

RESOLUTION NUMBER R- **298150**

ADOPTED ON **JUL 01 2003**

WHEREAS, on July 16, 1999, Pardee Homes submitted an application to the City of San Diego for amendments to the City of San Diego Progress Guide and General Plan, Mira Mesa Community Plan, and Local Coastal Plan; a Rezone; Planned Residential Development Permit, Coastal Development Permit, Site Development Permit, and Multiple Habitat Planning Area Boundary Adjustment; and Vesting Tentative Map for the Crescent Heights 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 July 1, 2003; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report LDR No. 99-0639; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report LDR No. 99-0639, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said

report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for Crescent Heights project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

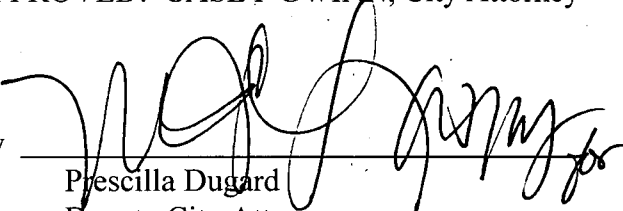
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

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 as Exhibits A-1 and A-2, 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



Prescilla Dugard
Deputy City Attorney

PD:dm

6/4/03

Or.Dept:Dev.Svcs.

R-2004-1

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EXHIBIT A-1

MITIGATION MONITORING AND REPORTING PROGRAM

Crescent Heights

VTM/PRD/CDP

LDR NO. 99-0639, Project No. 1657

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 Environmental Impact Report LDR No. 99-0639, Project No. 1657, shall be made conditions of the Vesting Tentative Map No. 9691, Planned Residential Development Permit No. 9693 and Coastal Development Permit No. 9694 as may be further described below.

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The mitigation monitoring and reporting program for the Crescent Heights tentative map is under the jurisdiction of the City of San Diego and other agencies as specified below. The following is a description of the mitigation monitoring and reporting program to be completed for the project.

General

The mitigation monitoring and reporting program will require a \$450.00 fee to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

Land Use

Implementation of the mitigation measures described in Chapter 4.B., Landform Alteration/Visual Quality would reduce the impact associated with the project's compliance with the Design Criteria Element of the Mira Mesa Community Plan. Mitigation Measure 4C-2(3) in Chapter 4.C., Biological Resources of this EIR details specific mitigation measures regarding the MHPA Adjacency Guidelines. These measures

would ensure compliance with the MSCP issues such as drainage, toxics, lighting, noise, barriers, invasive plants, and brush management for fire hazards.

Landform Alteration

As a condition of the Crescent Heights tentative map approval and prior to the issuance of a grading permit, the City Manager shall verify that the grading plans provide contour grading of all manufactured slopes. Field inspectors with the City of San Diego's Development Services shall inspect the grading to ensure conformance with approved grading plans. In addition, landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create an undulated slope appearance.

Measures have been incorporated into the Crescent Heights project design that would reduce the project's direct aesthetic impact. These include contouring and revegetating manufactured slopes adjacent to open space to provide a natural look to the slopes and reduce the visibility of the residential units.

Hydrology/Water Quality

Municipalities in the San Diego region, including the City of San Diego, must comply with the SWRCB's Order 2001-01 and U.S. Environmental Protection Agency Permit No. CA0108758, which consists of waste discharge requirements for stormwater and urban runoff. Implementation of appropriate BMPs would reduce the Crescent Heights project's short-term direct impacts during construction to a level below significant. Implementation of BMPs would also reduce both project's contribution to the cumulative water quality impacts, but not to a level below significant.

The following measures shall be incorporated as conditions of the Crescent Heights project approval:

1. The project areas shall comply with all requirements of State Water Resources Control Board Order No. 99-08-DWQ (NPDES General Permit in No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. In accordance with said permits, a SWPPP and a Monitoring Program Plan shall be developed prior to the issuance of grading permits, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for both of the projects shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the construction permit number for the projects shall be filed with the City of San Diego when received. Best Management Practices shall be included in the SWPPP and shall be designed in accordance with the Engineering Department's standard for SWPPPs to the satisfaction of the City Engineer. The

SWPPP shall be approved by the City Stormwater Administrator prior to issuance of grading permits.

