

RESOLUTION NUMBER R- 301269

DATE OF FINAL PASSAGE MAR 06 2006

WHEREAS, on October 16, 2003, Pardee Homes submitted an application to the City of San Diego for a community plan amendment, rezone, planned development permit, and map waiver; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on MAR 06 2006; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 17749; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 17749, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process,

has been reviewed and considered by this Council in connection with the approval of a community plan amendment, rezone, planned development permit and map waiver for Sabre Springs – Savannah Terraces.

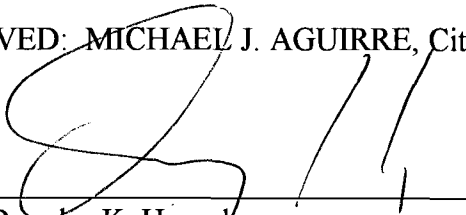
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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

By



Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
02/07/06  
Or.Dept:DSD  
R-2006-690  
MMS#3015  
ENVIRONMENTAL – MND 11-01-04

R- 301269

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COMMUNITY PLAN AMENDMENT/REZONE/PLANNED DEVELOPMENT  
PERMIT/MAP WAIVER

PROJECT No. 17749

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation, Monitoring, and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 1591/SCH No. 2003101139) shall be made conditions of Community Plan Amendment, Rezone, Planned Development Permit, and Map Waiver; as may be further described below.

**General**

1. Prior to issuance of any construction permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the monitoring biologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.
2. Prior to the issuance of any construction/grading permits, the City Manager shall verify the appropriate mitigation requirements and notes (i.e. preconstruction meeting, biological monitor, sound attenuation measures, avian breeding seasons, etc.) are listed on the construction/grading plans and the appropriate construction sheets referenced. These notes shall be included in the specifications under the heading **ENVIRONMENTAL / DEVELOPMENT REQUIREMENTS.**

*The following NOISE mitigation requirements shall be implemented and noted on the construction plans for the development of Sabre Springs PARCEL 16:*

**NOISE**

1. Prior to the issuance of the first building permit, the applicant shall incorporate sound attenuation measures as described in the acoustical report (*Noise Technical Report for Savannah Terrace, Sabre Springs Area 16, Lot 3*, dated April 21, 2004, prepared by RECON, to the satisfaction of the City Manager. Specifically, the Assistant Deputy Director (ADD) of Land Development Review Division (LDR) shall verify that the following standard requirements shall be noted on the construction plans and specifications as shown on the approved Exhibit A:

- A. A four-foot high noise barrier shall be constructed around the ground floor patio areas on Pad 5.
- B. A five-foot high noise barrier shall be constructed around the ground floor patio areas on Pad 4.
- C. A six-foot high noise barrier shall be constructed around the ground floor patio areas on Pad 2 and 6.
- D. The barriers shall be constructed relative to the final patio elevations along Poway Road. The noise barrier shall be solid and continuous with no openings, gaps, and free of cracks and/or holes within their entirety. Example of sample noise barrier material/construction can include, but is not limited to: masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, or 0.25-inch-thick plate glass. If transparent barrier materials are used, no gaps should occur between the panels.

***The following BIOLOGICAL RESOURCES and BIOLOGICAL RESOURCES/LAND USE ADJACENCY mitigation requirements shall be implemented and noted on the construction plans for the development of Sabre Springs PARCEL 31:***

## **BIOLOGICAL RESOURCES**

### Raptors

- 1. No mature trees shall be removed during the breeding season for raptor species. If removal of any mature trees is proposed during the breeding season, the following measures shall ensure that construction related impacts to raptor species are avoided:

- A. **Prior to the Issuance of Grading Permits**  
Prior to issuance of grading permits a qualified biologist shall determine the presence or absence of occupied raptor nests within the project site, with written results submitted to the Assistant Deputy Director (ADD) of Land Development Review Division (LDR).
- B. **Prior to Start of Construction**  
If active raptor 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:

**300 feet from any Cooper's hawk (*Accipiter cooperii*) nesting site;  
900 feet from any Northern harrier (*Circus cyaneus*) nesting site; and,  
4,000 feet from any Golden Eagle nesting site**

This restriction shall be noted on all grading and construction plans. If raptors nests are located within the distances listed above, weekly biological monitoring

of these nests shall be conducted by the project biologist during the breeding season (**February 1 through August 31**) with written results submitted to the ERM of LDR. If no raptor nests are discovered in the trees to be removed, no further mitigation is required.

C. During Construction

- a. If raptor nests are discovered during construction activities, the biologist shall notify the Resident Engineer (RE).
- b. The RE shall stop work in the vicinity of the nests. The qualified biologist shall mark all pertinent trees and delineate the appropriate “no construction” buffer area (approximately 300 feet) or as noted in Biological Resources - Raptors measure *I.B.* (above), around any nest sites, satisfactory to the ADD of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of LDR.

D. Post Construction

- a. The biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that focused surveys are completed, as appropriate.
- b. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative ) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted to Mitigation Monitoring Coordination (MMC) for approval by the ADD of LDR.
- c. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation, or other such follow up action plan(s) shall be included as part of the Final Biological Monitoring Report in accordance with the City of San Diego’s Land Development Code, Biological Resources Guidelines (July 2002). Additional mitigation measures may also be required.
- d. This report shall address findings of active/inactive nests and any recommendations for retention of active nest, removal of inactive nests and mitigation for offsetting loss of breeding habitat.
- e. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

2. Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the following project requirements regarding the least bell's vireo are shown on the construction plans:

**NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:**

- A. A qualified biologist (possessing a valid Endangered Species Act section 10(a)(1)(A) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least bell's vireo. Surveys for this species 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 construction. If the least bell's vireo is present, then the following conditions must be met:
- a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least bell's vireo 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 15 and September 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 least bell's vireo or 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 any 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 least bell's vireo. 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 (September 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 least bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
  - a. If this evidence indicates the potential is high for least bell's vireo to be present based on historical records or site conditions, then Biological Resources – Least Bell's Vireo condition 2.A.c. shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

## **BIOLOGICAL RESOURCES / LAND USE ADJACENCY**

### Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines

- 1. Prior to the issuance of any grading permit, the Assistant Deputy Director (ADD) of Land Development Review Division (LDR), in coordination with the project biologist, shall verify that construction taking place adjacent to the Multi-Habitat Planning Area (MHPA) is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:

- A. All required lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from 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 ADD of LDR and/or City Engineer.
- B. No new, exotic, invasive plant 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 ADD of LDR.
- C. Runoff must be directed away from the MHPA. 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 ADD of LDR and City Engineer.
- D. No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of disturbance. Toxic material must not be allowed to drain into the MHPA.
- E. 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 (impacting MHPA and/or covered sensitive species) beyond the limits of disturbance as shown on the approved *Exhibit A*.
- F. No direct access shall be provided on the property into the MHPA. Barriers or signs restricting encroachment must be installed to prevent public access into the MHPA.
- G. The proposed project must be designed to minimize noise impact. The applicant must comply with appropriate noise mitigation requirements for MSCP covered avian bird species and raptor nesting breeding seasons. (*Refer to Biological Mitigation Requirements for Raptors and Least Bell's Vireo above.*)



Passed by the Council of The City of San Diego on MAR 06 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 06 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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