

RESOLUTION NUMBER R-297681

ADOPTED ON FEBRUARY 25, 2003

WHEREAS, on September 25, 2001, Pardee Homes submitted an application to the City of San Diego for a vesting tentative map, site development permit and planned development permit for the Pacific Highlands Ranch Units 12-16 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 February 25, 2003; and

WHEREAS, the City Council considered the issues discussed in Master Environmental Impact Report No. 41-0962; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Findings to a Master Environmental Impact Report No. 41-0962, 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 Pacific Highlands Ranch, Units 12-16.

BE IT FURTHER RESOLVED, that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said

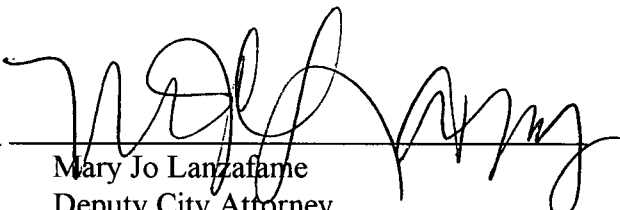
Findings to a Master Environmental Impact Report, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

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  
03/06/03  
Or.Dept:Clerk  
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## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM Vesting Tentative Map, Site Development Permit and Planned Development Pacific Highlands Ranch, Units 12-16 LDR No. 41-0962, Project No. 1693

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 Findings to a Master Environmental Impact Report (LDR No. 41-0962) shall be made conditions of the Vesting Tentative Map, Site Development Permit and Planned Development 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.

#### **General Measures**

1. After project approval and prior to recordation of the permit, the owner/permittee shall deposit \$7,200.00 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 Pacific Highlands Ranch-Units 12-16 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. 41-0962). The project is conditioned to include the monitoring of grading operations by a biologist, a qualified expert (in erosion control), and a paleontologist, as outlined 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 City Field Resident Engineer (RE), the monitoring biologist and paleontologist, and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

### **Transportation/Circulation**

4. Prior to issuance of any building permit, the project shall conform to the Subarea III/Pacific Highlands Ranch Transportation Phasing Plan and the approved Traffic Study/final EIR.
5. Prior to the recordation of the first final map, the applicant shall assure the construction of Del Mar Heights Road from Old Carmel Valley Road to Carmel Valley Road as a four-lane modified major street. The applicant shall dedicate 122 feet of right-of-way and shall provide 102 feet of pavement, curb, gutter and a 5-foot sidewalk within a 10-foot curb to property line distance, satisfactory to the City Engineer.
6. Prior to the recordation of the first final map, the applicant shall assure the construction of Carmel Valley Road from SR-56 to Subarea IV/Torrey Highlands boundary as a six-lane/four-lane modified major street with a minimum curb to curb width of 126 feet within 146 feet of right-of-way then transitioning to a minimum curb to curb width of 102 feet within 122 feet of right-of-way east of Del Mar Heights Road, satisfactory to the City Engineer.
7. Prior to the recordation of the first final map, the applicant shall assure the construction of the traffic signal at the intersection of Carmel Valley Road and Street "A" (Village Loop Road North), satisfactory to the City Engineer.
8. Prior to the recordation of the first final map, the applicant shall assure the construction of the traffic signal at the intersection of Carmel Valley Road and Del Mar Heights Road/Street "A" (Village Loop Road South), satisfactory to the City Engineer.
9. Prior to the recordation of the first final map, the applicant shall assure the construction of the traffic signal at the intersection of Carmel Valley Road and Street "B", satisfactory to the City Engineer.
10. Prior to the recordation of the first final map, the applicant shall assure the construction of the traffic signal at the intersection of Carmel Valley Road and the Unit 13 main access point, satisfactory to the City Engineer.
11. Prior to the recordation of the first final map, the applicant shall assure the construction of the traffic signal at the intersection of Old Carmel Valley Road and Del Mar Heights Road, satisfactory to the City Engineer.