2. Prior to the issuance of building permits, the project shall install a filtering system. Installation and operation of the filtering devices shall be verified by a City field inspector prior to the issuance of building permits. The filtering system shall significantly reduce contaminated fine sediments, sands, petroleum products and other settleable/floatable contaminants. The filtering system shall be maintained by the projects Master Homeowners' Association. The Crescent Heights project shall also incorporate the current Best Management Practices and Best Available Technologies (BMPs and BATs) available at that time for pollution control and erosion/siltation control. Examples of BMPs and BATs include but are not limited to:
 - energy dissipation structures and rip-rap at stormwater discharge points to stabilize flow and reduce velocities;
 - desilting basins for pollutant and siltation control during construction, resource based if possible;
 - mulching cleared or freshly seeded area for erosion/sedimentation control;
 - geotextiles and mats for erosion control during construction;
 - storm drain inlet/outlet protection for siltation control;
 - slope drains for erosion control;
 - silt fences/sand bag barriers for siltation control during construction;
 - the use of low-water requirement vegetation in landscaping;
 - selection of slope planting species with low fertilization requirements; and
 - requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.

Design and implementation measures shall be designed according to the City Engineering Department's standards for Urban Stormwater Management.

Design and implementation of all above measures shall be to the satisfaction of the City Engineer.

Noise

1. To reduce significant direct noise impacts to receiver pad locations 1 through 3, 57, and 114 through 128, the project proponent shall, prior to occupancy, construct three-foot-high noise barriers along the edges of the pads, will result in noise levels for ground-floor exterior usable areas below 65 CNEL (see Figure 4G-2 of EIR). With construction of the proposed barriers, ground floor noise levels throughout the single-family portion of the project site will be at or below 65 CNEL.
2. To reduce significant direct noise impacts resulting from predicted first- and second-floor exterior noise levels that could exceed 60 CNEL on residential units

on Pads 1 through 3, 27 through 29, 49 through 57, and 114 through 128, the project proponent shall submit a detailed acoustical analysis at the time that building plans are available for these units, and prior to the issuance of building permits, substantiating that project construction materials are sufficient to reduce interior noise levels to an acceptable 45 CNEL or below.

Additionally, second-floor exterior noise levels are projected to exceed 60 CNEL for the residential units on Pads 22 through 24 and 44 through 48. To reduce significant direct noise impacts for these pads the project proponent shall submit a detailed acoustical analysis at the time that building plans are available for these units, and prior to the issuance of building permits. For the residential units on these pads, the City assumes that typical light-frame construction will provide 15 decibels of noise reduction. If exterior levels are above 60 CNEL, therefore, the interior level may exceed the City's 45 CNEL standard. However, since the plan lies within the 60 CNEL contour for MCAS Miramar, a detailed acoustical analysis will be required for all the pads.

3. To reduce significant direct noise impacts to Building 1 and along the recreation site adjacent to Calle Cristobal, and along the pool site adjacent to Camino Santa Fe, the project proponent shall, prior to occupancy, construct three-foot-high noise barriers. With construction of the proposed barriers, ground floor noise levels throughout the usable exterior areas of the multi-family project site will be at or below 65 CNEL (see Figures 4G-2 and 4G-3 of EIR).
4. To reduce significant direct noise impacts resulting from predicted first- and second-floor exterior noise levels that could exceed 60 CNEL at the first and second floors of Buildings 1, 2, and 8 adjacent to Calle Cristobal, and the second-floor exterior noise levels at Buildings 4 and 7 adjacent to Calle Cristobal, the project proponent shall submit a detailed acoustical analysis at the time that building plans are available for these units, and prior to the issuance of building permits to ensure that interior noise levels due to exterior sources will be below the 45 CNEL standard. However, since the plan lies within the 60 CNEL contour for MCAS Miramar, a detailed acoustical analysis will be required for all the pads.
5. A detailed acoustical analysis will be required for all the pads since both the Crescent Heights and Sunset Pointe project sites are located within the 60 CNEL contour for MCAS Miramar.

