

RESOLUTION NUMBER R- 299205

ADOPTED ON MAY 11 2004

WHEREAS, on August 3, 2000, Pardee Construction Company submitted an application to the City of San Diego for a planned development permit, site development permit, coastal development permit, neighborhood use permit, vesting tentative map and street and easement vacations; 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 MAY 11 2004; and

WHEREAS, the City Council considered the issues discussed in Findings to Master Environmental Impact Report No. 95-0353 (Project No. 2873); NOW, THEREFORE,

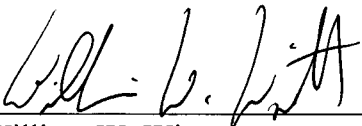
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Findings to Master Environmental Impact Report No. 95-0353 (Project No. 2873), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California 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 a planned development permit, site development permit, coastal development permit, neighborhood use permit, vesting tentative map, and street and easement vacations for the Shaw Lorenz project.

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 Master Environmental Impact Report No. 95-0353 (Project No. 2873), a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By 

William W. Witt
Deputy City Attorney

WWW:pev
04/19/04
Or.Dept: DSD
R-2004-1060

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

VESTING TENTATIVE MAP (VTM NO. 25674), PLANNED RESIDENTIAL DEVELOPMENT (PRD NO. 25675), SITE DEVELOPMENT PERMIT (SDP NO. 25676), COASTAL DEVELOPMENT PERMIT (CDP NO. 25677), AND NEIGHBORHOOD USE PERMIT (NUP NO. 76234)

SHAW LORENZ
PROJECT No. 2873

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 Master Environmental Impact Report (MEIR No. 95-0353) (Project No. 2873) shall be made conditions of VESTING TENTATIVE MAP (VTM NO. 25674), PLANNED RESIDENTIAL DEVELOPMENT (PRD NO. 25675), SITE DEVELOPMENT PERMIT (SDP NO. 25676), COASTAL DEVELOPMENT PERMIT (CDP NO. 25677), AND NEIGHBORHOOD USE PERMIT (NUP NO. 76234) as may be further described below.

A. General Measures

1. After project approval by the Decisionmaker and prior to issuance of any discretionary approvals), the applicant shall submit a deposit of \$7,000.00 to the Development Project Manager in Development Services Department to cover the City's costs associated with the implementation of the following 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 Shaw Lorenz 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 (Project No. 2873). The project is conditioned to include the monitoring of grading operations by a biologist, a qualified expert (in erosion control), archaeologist, 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, archaeologist, and paleontologist, and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

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B. Aesthetics/Neighborhood Character/Landform Alteration

1. Prior to the issuance of grading permits, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on the approved Exhibit A.
2. Prior to issuance of any grading permits, the Environmental Review Manager (ERM) of Land Development Review (LDR) shall verify that the grading plans specify that the manufactured slopes adjacent to the MHPA shall be hydroseeded with a native seed mix, as shown on Exhibit A.

C. Biological Resources

1. Prior to recordation of the first final map and/or issuance of grading permits, impacts to 125.32 acres of upland habitats shall be mitigated as shown in Table 1. The following project specific mitigation measures shall be verified and completed to the satisfaction of the Environmental Review Manager (ERM) of the Land Development Review Division.
2. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego a total of **105.52** acres within the on-site Shaw Lorenz Mitigation Parcel, including 0.83 acre of Tier I habitat, 86.78 acres of Tier II habitat, and 17.91 acres of Tier IIIA-IIIB habitat within the MHPA, to the satisfaction of the City Manager. The easement shall name the U.S. Fish and Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and provide that no clearing, grubbing, grading, or disturbance of the native vegetation shall occur within the area. Management of the preserved open space shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in Fee Title, per the provisions of the MSCP.

**TABLE 1
ANALYSIS OF IMPACT TO VEGETATION COMMUNITIES
ON THE SHAW LORENZ SITE**

Vegetation Community	Impact Inside MSCP	Impact Outside MSCP	Total Impact (Inside + Outside)	Required Mitigation Inside MSCP
Native Grassland (Tier I)	0.00	0.24	0.24	0.24
Scrub Oak Chaparral (Tier I)	0.00	0.59	0.59	0.59
Coastal Sage Scrub (Tier II)	23.54	63.24	86.78	86.78
Chaparral (Tier IIIA)	1.02	30.96	31.98	16.50
Annual Grassland (Tier IIIB)	1.19	0.44	1.63	1.41
Tier IV (EW, RUD, GR, DEV)	0.56	3.54	4.1	0.0*
Wetland (MFS, FWM, PND)	0.00	†	†	†
TOTAL	26.31	99.01	125.32	105.52

*Tier IV not added/subtracted to mitigation debt/surplus total.