12. Prior to the recordation of the first final map, the applicant shall assure construction of the traffic signal at the intersection of Street "A" (Village Loop Road) and the Senior High School access, satisfactory to the City Engineer.
13. Prior to the recordation of the first final map, the applicant shall assure construction of the traffic signal at the intersection of Street "A" (Village Loop Road) and the future Community Park entrance, satisfactory to the City Engineer.
14. Prior to the recordation of the first final map, the applicant shall assure construction of the traffic signal at the intersection of Street "A" (Village Loop Road) and the Unit 16 main access point, satisfactory to the City Engineer.
15. Prior to the recordation of the first final map, the applicant shall assure the construction of Street "A" (Village Loop Road) as a modified 4-lane urban collector street. The applicant shall dedicate 110 feet of right-of-way and shall provide 80 feet curb to curb including curb, gutter and a 5 foot sidewalk with a 15 foot curb to property line distance, satisfactory to the City Engineer.
16. Prior to the recordation of the first final map, the applicant shall assure the construction of the traffic signal at the intersection of Street "A" (TM 41-0185 Units 5 and 11) and Carmel Valley Road, satisfactory to the City Engineer.
17. Prior to the recordation of the first final map, the applicant shall assure the construction of Street "B" as a four-lane collector from Carmel Valley Road then transitioning to two-lane collector with a two-way left turn lane. The applicant shall dedicate 92-70 feet of right-of-way and shall provide 72-50 feet of pavement including curb, gutter and a 5 foot sidewalk within a 10 curb to property line distance, satisfactory to the City Engineer.
18. Prior to the recordation of the first final map, the applicant shall assure the construction of the cul-de-sac at the end of Street "B". The applicant shall dedicate 60' of right-of-way radius and shall provide 50' of pavement radius including curb, gutter and a 5' sidewalk within a 10' curb to property line distance, satisfactory to the City Engineer.
19. Prior to recordation of the first final map, the applicant shall design the proposed project to accommodate the planned SR-56 freeway and Carmel Valley Road/Camino Santa Fe interchange, satisfactory to the City Engineer.
20. Prior to the first final map, the applicant shall assure the establishment of school zone in the vicinity of the school's site, satisfactory to the City Engineer. The school zone should include appropriate pavement markings, signage and traffic control devices (which may include devices such as flashing beacons and traffic signals).
21. Prior to issuance of any building permit within Unit 14, the project shall not exceed a maximum average daily trips of 6,300.

## Biological Resources

Please note that the previously approved Units 2-4 project required the revegetation of the west-facing MHPA slope as mitigation for off-site impacts located west of Unit 12. The MEIR findings for Units 2-4 (LDR No. 99-1294) accounted for and provided mitigation for this impact. To assure MMRP compliance, mitigation measures from Units 2-4 have been included below for reference.

22. Upland mitigation for previously approved off-site impacts shall take place through revegetation and subsequent success monitoring of the recontoured slope located west of Unit 12. Additional mitigation may include dedication of appropriate habitat types and amounts (as specified for Units 2-4 located elsewhere in the Pardee-owned portion of Pacific Highlands Ranch MHPA).
23. Following recordation of the final map and prior to the issuance of the first building permit (except any building permits issued for model homes), implementation of the upland revegetation plan shall commence in accordance with the requirements of the Pacific Highlands Ranch Subarea Plan Master EIR and associated Development Agreement. Any areas subject to subsequent disturbance shall be hydroseeded for erosion control purposes.
24. Prior to issuance of any building permit, the ERM shall verify that restoration has started within mitigation land bank areas established by Pardee within the Units 12-16 site. The land bank shall be established in conformance with the requirements of the Pacific Highlands Ranch Subarea Plan Master EIR and associated Development Agreement. All data related to the mitigation land bank (including affected areas and acreage information itemized by habitats) shall be included in a progress letter report for the *Master Restoration Plan for Pacific Highlands Ranch* to the satisfaction of the ERM of LDR in a timely manner.
25. Prior to the issuance of any grading permit, the owner/permittee shall submit the following items to the ERM of LDR:
  - 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. All construction activities taking place within 100 feet of wetland habitats shall be monitored by the project biologist.
26. Prior to the issuance of any grading permits and the first pre-construction meeting, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as outlined below (see A through G):
  - 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. All construction activities taking place within 100 feet of wetland habitats shall be monitored by the project biologist.

- C. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A for Units 2-4. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas.
- D. The biologist shall monitor the placement of gravel bags, fiber rolls, 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.
- E. The project biologist shall monitor the placing of a chain link fence (or any other fencing deemed appropriate by the biologist) around the wetland and all other sensitive habitats to be preserved on site as shown on the approved Exhibit A for Units 2-4.
- F. If construction occurs during the breeding season of the California gnatcatcher, March 1<sup>st</sup> to August 15<sup>th</sup>, the following measures shall be implemented:
- 1) 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 US Fish and Wildlife Service (USFWS) protocol for determining the presence/absence of gnatcatchers and shall notify the ERM of LDR 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 an hourly average of 60 dB. 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 of LDR. If such measures are not effective, construction activities shall cease in and within 500 feet of occupied habitat within the MHPA.