Biological Resources

1. Prior to the issuance of a grading permit, mitigation for the on-site impacts shall occur via preservation within the MHPA to the satisfaction of the City ERM:

- a. A total of 19.26 acres of Tier I habitats, 4.61 acres of Tier II habitat, and 0.07 acre of Tier IIIB habitats shall be preserved off-site in perpetuity.
2. Prior to the issuance of any grading permits and/or 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 detailed below (see A through C):
 - a. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
 - b. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit "A."
 - c. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit "A." The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit "A." All unauthorized encroachments shall be reported and mitigated in accordance with the City's Biological Review References (November 2000), to the satisfaction of the ERM.
3. Prior to the issuance of any grading permits, the owner/permittee shall submit to the ERM of LDR evidence of compliance with Sections 401 and 404 of the federal Clean Water Act and Section 1600 of the California Fish and Game Code. Evidence shall include either copies of the permits issued, letters of resolution issued by the responsible agencies documenting compliance, or other evidence which demonstrates that the required permit has been obtained.

Geology and Soils

Implementation of the recommendations described in the geotechnical investigation (see Appendix C-1) would reduce potentially significant impacts to below a level of significance.

These measures include the following:

1. Compressible topsoil and alluvial deposits and undocumented fill will require complete removal and recompaction in areas where development is planned.
2. Highly expansive soils should be placed in deeper fill areas such that they do not adversely impact foundations and/or other settlement sensitive improvements.

3. Subdrains should be placed in the proposed canyon fill areas to mitigate the potential for hydrostatic buildup and perched groundwater.
4. Prior to commencing grading, a pre-construction conference should be held at the site with the owner or developer, grading contractor, civil engineer, and geotechnical engineer to discuss special soil handling and/or grading plans.
5. Site preparation should begin with the removal of all deleterious material and vegetation such that the materials exposed in cut areas or soils to be used as fills are relatively free of trash and organic matter. Material generated during stripping should be transported from the site.
6. After removal of unsuitable soil, the exposed subgrade should be scarified to a depth of 12 inches, moisture conditioned as necessary, and recompacted.
7. The site should be brought to final subgrade elevations with structural fill compacted in layers no thicker than will allow for adequate bonding and compaction (up to at least 90 percent of maximum dry density at or slightly above optimum moisture content).
8. The upper 3 feet of building pads and 12 inches in the pavement areas be composed of properly compacted fill or undisturbed formational materials with "very low" to "low" expansion characteristics.
9. The cut portion of cut/fill transition building pads should be undercut at least 3 feet and replaced with properly compacted low expansive fill soils to reduce the potential for differential settlement.
10. Oversized rock should be placed at least 5 feet below finish grade or 3 feet below the deepest utility, whichever is greater.
11. All cut slopes should be observed during grading by an engineering geologist to verify that the soil and geologic conditions do not differ significantly from those anticipated and to determine if adverse bedding, fractures or joints exist.
12. The outer 15 feet of fill slopes should be composed of properly compacted granular "soil" fill to reduce the potential for surface sloughing. All fill slopes should be overbuilt at least 3 feet horizontally, and cut to the design finish grade.
13. All slopes should be planted, drained, and properly maintained to reduce erosion.
14. Retaining walls not restrained at the top and having a level backfill surface should be designed for an active soil pressure equivalent to the pressure exerted by a fluid density of 30 pounds per cubic foot.

15. All retaining walls should be provided with a drainage system adequate to prevent the buildup of hydrostatic forces and should be waterproofed as required by the project architect. The use of drainage openings through the base of the wall (weep holes, etc.) is not recommended.
16. Wall foundations having a minimum depth and width of one foot may be designed for an allowable soil-bearing pressure of 2,000 pounds per square foot (psf) provided the soil within 3 feet below the base of the wall has an Expansion Index of less than 90.
17. An allowable passive earth pressure equivalent to a fluid density of 30 psf is recommended for footings or shear keys poured neat against properly compacted granular fill soils or undisturbed natural soils for resistance to lateral load.
18. To reduce the potential for slope instability, it is recommended that
 - (a) disturbed/loosened surficial soils be either removed or properly recompacted,
 - (b) irrigation systems be periodically inspected and maintained to eliminate leaks and excessive irrigation, and
 - (c) surface drains on and adjacent to slopes be periodically maintained to preclude ponding or erosion.
19. Positive measures should be taken to properly finish grade the building pads after structures and other improvements are in place, so that drainage water from the building pads and adjacent properties is directed to streets away from foundation and tops of slopes.