†Impacts of proposed project include 0.013 acres of Army Corps of Engineers jurisdiction, 0.015 acres under the jurisdiction of the California Department of Fish & Game, and 0.008 acres of wetlands as defined by the City of San Diego. These impacts will be mitigated according to appropriate permits.

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Mitigation for Direct Impacts

3. Prior to the issuance of any grading permits, the owner/permittee shall provide a letter to the ERM verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through I):
 - 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 shall take place only inside the fenced area. Grading materials shall be stored either inside the fenced development area or in an area approved by the project biologist.
 - d. 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.
 - e. The project biologist shall direct the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures adjacent to all graded areas, and identify locations where trench spoil may be stockpiled to prevent sedimentation of the habitat. The project biologist shall oversee implementation of Best Management Practices as needed to prevent any significant sediment transport.
 - f. Gravel bags or other form of erosion control will be erected where grading is adjacent to the mapped edge of one of the 34 depressions, isolated wetlands, or vernal pools. Grading plans shall clearly show direct runoff away from the 34 depressions, isolated wetlands/vernal pools that are being preserved.
 - g. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but are not be limited to the following: the use of materials such as gravel bags, fiber rolls, 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.
 - h. 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.
 - i. Prior to the release of the grading bond, the project biologist shall submit a letter report to the ERM that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Zoning Code Update Biology Guidelines, to the satisfaction of the City Manager.
4. Prior to the first preconstruction meeting, a revegetation plan for the area of temporary impacts shall be submitted to the City for approval. The revegetation plan shall be prepared in accordance with City requirements. The ERM of LDR shall verify that revegetation efforts shall be done during the appropriate time of year following the completion of the installation.

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Mitigation for Direct Impacts to Sensitive Plants and Wildlife

Raptor Nesting

5. Prior to the issuance of grading permits, a qualified biologist shall determine the presence or absence of occupied raptor nests within the project site. Written results of the raptor nest survey shall be submitted to the ERM of LDR for approval.
6. If active nests are identified during the pre-grading survey and the project is within or adjacent to the MHPA, an appropriate avoidance area must be identified and flagged on the ground for the following species:
 - a. 300 feet from any Cooper's hawk (*Accipiter cooperii*) nesting site
 - b. 900 feet from any Northern harrier (*Circus cyaneus*) nesting site
 - c. 4,000 feet from any golden eagle nesting site

This restriction shall be noted on all grading and construction plans. If raptor nests are located within the distance listed above, weekly biological monitoring of the nests shall be conducted by the project biologist during the appropriate avian breeding season, with written results submitted the ERM of LDR.

7. If raptor nests are discovered during construction activities, the consulting biologist shall ensure the following occur during grading:
 - a. The biologist shall notify the Resident Engineer (RE). The RE shall stop work in the vicinity of the nests.
 - b. The qualified biologist shall mark all pertinent trees and delineate the appropriate "no construction" buffer area around any nest sites, satisfactory to the ERM of LDR. The buffer shall be maintained until the qualified biologist determines and demonstrates in a survey report that the nest is not being used during the identified avian breeding season, satisfactory to the ERM of LDR.
8. If no raptor nests are discovered in the trees to be removed, no further mitigation shall be required.

Coastal California Gnatcatcher (Federally Threatened)

9. Prior to the issuance of any construction permit and/or first preconstruction meeting, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:
 - a. No clearing, grubbing, grading, or other construction activities shall occur between **March 1 and August 15**, the breeding season of the Coastal California Gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:
 - (1) A qualified biologist (possessing a valid Endangered Species Act Section 10(A)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the Coastal California

Gnatcatcher. Surveys for the Coastal California Gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction.

- (2) If gnatcatchers are present, then the following conditions must be met:
- (a) Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; *and*
 - (b) Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; *or*
 - (c) At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the Coastal California Gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

** Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

- b. If Coastal California Gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrate whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - (1) If this evidence indicates the potential is high for Coastal California Gnatcatcher to be present based on historical records or site conditions, then condition 9.Aa(3) shall be adhered to as specified above.
 - (2) If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Isolated Wetlands/Vernal Pools

10. Prior to issuance of the issuance of any grading permit, the applicant shall notify the appropriate state and federal agencies of any potential impacts to jurisdictional areas. The applicant shall submit to the ERM of LDR any appropriate permits, (i.e. Section 401/404 of the Federal Clean Water Act, Section 1601 of the State of California Fish & Game Code, etc.) for impacts to areas under state and federal jurisdiction.

Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and/or justification on why impacts are not under state or federal jurisdiction, as deemed acceptable by the City Manager.

11. Prior to initiation of any restoration activities, as identified in the submitted VPMP (Appendix B to January 22, 2004 NRC Biology Report), that could potentially impact City-defined wetlands/vernal pools or seasonal depressions, listed species or environmentally sensitive lands, the Owner/Permittee shall prepare a final vernal pool restoration plan for all proposed on-site restoration areas to the satisfaction of the City Manager in coordination with appropriate Departments, including Development Services and Planning.

The Final Plan shall be prepared in substantial conformance with the submitted VPMP (Appendix B to January 22, 2004 NRC Biology Report) prepared for the project, and shall include the following components, with supporting exhibits and tables, and any other elements deemed necessary by the City for the successful implementation of the restoration program:

- a. All necessary site preparation activities, including topographical and drainage design
- b. A planting/seed inoculation plan schedule
- c. Measure to protect the restoration areas in perpetuity
- d. Proposed access routes to restoration areas
- e. Success criteria, including methods of sampling to determine success
- f. Long-term ownership (beyond 3-5 years)
- g. A monitoring and management schedule/plan
- h. Contingency measures
- i. Updated sensitive species surveys, as needed
- j. Measures to minimize potential impacts during construction/implementation; and
- k. A method of tracking restoration acreage

Evidence of compliance with all required state federal environmental laws, including copies of applicable resource agency permits, shall also be submitted to the City prior to initiation of any said restoration activities. All costs associated with plan preparation and long-term management of the on-site preserved areas shall be the responsibility of the Owner/Permittee or its designated representative. The entity/designee selected by the Owner/Permittee to manage the on-site preserved lands shall be acceptable to the City. The City's acceptance of selected entity/designee shall not be unreasonably upheld.

D. Biological Resources/Land Use

Mitigation for Indirect Impacts

1. The qualified biologist shall assure that all construction taking place adjacent to the MHPA is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines as required below:
 - a. Lighting

All required lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from the MHPA using appropriate placement and shields. Bollard lighting or other lighting alternatives shall be used in place of City pole lights to the satisfaction of the ERM and/or City Engineer. Street lights shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type. All street and residential lights shall be directed away from open-space areas (consistent with MSCP Guidelines) with appropriate placement or shades.
 - b. Invasives

No new, exotic, invasive species shall be utilized in, or adjacent to the MHPA. All non-irrigated hydroseeded revegetation areas and areas adjacent to the MHPA shall consist of native or non-invasive species to the satisfaction of the ERM.
 - c. Drainage

No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales or detention basins are used as needed during construction. All storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City Engineering Drainage Standards shall be ensured to the satisfaction of the ERM and City Engineer.

All drainage from proposed roads and structures associated with the Shaw Lorenz project would flow into a storm drain system and detention basins. Filter devices would be installed at the appropriate points to ensure that runoff into basins is cleansed. In addition, graded slopes that may drain toward the MHPA will have detention structures at the base of the slopes to trap sediments and minimize any storm flow beyond the manufactured slopes. Such slopes will be revegetated per the City's Landscape Manual.

d. Toxics

No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of disturbance.

e. Barriers

Barriers such as low fencing shall be incorporated into the project design to limit and control public access into the MHPA. The proposed 12x14-foot culvert under Carmel Mountain Road where it crosses the urban amenity would be adequate to allow wildlife movement. The 30x15-foot arch culvert under Carmel Mountain Road between this project and Neighborhood 10 is adequate to allow wildlife movement.

f. Brush Management

All zone 1 and 2 brush management areas will be included within lots adjacent to the MHPA. Only zone 1 brush management area will be included within lots adjacent to the Urban Amenity. All necessary brush management will be implemented and maintained according to the standards of the MSCP Subarea Plan and the City's Landscape Standards.

g. Noise

Sources of urban noise (project construction, daily traffic) associated with the project will result in nuisance noise to surrounding wildlife resources. The unavoidable increases in ambient noise levels would be an adverse impact to surrounding biological resources. 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). Refer to mitigation measure 9 above.