- 5) Monthly letter reports shall be provided to the ERM of LDR with the results of noise monitoring and an assessment of the breeding/nesting behavior of the gnatcatchers.
- G. The qualified biologist shall ensure that all construction taking place within and adjacent to the MHPA is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:
- 1) 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.
  - 2) 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 of LDR.
  - 3) No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales and/or detention basins are used as needed during construction and as permanent features.
  - 4) No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of construction-related activities.

### Hydrology/Water Quality

27. Prior to issuance of any grading permits, the Environmental Review Manager of Land Development Review (ERM of LDR) 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. 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). Prior to the issuance of any grading authorization the owner/permittee shall submit evidence to the satisfaction of the ERM of LDR that a Clean Water Act Section 401 Water Quality Certification from the RWQCB has been obtained. 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. A Dewatering Discharge Permit (NPDES No. CA1018804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions, pursuant to direction from the RWQCB.
- C. 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.
- D. 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.
- E. Prior to issuance of any grading permits, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified expert 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. The qualified expert shall also be responsible for the monitoring of any other grading activities (and ensure implementation of water quality measures as needed) adjacent to off-site sensitive habitats, as shown on the approved Exhibit A.
- F. 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 of this or other fully permitted project. 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.

- G. 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 City's *Landscape Standards*. Permanently irrigated slopes shall be maintained for a minimum period of 90 days and non-permanently irrigated areas shall be maintained for a minimum period of 25 months, to the satisfaction of the City Manager. Revegetated areas shall be inspected monthly by a qualified biologist/landscape architect until vegetation is considered to have established to the satisfaction of the City Manager.

*Post-Construction/Operational (Long Term Mitigation Measures)*

- 28. Prior to issuance of any grading permits, the ERM of LDR shall verify that the site plan clearly identifies the type and location of post-construction Best Management Practices (BMPs) are clearly identified on the site plan(s). All runoff shall be routed to detention basins approved by the US Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG) and the City of San Diego located within privately owned and maintained easements within the otherwise publicly owned MHPA.
- 29. Prior to issuance of the Certificate of Occupancy, the following mitigation measures shall be incorporated into project design to the satisfaction of the ERM of LDR 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. Appropriate energy dissipating device(s) shall be provided to reduce the velocity and spread of the flow to be directed into natural habitat(s).
  - C. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as to avoid sheet flow down slopes.
  - D. Energy-dissipating structures (e.g., riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.

30. Prior to issuance of any certificates of occupancy, the owner/permittee shall submit a Monitoring and Maintenance Program to assure long-term maintenance responsibility of all private drainage facilities, including 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 be consistent with the Pacific Highlands Ranch Runoff Management Plan.

### **Landform Alteration/Visual Quality**

31. Prior to issuance of any grading permits, the ERM of LDR shall verify that the grading plans identify contour grading techniques in the manufactured slopes in conformance with the approved Exhibit A.
32. Prior to issuance of any grading permits, the ERM of LDR shall verify that the grading plans identify contour grading techniques and variable slope gradients (not to exceed 2:1) in conformance with the approved Exhibit A. Retaining and noise walls identified in the acoustical report, "Noise Technical Report for Pacific Highlands Ranch Vesting Tentative Map - Units 12-16 (RECON, September 10, 2002)," and subsequent required reports shall also be identified in the grading and landscape plans and pertinent cross sections and shall conform to the approved Exhibit A to the satisfaction of the ERM of LDR.
33. Upon completion of grading, the developer shall submit a letter from a qualified consultant to the ERM of LDR certifying that all landscaping for the major manufactured slopes (e.g., roadway, open space) has been implemented. Monitoring shall be required to assure the long-term establishment of landscaping. The maintenance program shall be effective for a three-year period following installation of the plantings or until such time as all plantings are established. The long-term monitoring plan shall establish an inspection schedule, establish replanting specifications, and require written notification once a year to the ERM of LDR by the applicant-hired consultant to verify the status of revegetation.

Where the revegetation effort includes the reestablishment of native habitat within or adjacent to the MHPA (e.g., west of Unit 12), a five-year monitoring program shall be implemented. For erosion control or other revegetation outside the MHPA and not part of any biological mitigation, the revegetation plan must conform to the City's Landscape Technical Manual with a monitoring period of 25 months.

### **Geology/Soils**

34. Prior to the issuance of any grading permits, the owner/permittee shall assure, by permit and bond, that appropriate grading and design features, necessary to serve

the subject development, are shown on the grading plans in a manner satisfactory to the City Geological Staff.

### **Paleontological Resources**

#### *Prior to preconstruction (Precon) meeting:*

35. 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.
36. 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.
37. 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.
38. 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:*

39. 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.