The geotechnical engineer and engineering geologist should review the grading plans prior to finalization to verify their compliance with the recommendations of the geotechnical report and determine the necessity for additional comments, recommendations, and/or analysis.

20. Prior to the issuance of any grading permits, a subsurface investigation shall be completed to confirm the existence, and/or non-existence of two landslide deposits, and any other geotechnical features that may require stabilization. Any environmental impacts from subsurface investigation or for any required geotechnical remediation beyond those anticipated in this EIR shall be mitigated to the satisfaction of the ERM. The geotechnical report shall be prepared in accordance with the City's "Technical Guidelines for Geotechnical Reports." The report shall be submitted to the City's Environmental Analysis and Geology Sections of the Land Development Review (LDR) Division with the first grading plan check for a grading permit. In addition, a complete geotechnical investigation shall be conducted which must be approved by the City Engineer prior to the issuance of a grading permit. The detailed geotechnical report shall develop soil parameters, stability calculations, and grading recommendations.

21. Prior to grading permit issuance for proposed on-site roadways and lot development, a site-specific erosion control and landscaping plan shall be submitted to and approved by the ERM of LDR. This plan shall include short-term measures to be implemented during and immediately following construction to mitigate soil erosion and transport consistent with implementation of NPDES construction permit requirements. The landscaping plan shall also include short- and long-term landscaping to control erosion from manufactured slopes and installation of erosion-resistant ground cover for graded areas. Planting material shall be installed within 30 days of the completion of grading or prior to final inspection and approval of grading, whichever comes first.

Paleontological Resources

1. Prior to issuance of the first grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff of LDR at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the paleontological monitoring of this project.
2. Prior to the issuance of any grading permits, the ERM of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
3. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction manager or grading contractor, resident engineer (RE), and MMC staff. The qualified paleontologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17 inches) that identifies areas to be monitored. The paleontologist shall also submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.
4. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City RE shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principle investigator level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.

5. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
6. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
7. Prior to the release of the grading bond, two copies of the monitoring results report which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR. A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.

Air Quality

1. Prior to approval of grading permits, an accelerated construction dust abatement management program shall be reviewed and approved by the City Engineer. The dust abatement management program should consist of but not be limited to:
 - soil stabilizers
 - truck wash stations
 - use of tarpaulins or covers on haul trucks
 - site watering, which shall increase if wind speeds exceed 25 mph
 - uncovered soils being stockpiled shall be watered twice daily or shall be bound or covered
 - off-road construction equipment shall have 90-day low NOx tune-ups
 - construction vehicles shall be parked off traveled roadways
 - access points should be washed and/or swept daily

The dust abatement program shall be made a condition of the grading permit and included as notes on the plans. The program shall be monitored by the City through periodic inspection during grading. If the City's Inspection Services field inspector finds that the accelerated construction dust abatement program is not being complied with, a "stop work" order shall be issued until compliance is obtained.

EXHIBIT A-2

MITIGATION MONITORING AND REPORTING PROGRAM

Sunset Pointe

VTM/EA/CDP/PDP/SDP

LDR NO. 40-0329, Project No. 3179

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 Environmental Impact Report, LDR No. 40-0329, Project No.3179, shall be made conditions of the Vesting Tentative Map No. 11750, Easement Abandonment No. 11836; Coastal Development Permit No. 11758, Planned Development Permit No. 11760, and Site Development Permit No. 11761 as may be further described below.

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The mitigation monitoring and reporting program for the Sunset Pointe tentative map is under the jurisdiction of the City of San Diego and other agencies as specified below. The following is a description of the mitigation monitoring and reporting program to be completed for the project.

