Map as may be further described below.

General

1. The following measures shall be noted on the second sheet of the construction plans and included in the specifications.
2. 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 cover the City's costs associated with the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).

Biological/Land Use

3. Prior to the recordation of the first final map and/or issuance of grading permits, impacts to 0.1 acres of sensitive habitat shall be mitigated as follows: 0.1 acres of Coastal Sage Scrub (at a mitigation ratio of 1:1) shall be mitigated, to the satisfaction of the City Manager, through on-site preservation of 0.1 acres of habitat within the MHPA.
 - A. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego a total of 0.1 acres on the Savannah Terrace site which shall include 0.1 acre of Tier I habitat within the MHPA.
4. 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.

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- 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 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.
- 5. 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.

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- 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.
6. 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.

Hydrology/Water Quality

7. Prior to the issuance of any grading permits, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP) satisfactory to the City Engineer in compliance with all the requirements of the State Water Resource Control Board (SWRCB Order No. 92-08-DWQ (NPDES General Permit No. CAS000002) Waste Discharge Requirements for Requirements for Discharges for Storm Water Runoff Associated with Construction Activity. 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.
8. Prior to the issuance of any grading permits, the owner/permittee shall submit a copy of the acknowledgment that an Notice of Intent (NOI) has been filed with the State Water Resources Control Board (SWRCB) to be filed with the City of San Diego, satisfactory to the City Engineer. Furthermore, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.
9. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City/State approved SWPPP on the job site during all construction activities."
10. Prior to the issuance of any grading permits, the Environmental Review Manager (ERM) of the Land Development Review (LDR) shall verify that comprehensive permanent post-construction Best Management Practices (BMPs) have been incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into the City's storm drain system. BMPs may include but are not limited to catch basins fitted with oil/sediment filters to filter runoff from the development prior to the discharge into the storm drain system. Any proposed clean-outs (grease, oil, and heavy metal particulate traps) shall be maintained by the owner/permittee to the satisfaction of the City

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Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer.

11. Prior to the issuance of any grading permits, the ERM shall verify that inlet filters with sorbent material to remove oil from the drainage flow or equivalent shall be installed in the curb inlets and paved catch basins as shown on the approved Exhibit A.
12. Prior to the issuance of any grading permits, the owner/permittee shall submit a Monitoring and Maintenance Program for the permanent post-construction BMPs. The maintenance plan shall be prepared satisfactory to the City Engineer and shall define the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, any oil/sediment filters which are installed on-site shall be cleaned and maintained as necessary, satisfactory to the City Engineer.
13. Prior to the issuance of Certificates of Occupancy, the City Engineer shall inspect the permanent post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer based on the field inspection.

Noise

14. Prior to the issuance of first building permit, the applicant shall incorporate sound attenuation measures as described in the acoustical report (*Noise Technical Report for Savannah Terrace (Sabre Springs Units 15-18)*, RECON, November 1, 2001), to the satisfaction of the City Manager. Specifically, the Environmental Review Manager (ERM) of the LDR shall verify that the following standard requirements shall be noted on the construction plans and specifications as shown on the approved Exhibit A:
 - A. A four-foot-high noise barrier shall be constructed around the ground floor patio areas of Lots/Buildings 51 and 52.
 - B. A five-foot-high noise barrier shall be constructed around the ground floor patio areas of Lots/Buildings 28 and 57.
 - C. A six-foot-high noise barrier shall be constructed around the ground floor patio areas of Lots/Buildings 29 and 33.
 - D. The barriers shall be constructed relative to the final patio elevations along Poway Road. The noise barrier shall be solid and continuous with no openings or gaps within their entirety. Example of sample noise barrier material/construction can include, but is not limited to: masonry block; wood frame with stucco, 0.5-inch-thick Plexiglas, or 0.25-inch-thick plate glass. If transparent barrier materials are used, no gaps should occur between the panels.

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