E. Light/Glare/Shading

1. Street lights shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type. All street and residential lights shall be directed away from open-space areas (consistent with MSCP Guidelines) with appropriate placement or shades.

F. Hydrology/Water Quality

1. 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:
 - 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

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implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB.

2. 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.

3. 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.
4. The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into Los Peñasquitos Lagoon or other waters. Such BMPs must fulfill the intent of "City Clerk Document No. 00-17068 – Erosion Control Measures for North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons (City of San Diego Municipal Code)," and shall include the following:
 - a. Construction phase erosion control measures shall be employed; including such measures as short-term use of sandbags, matting, mulches, berms, hay bales or similar devices; along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
 - b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
 - c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
 - d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes.
 - e. Energy dissipating structures (e.g., detention ponds, 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.
 - f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
 - g. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including

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- proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- h. Landscape design shall incorporate the use of drought tolerant vegetation.
 - i. Native and naturalized species shall be planted on slopes. If fertilization is deemed necessary, it shall be discontinued on areas adjacent to open spaces after one year.
 - j. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City of San Diego Landscape Technical Manual, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
 - k. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
 - l. Grading shall be minimized during the rainy season (October 31 to April 1). If grading is conducted during the period, the Contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.
 - m. Maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
 - n. Conditions of the General Permit for Construction Activity shall be adhered to.

G. Cultural Resources (Archaeology)

Prior to Preconstruction (Precon) Meeting

1. Land Development Review (LDR) Plan Check
 - a. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ERM
Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)
At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.

MMC will provide Plan Check with a copy of both the first and second letter.

4. Records Search Prior to Precon Meeting
 - a. At least thirty days prior to the Precon Meeting the qualified Archaeologist 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 South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

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

At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.
3. When Monitoring Will Occur
 - a. Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. Monitor Shall be Present During Grading/Excavation

The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

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2. Discoveries

a. Discovery Process

In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI, as appropriate, shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.

b. Determination of Significance

The significance of the discovered resources shall be determined by the PI in consultation with LDR and the Native American Community, if applicable. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

3. Human Remains

a. If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:

b. Notification

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

c. Isolate discovery site

- (1) Work will be redirected from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
- (2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
- (3) If a field examination is not warranted, the Medical Examiner shall determine, with input from the PI, if the remains are or are most likely to be of Native American origin.

d. If Human Remains are determined to be Native American

- (1) The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
- (2) The NAHC will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination.

- (3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
- (4) The PI will coordinate with the MLD for additional coordination.
- (5) Disposition of Native American human remains will be determined between the MLD and the PI, IF:
 - (a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - (b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner or their authorized representative shall re-inter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.
- e. If Human Remains are **NOT** Native American
 - (1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - (2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - (3) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner and the Museum of Man.

4. Night Work

- a. If night work is included in the contract
 - (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
 - (2) The following procedures shall be followed.
 - (a) No Discoveries
In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.
 - (b) Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction; 2. a. & b.**, will be followed, with the exception that the PI will contact MMC by 8AM the following morning to report and discuss the findings.

If night work becomes necessary during the course of construction

- (1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- (2) The RE, or BI, as appropriate, will notify MMC immediately.
- c. All other procedures described above will apply, as appropriate.

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5. Notification of Completion
 - a. The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

Post Construction

1. Handling and Curation of Artifacts and Letter of Acceptance
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.
Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.
2. Final Results Reports (Monitoring and Research Design And Data Recovery Program)
 - a. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Archaeological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.
 - b. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.
 - c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.
3. Recording Sites with State of California Department of Park and Recreation
The Archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Results Report.

H. Paleontological Resources

Prior to Preconstruction Meeting

1. Land Development Review (LDR) Plan Check
Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building

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- Plans/Permits, the Assistant Deputy Director (ADD) of Land Development Review (LDR) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
2. Letters of Qualification have been Submitted to the ADD
Prior to the recordation of the first final map, NTP, or any permits, including but not limited to, issuance of the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the applicant shall provide a letter of verification to the ADD 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.
 3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)
 - a. At least thirty days prior to the Preconstruction (Precon) Meeting, a second letter shall be submitted to 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 letter.
 4. 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.

Preconstruction Meeting

1. 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), Building inspector (BI), 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.
- If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractors representatives to meet and review the job on-site prior to start of any work that requires monitoring.