General

The mitigation monitoring and reporting program will require a \$450.00 fee to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

A. Land Use

1. Implementation of the mitigation measures described in Chapter 4.B., Landform Alteration/Visual Quality would reduce the impact associated with the project's compliance with the Design Criteria Element of the Mira Mesa Community Plan.
2. Mitigation Measure 4C-2(3) in Chapter 4.C., Biological Resources of this EIR details specific mitigation measures regarding the MHPA Adjacency Guidelines. These measures would ensure compliance with the MSCP issues such as drainage, toxics, lighting, noise, barriers, invasive plants, and brush management for fire hazards.

3. Implementation of the biological mitigation measures described in Chapter 4.C., Biological Resources would comply with the adopted City of San Diego mitigation ratios and mitigate the impacts to sensitive biological resources on the project. However, because the project would not comply with the ESL provisions regarding impacts to sensitive biological resources on steep slopes in the Coastal Zone, the land use impact would be considered significant and unmitigable.

B. Landform Alteration

1. As a condition of the Sunset Point tentative map approvals and prior to the issuance of grading permits, the City Manager shall verify that grading plans provide contour grading of all manufactured slopes. Field inspectors with the City of San Diego's Development Services shall inspect the grading to ensure conformance with approved grading plans. In addition, landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create an undulated slope appearance.
2. Measures have been incorporated into the Sunset Pointe project design that would reduce the project's direct aesthetic impact. These include contouring and revegetating manufactured slopes adjacent to open space to provide a natural look to the slopes and reduce the visibility of the residential units.

C. Hydrology/Water Quality

Municipalities in the San Diego region, including the City of San Diego, must comply with the SWRCB's Order 2001-01 and U.S. Environmental Protection Agency Permit No. CA0108758, which consists of waste discharge requirements for stormwater and urban runoff. Implementation of appropriate BMPs would reduce the Sunset Pointe project's short-term direct impacts during construction to a level below significant. Implementation of BMPs would also reduce the project's contribution to the cumulative water quality impacts, but not to a level below significant. The following measures shall be incorporated as conditions of the Sunset Pointe project approval:

1. The project areas shall comply with all requirements of State Water Resources Control Board Order No. 99-08-DWQ (NPDES General Permit in No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. In accordance with said permits, a SWPPP and a Monitoring Program Plan shall be developed prior to the issuance of grading permits, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for both of the projects shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the construction permit number for the projects shall be filed with the City of San Diego when received. Best Management Practices shall be included in the SWPPP and shall be designed in accordance with the Engineering Department's standard for SWPPPs to the satisfaction of the City Engineer. The SWPPP shall be approved by the City Stormwater Administrator prior to issuance of grading permits.

2. Prior to the issuance of building permits, the project shall install a filtering system. Installation and operation of the filtering devices shall be verified by a City field inspector prior to the issuance of building permits. The filtering system shall significantly reduce contaminated fine sediments, sands, petroleum products and other settleable/floatable contaminants. The filtering system shall be maintained by the projects Master Homeowners' Association. The Sunset Pointe project shall also incorporate the current Best Management Practices and Best Available Technologies (BMPs and BATs) available at that time for pollution control and erosion/siltation control. Examples of BMPs and BATs include but are not limited to:

- energy dissipation structures and rip-rap at stormwater discharge points to stabilize flow and reduce velocities;
- desilting basins for pollutant and siltation control during construction, resource based if possible;
- mulching cleared or freshly seeded area for erosion/sedimentation control;
- geotextiles and mats for erosion control during construction;
- storm drain inlet/outlet protection for siltation control;
- slope drains for erosion control;
- silt fences/sand bag barriers for siltation control during construction;
- the use of low-water requirement vegetation in landscaping;
- selection of slope planting species with low fertilization requirements; and
- requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.

Design and implementation measures shall be designed according to the city Engineering Department's standards for Urban Stormwater Management.