- 40. 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.
- 41. 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:*

- 42. 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.
- 43. 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.

44. 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.

(b) 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.

45. Notification of Completion--

The Paleontologist shall notify MMC and the RE of the end date of monitoring.

*Post Construction:*

46. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

47. 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.

48. 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.

49. 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.
50. 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.

## Noise

### *Single- and Multi-family Residential Use Areas*

51. Prior to the issuance of any grading permits, the ERM of LDR shall verify that noise attenuation barriers along those residential areas within the 65 dB (or higher) contour line as shown on the *Noise Technical Report for Pacific Highlands Ranch Vesting Tentative Map - Units 12-16* (Recon September 10, 2002), are identified on the building and landscape plans and called out as an "Environmental Mitigation Measure".
52. Prior to the issuance of any certificates of occupancy, the ERM of LDR shall verify that the solid sound attenuation barriers do not to exceed six feet (except the 7-foot wall noted on Figure 4 at the rear of lots 17 to 28), have been constructed around the limits of the Units 12-16 subdivision boundary as shown on the *Noise Technical Report for Pacific Highlands Ranch Vesting Tentative Map - Units 12-16* (RECON, September 10, 2002). The barriers shall be solid, continuous and free of cracks, gaps or openings. The barriers shall attenuate exterior noise levels in the affected exterior residential areas to below a Community Noise Equivalent Level (CNEL) of 65 decibels (dB).
53. Prior to the issuance of any certificates of occupancy, a final acoustical report which evaluates interior and exterior noise levels based on projected traffic volumes in the Master Environmental Impact Report for all residential areas within the 65 and 70 dB contour lines (to be established in such report based on the final building plans), shall be completed in conformance with the City's *Acoustical Guidelines*. The final report shall

be subject to the approval of the ERM of LDR. If it is determined that the interior and/or exterior noise levels in any of the affected buildings exceeds City standards, specific mitigation measures to achieve exterior and interior noise levels that would not exceed 65 dB(A) CNEL and 45 dB(A) CNEL respectively, shall be included in said report and incorporated into the project to the satisfaction of the ERM of LDR.

#### *Employment Center*

54. Prior to issuance of any certificates of occupancy for the proposed employment center site, a final acoustical report evaluating interior and exterior noise levels based on projected traffic volumes in the Master Environmental Impact Report shall be prepared for all employment center areas within the 70 dB contour lines (to be established in such report based on the final building plans) and shall be subject to the approval of the ERM of LDR. If it is determined that the interior and/or exterior noise levels in any of the affected buildings exceeds City standards, specific mitigation measures to achieve exterior and interior noise levels that would not exceed 70 dB(A) CNEL and 50 dB(A) CNEL respectively, shall be included in said report and incorporated into the project to the satisfaction of the ERM of LDR.

#### **Public Services/Facilities**

55. Prior to issuance of any building permits, the owner/permittee shall demonstrate to the satisfaction of the ERM of LDR that a response time of six minutes or less from Fire Station 24 or the closest operating Fire Station to all portions of the new developments can be achieved.
56. For those areas of the developments where a six-minute response time cannot be ensured, the ERM of LDR shall verify that individual sprinkler systems have been installed in project structures to the satisfaction of the Fire Marshall, prior to the issuance of any certificates of occupancy.

#### **Water Service Infrastructure**

57. Prior to the issuance of any building permits, the owner/permittee shall assure, by permit and bond, the design and construction of water facilities necessary to serve the subject development, in a manner satisfactory to the Water Department Director and the City Engineer.

#### **Sewer Service Infrastructure**

58. Prior to issuance of any building permits, the owner/permittee shall assure, by permit and bond, the design and construction of sewer facilities, necessary to provide sewer services to the subject development in a manner



satisfactory to the Metropolitan Wastewater Department Director. Such facilities shall be constructed in accordance with established criteria in the City of San Diego's current sewer design guide.

**Solid Waste**

59. Prior to the issuance of the certificate of occupancy, the ERM of LDR shall verify that the owner/permittee has developed a comprehensive waste management plan in coordination with the City's Environmental Services Department.

**Public Safety**

60. Prior to issuance of the certificates of occupancy, the owner/permittee shall provide a letter from the County Environmental Health Department Vector Surveillance and Control Division to the ERM of LDR verifying that a vector control program has been designed and is satisfactory.
61. Prior to issuance of any certificates of occupancy, the provision of the Vector Control Program elements and incorporation into project design as necessary shall be verified to the satisfaction of the ERM of LDR.