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2. 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.

3. When Monitoring Will Occur

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

During Construction

1. 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, or BI as appropriate, and MMC each month.

2. 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, or BI as appropriate, 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, or BI as appropriate, 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, or BI as appropriate, 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.

3. 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.

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- (2) The following procedures shall be followed:
- (a) NO DISCOVERIES
In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.
 - (b) MINOR DISCOVERIES
 - (1) All Minor Discoveries will be processed and documented using the existing procedures under **During Construction** (see Section 2. *Discoveries*, Subsection a.), with the exception that the RE will contact MMC by 9 A.M. the following morning.
 - (c) POTENTIALLY SIGNIFICANT DISCOVERIES
 - (1) If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction** (see Section 2. *Discoveries*, Subsection b.), will be followed, with the exception that the RE will contact MMC by 9 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, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - (2) The RE, or BI, as appropriate, will notify MMC immediately.
- c. All other procedures described above will apply, as appropriate.

4. *Notification of Completion*

The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

Post Construction

- 1. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.
 - a. SUBMIT LETTER OF ACCEPTANCE FROM LOCAL QUALIFIED CURATION FACILITY.
The Paleontologist shall be responsible for submittal of a letter of acceptance to the ADD of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.
 - b. IF FOSSIL COLLECTION IS NOT ACCEPTED, CONTACT LDR FOR ALTERNATIVES
If the fossil collection is not accepted by a local qualified curation 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.
 - c. 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

d. FINAL RESULTS REPORT

- (1) 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 ADD of LDR.
- (2) MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

I. Public Facilities and Services

Schools

1. Prior to the recordation of the first Final Map, the applicant shall fully mitigate impacts to the Del Mar Union School District and San Dieguito Union High School District through payment of school mitigation costs and/or participation in a Mello-Roos Community Facilities District.

Fire

2. Prior to recordation of the first Final Map, the City Fire Department shall determine whether a first response can be provided on the project site within six minutes. Mitigation measures in the form of individual sprinkler systems and/or construction/site design safeguards shall be required if a six-minute response cannot be provided at the time of future development.

Water

3. 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 or City Engineer.

Sewer

4. Prior to the issuance of any building permits, the owner/permittee shall assure, by permit and bond, the design and construction of sewer facilities necessary to serve 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 current sewer design guide.

Solid Waste

5. 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.

J. Transportation/Circulation

1. Prior to the issuance of the first building permit, the project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.

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- a. Carmel Mountain Road is classified as a two-lane collector with two-way left-turn lane at the proposed access points. The applicant shall dedicate 68 feet of right-of-way and shall provide 50 feet of pavement including curb, gutter, and an 8- to 10-foot curb to property line distance, satisfactory to the City Engineer.
- b. Carmel Mountain Road is classified as a two-lane collector. The applicant shall dedicate 58 feet of right-of-way and shall provide 40 feet of pavement including curb, gutter, and an 8- to 10-foot curb to property line distance, satisfactory to the City Engineer.
- c. Carmel Mountain Road northerly end shall have no public connection to Del Mesa Road prior to the completion of Camino Santa Fe between Del Mar Mesa Road and SR-56 freeway, satisfactory to the City Engineer.
- d. The applicant shall construct a traffic signal at the intersection of Carmel Country Road and Canyon Ridge Way/Craven Ridge Way, satisfactory to the City Engineer.
- e. The applicant shall construct a traffic signal at the intersection of Carmel Country Road and Cloverhurst Way, satisfactory to the City Engineer.
- f. The applicant shall provide a proper transition from the existing four-lane major into the proposed two-lane collector at the westerly end of Carmel Mountain Road, satisfactory to the City Engineer.
- g. Little McGonigle Ranch Road is classified as a two-lane collector street. The applicant shall dedicate 65 feet of right-of-way and shall provide 44 feet of pavement including curb, gutter, and an 8- to 10-foot curb to property line distance, satisfactory to the City Engineer.
- h. The applicant shall dedicate 70-82 feet of right-of-way for all public streets entrances "A," "C," "G," "H," and "I" and shall provide 40 feet of pavement, 12 to 24-foot-wide median, curb, gutter, and a 5-foot sidewalk with 10-foot curb to property line distance, satisfactory to the City Engineer.
- i. The applicant shall provide additional widening on Carmel Mountain Road to accommodate a left-turn pocket at the intersection with Street "H" to the satisfaction of the City Engineer.

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