D. Biological Resources

1. Mitigation for direct impacts in the City of San Diego will consist of the dedication of approximately 28 acres of open space consisting of 1.64 acres of Tier I (1.46 acres of on-site native grassland and 0.18 acre of scrub oak chaparral), 26.36 acres of Tier II and III habitat, and 0.01 acre of ruderal land. The land to be dedicated is located within the MHPA and far exceeds the required mitigation. The dedication of 1.46 acres of native grassland will not meet the 2:1/1:1 mitigation requirements of the MSCP and Biology Guidelines for impacts in or outside the MHPA, respectively. Restoration of up to 2.99 acres of native grassland will be required on slopes contiguous with Lopez Canyon Open Space within the MHPA on Sunset Pointe. The restoration area would include the ruderal/non-native grassland area adjacent to existing small patches of native grassland.
2. The Sunset Pointe project would also result in adverse impacts to biological resources. To offset these impacts the project includes the following mitigation measures. These measures would reduce all impacts to a level that is less than significant.

- a. Prior to issuance of any grading permit, EAS shall verify that the following requirements are noted on the grading plans under the heading Environmental Requirements:
- 1) The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans.
 - 2) The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
 - 3) During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport to the satisfaction of the City Engineer. These practices may include but may not be limited to the following: the use of materials such as sandbags. Sediment fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.
 - 4) All construction activities shall take place only inside the fenced area. Grading materials shall be stored either inside the fenced development area or in an off-site developed location approved by the City.
- b. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager, which assesses any project impacts resulting from construction. The Environmental Review Manager will assess such impacts and determine the need for additional environmental review or mitigation measures.
- c. MSCP Adjacency Requirements
- 1) All drainage from proposed roads and structures associated with the Sunset Pointe project would flow into a storm drain system within which filtering devices and (if necessary) energy dissipaters will be installed. There are many different devices available, each with their own maintenance requirements. Runoff will thus be treated to reduce erosion and remove pollutants prior to release into the natural swale.
 - 2) All lighting associated with the project will be shielded and directed away from the urban/MHPA edge wherever it would shine directly into the MHPA, irrespective of whether said lighting is located along a street that bounds the MHPA or is located in a cul-de-sac. Remnant night-lighting would not be a nuisance to surrounding wildlife.

- 3) Barriers such as low fencing and trail markers may be incorporated into the project design to limit and control access into the MHPA.
 - 4) The landscape plant palette for the proposed slopes adjacent to the MHPA will include only native and low-fuel plant species. No invasive (non-native weedy species) shall be introduced adjacent to the MHPA.
 - 5) Brush management will be implemented as required by the City's Land Development Code and the Biology Guidelines.
3. Prior to grading or vegetation clearing, the project proponent shall remove and salvage any barrel cacti impacted by the proposed project. The salvaged cacti shall be incorporated into the landscaping on the manufactured slopes adjacent to the MHPA on the Sunset Pointe project site.
 4. In order to mitigate impacts to coastal sage scrub, the project applicant would:
 - a. Restore 4.04 acres of manufactured slopes with coastal sage scrub on-site immediately adjacent to or within the MHPA.
 - b. Prepare a revegetation plan, identifying the appropriate type of coastal sage scrub, site preparation requirements, plantings requirements, success criteria, and monitoring and management requirements. The revegetation effort would begin concurrent with project grading, or during the fall immediately following grading to take maximum advantage of natural rainfall, and would concentrate on the manufactured slopes, replacing some of the slope areas lost to development. The result of the mitigation program would be no net loss of coastal sage scrub.
 5. Prior to any grading or vegetation clearing, a directed survey shall be conducted to locate active raptor nest (if any). If active raptor nests are present, no grading or removal of habitat will take place within 300 feet of active nesting sites during the nesting/breeding season (February 1 through August 15) or until a qualified biologist has determined that all juveniles have fledged the nest and the nest is inactive.
 6. Prior to any grading or vegetation clearing, a directed survey shall be conducted to determine the presence or absence of the coastal California gnatcatcher on-site and, if present, locate active gnatcatcher nests (if any). If active gnatcatcher nests are present, no grading or removal of habitat will take place within 500 feet of active nesting sites during the nesting/breeding season (March 1 through August 15).
 7. Prior to issuance of the project grading permit, the USACE and CDFG will be notified of potential impacts to jurisdictional areas and all appropriate permits and mitigation measures associated with impacts to these areas will be acquired.

E. Noise

1. A detailed acoustical analysis will be required for all the pads since the Sunset Pointe project site is located within the 60 CNEL contour for MCAS Miramar.

F. Geology

Implementation of the recommendations described in the geotechnical investigation (see Appendix C-2) would reduce potentially significant impacts to below a level of significance. These measures include the following:

1. Compressible topsoil, alluvial deposits, undocumented fill, and colluvium will require complete removal and recompaction in areas where development is planned.
2. Highly expansive soils should be placed in deeper fill areas such that they do not adversely impact foundations and/or other settlement sensitive improvements.
3. Subdrains should be placed in the proposed canyon fill areas to mitigate the potential for hydrostatic buildup and perched groundwater.
4. Prior to commencing grading, a pre-construction conference should be held at the site with the owner or developer, grading contractor, civil engineer, and geotechnical engineer to discuss special soil handling and/or grading plans.
5. Site preparation should begin with the removal of all deleterious material and vegetation such that the materials exposed in cut areas or soils to be used as fills are relatively free of trash and organic matter. Material generated during stripping should be transported from the site.
6. After removal of unsuitable soil, the exposed subgrade should be scarified to a depth of 12 inches, moisture conditioned as necessary, and recompacted.
7. The site should be brought to final subgrade elevations with structural fill compacted in layers no thicker than will allow for adequate bonding and compaction (up to at least 90 percent of maximum dry density at or slightly above optimum moisture content).
8. The upper 3 feet of building pads and 12 inches in the pavement areas be composed of properly compacted fill or undisturbed formational materials with "very low" to "low" expansion characteristics.
9. The cut portion of cut/fill transition building pads should be undercut at least 3 feet and replaced with properly compacted low expansive fill soils to reduce the potential for differential settlement.
10. Oversized rock should be placed at least 5 feet below finish grade or 3 feet below the deepest utility, whichever is greater.

11. All cut slopes should be observed during grading by an engineering geologist to verify that the soil and geologic conditions do not differ significantly from those anticipated and to determine if adverse bedding, fractures or joints exist.
12. The outer 15 feet of fill slopes should be composed of properly compacted granular "soil" fill to reduce the potential for surface sloughing. All fill slopes should be overbuilt at least 3 feet horizontally, and cut to the design finish grade.
13. All slopes should be planted, drained, and properly maintained to reduce erosion.
14. Retaining walls not restrained at the top and having a level backfill surface should be designed for an active soil pressure equivalent to the pressure exerted by a fluid density of 30 pounds per cubic foot.
15. All retaining walls should be provided with a drainage system adequate to prevent the buildup of hydrostatic forces and should be waterproofed as required by the project architect. The use of drainage openings through the base of the wall (weep holes, etc.) is not recommended.
16. Wall foundations having a minimum depth and width of one foot may be designed for an allowable soil-bearing pressure of 2,000 pounds per square foot (psf) provided the soil within 3 feet below the base of the wall has an Expansion Index of less than 90.
17. An allowable passive earth pressure equivalent to a fluid density of 30 psf is recommended for footings or shear keys poured neat against properly compacted granular fill soils or undisturbed natural soils for resistance to lateral load.
18. To reduce the potential for slope instability, it is recommended that
 - (a) disturbed/loosened surficial soils be either removed or properly recompacted,
 - (b) irrigation systems be periodically inspected and maintained to eliminate leaks and excessive irrigation, and
 - (c) surface drains on and adjacent to slopes be periodically maintained to preclude ponding or erosion.
19. Positive measures should be taken to properly finish grade the building pads after structures and other improvements are in place, so that drainage water from the building pads and adjacent properties is directed to streets away from foundation and tops of slopes.

In addition, the following monitoring and reporting program shall be made a condition of the Sunset Pointe project approvals:

20. Prior to issuance of grading permits, an erosion control plan shall be submitted to and approved by the City's Development Services Department. The plan shall include measures to mitigate erosion and transport both during and immediately after construction. These measures may include, but not be limited to hay bales and sandbags,

temporary desilting basins, directing runoff to the storm drain system proposed as part of the project and adjacent projects, etc., as well as landscaping for short- and long-term erosion control on manufactured slopes. A phased planting plan shall be prepared which requires installation of erosion-resistant ground cover within 30 days of completion of grading.

21. In conformance with the provisions of Public Resources Code 21081.6, the applicant shall retain a soils engineer to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. Prior to the issuance of building permits, the project engineer shall submit in writing to the City Engineer verification that the project has complied with the required notes on the grading plan addressing erosion/urban runoff controls.

G. Air Quality

1. Prior to approval of grading permits, an accelerated construction dust abatement management program shall be reviewed and approved by the City Engineer. The dust abatement management program should consist of but not be limited to:

- soil stabilizers
- truck wash stations
- use of tarpaulins or covers on haul trucks
- site watering, which shall increase if wind speeds exceed 25 mph
- uncovered soils being stockpiled shall be watered twice daily or shall be bound or covered
- off-road construction equipment shall have 90-day low NOx tune-ups
- construction vehicles shall be parked off traveled roadways
- access points should be washed and/or swept daily

The dust abatement program shall be made a condition of the grading permit and included as notes on the plans. The program shall be monitored by the City through periodic inspection during grading. If the City's Inspection Services field inspector finds that the accelerated construction dust abatement program is not being complied with, a "stop work" order shall be issued until compliance is obtained.

H. Cultural Resources

1. Prior to the issuance of grading permits, the applicant/permittee shall provide a letter of verification to the ERM of LDR stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. A second letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff at least 30 days prior to the preconstruction meeting and shall include the names of all persons involved in the archaeological monitoring of this project

2. Prior to the issuance of any grading permits, the ERM shall verify that the requirement for archaeological monitoring has been noted on the grading plans. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the LDR Division. All persons involved in the archaeological construction monitoring of this project shall be approved by LDR prior to the start of monitoring.
3. Prior to beginning construction (any work on-site), the owner/permittee shall arrange a preconstruction meeting that shall include the monitoring archaeologist, construction manager or grading contractor, City field engineer assigned to the project, and MMC staff. The monitoring archaeologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.
4. At the preconstruction meeting, the archaeologist shall submit to MMC staff a copy of the site/grading plan (reduced to 11x17 inches) that identifies areas to be monitored. The archaeologist also shall submit a construction schedule indicating when monitoring is to occur. The archaeologist shall notify MMC staff of the start and end of monitoring. The qualified archaeologist shall attend preconstruction meetings to make comments or suggestions concerning the archaeological construction monitoring program and to discuss plans with the engineer. The requirement for archaeological monitoring shall be noted on the grading plan.
5. The qualified project archaeologist or archaeological monitor shall be present on-site during grading/excavation of the areas to be monitored. The project archaeologist shall document monitoring activity via the Consultant Site Visit Record. This record shall be faxed to the City field engineer and MMC staff each month.
6. In the event of a discovery, and when requested by the archaeologist, the resident engineer shall divert, direct, or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The archaeologist shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide appropriate LDR staff contact for consultation.
7. The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR must concur with the evaluation before grading activities are allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.
8. In the event that unanticipated cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact LDR at the time of discovery. The significance of the

discovered resources shall be determined by the archaeologist, in consultation with LDR. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant cultural resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. If human remains are discovered, work shall halt in that area and procedures set forth in Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed by the archaeological monitor after notification to the County Coroner. If Native American remains are present, the County Coroner will contact the Native American Heritage Commission to designate a most likely descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements to the satisfaction of the ERM of LDR.

9. 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. All cultural materials collected shall be cleaned, cataloged, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
10. Prior to the release of the grading bond, two copies of a monitoring results report (even if results are 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 staff for approval by the ERM of LDR. An additional copy of the report shall be submitted to the City field engineer.
11. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR. An additional copy of the Program report shall be submitted to the City field engineer.
12. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center at San Diego State University along with a copy of the final monitoring results report.

I. Paleontological Resources

1. Prior to issuance of the first grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff of LDR at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the paleontological monitoring of this project.
2. Prior to the issuance of any grading permits, the ERM of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
3. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction manager or grading contractor, resident engineer (RE), and MMC staff. The qualified paleontologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17 inches) that identifies areas to be monitored. The paleontologist shall also submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.
4. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City RE shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principle investigator level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.
5. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
6. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
7. Prior to the release of the grading bond, two copies of the monitoring results report which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR. A

copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.