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(R-2010-35) 342
MEET
7/28

RESOLUTION NUMBER R- 305188

DATE OF FINAL PASSAGE JUL 28 2009

A RESOLUTION CERTIFYING THAT MASTER ENVIRONMENTAL IMPACT REPORT NO. 72282 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 [CEQA] AND STATE CEQA GUIDELINES; ADOPTING THE FINDINGS AND THE MITIGATION, MONITORING AND REPORTING PROGRAM AS IT RELATES TO THE CARMEL VIEW TENTATIVE MAP PROJECT, PROJECT NO. 72282.

WHEREAS, on June 13, 2005, Carmel View, LLC, a Limited Liability Company, submitted an application to the City of San Diego for a tentative map, planned development permit, site development permit for environmentally sensitive lands and a recreation easement vacation for the Carmel View Tentative Map 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, 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 JUL 28 2009; and

WHEREAS, the City Council considered the issues discussed in the Findings to Master Environmental Impact Report [MEIR] No. 95-0353, for a tentative map, planned development

permit, site development permit for environmentally sensitive lands and a recreation easement vacation for the Carmel Valley Tentative Map Project, Project No. 72282; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that the Findings to Master Environmental Impact Report 95-0353, 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 tentative map, planned development permit, site development permit for environmentally sensitive lands, and a recreation easement vacation for the Carmel View Tentative Map project, Project No. 72282.

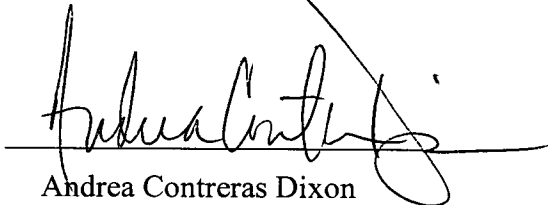
BE IT FURTHER RESOLVED that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Findings to a MEIR, a copy of which is incorporated by reference, is hereby approved.

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, 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: JAN GOLDSMITH, CITY ATTORNEY

By:



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
07/08/09
Or.Dept:DSD
R-2010-35
MMS #9736

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
CARMEL VIEW TENTATIVE MAP, PLANNED DEVELOPMENT PERMIT, SITE
DEVELOPMENT PERMIT (FOR ENVIRONMENTALLY SENSITIVE LANDS) AND A
RECREATION EASEMENT VACATION
PROJECT NO. 72282

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 Addendum to an Environmental Impact Report and Subsequent Environmental Impact Report No. 72282 shall be made conditions of the Tentative Map, Planned Development Permit, Site Development Permit (for Environmentally Sensitive Lands) and a Recreation Easement Vacation as may be further described below.

GENERAL

1. Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the Assistant Deputy Director (ADD) or environmental designee of the City's Entitlement Division shall verify that the grading and/or construction plans include "Environmental Requirements" in the index on the first sheet; and that this Mitigation Monitoring and Reporting Program (MMRP aka "Environmental Requirements") have been included on the submitted construction documents in their entirety (verbatim), along with contact specifications.
2. In addition, prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be arranged by the owner/permittee and conducted. The Pre-con shall include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section Representative, the Resident Engineer, Project Biologist, Paleontological Monitor, Applicant, and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

BIOLOGICAL RESOURCES

Habitat Mitigation (Direct Impacts)

4. Prior to the issuance of any notice to proceed, recordation of the first final map, and/or issuance of grading permits (whichever comes first) the applicant shall provide record that native plant communities requiring mitigation (per Table 1 below) under the City's Environmentally Sensitive Lands (ESL) Ordinance are mitigated to the satisfaction of the

Assistant Deputy Director (ADD) Environmental Designee though either Option A and/or B (also below):

TABLE 1
HABITAT-IMPACTS- & MITIGATION FOR CARMEL VIEW BIOLOGICAL RESOURCES

Vegetation Community	Existing Area in Acres	Area Impacted in Acres	Mitigation Ratio (based on ESL Guidelines)	Mitigation Requirement in Acres	Total Acreage Preserved On-Site (in MHPA or Open Space Easement)	Remaining Impact Area needing Off-site Mitigation in Acres !
1. Eucalyptus Woodland (Tier IV)	<u>1.03</u>	<u>1.03</u>	Nest Avoidance Only	^Pre-grading surveys if grading btwn 2/1 and 9/15	0.00	0.0
2. Disturbed/Ruderal Habitat (Tier IV)	<u>1.28</u>	<u>1.28</u>	N/A	^N/A	0.00	0.0
3. Urban/Developed (Tier IV)	<u>2.26</u>	<u>2.26</u>	N/A	N/A	0.00	0.0
4. Diegan Coastal Sage Scrub (Tier II)	<u>4.0</u>	** <u>2.63</u> @	1:1 or 1.5:1 or 2:1	^ <u>2.63, 3.95</u> or <u>5.26</u>	1.37 non-MHPA OSE (counts for 1.5:1)	<u>1.26</u> <u>2.63-1.37</u> Mitigation ratio TBD
5. Southern Maritime Chaparral (Tier I)#	<u>3.77</u>	* <u>3.01</u>	1:1 or 2:1	^ <u>3.01</u> or <u>6.02</u>	0.70 (counts at 1:1) in MHPA and 0.06 in non-MHPA OSE (counts at 2:1)	<u>2.28</u> 3 -(1:1)) <u>2.31-0.03</u> (
6. Non-native Grassland (Tier IIIB)	<u>3.29</u>	** <u>3.29</u> @	0.5:1 or 1:1	^ <u>1.3</u> or <u>3.29</u>	0.00	<u>3.29</u>
Total	<u>15.63</u>	<u>13.5</u>	N/A	N/A	<u>2.13</u>	<u>6.83ac</u> (Mitigation Ratio TBD)

- Actual off-site mitigation amount to be determined based on type/location of impact combined with type/location of mitigation relative to MHPA per ESL Guidelines
- Entire MHPA area on-site is Tier I and all would be conserved in this location. Tier I habitat outside the MHPA would also be impacted and mitigation ratios would be based on location/type of mitigation relative to MHPA per ESL Guidelines
- All Tier II and III impacts are located outside the MHPA and off-site mitigation ratios would be based on location/type of mitigation relative to MHPA per ESL Guidelines.
- Pre-grading surveys are required to mitigate direct take of fauna during the breeding season for all habitats that may contain such nesting animals.
- Impacts outside MHPA and on-site mitigation proposed inside MHPA.
- Impact outside MHPA and mitigation proposed outside MHPA.

On-Site Mitigation & Conservation Easement Conveyance

5. On-site mitigation would occur by placing 0.70 acres of Southern Maritime Chaparral (SMC) located within the MHPA, and 0.06 acres of SMC located outside the MHPA into conservation easements for mitigation credit per ESL guidelines. In addition, 1.37 acres of

Diegan coastal sage scrub located outside the MHPA would be placed in a conservation easement for additional on-site mitigation.

None of the on-site mitigation areas would include Brush Management Zone 2 (which is impact neutral but not eligible for mitigation credit).

6. The areas to be conserved on-site shall be placed within a conservation easement or covenant of easement and preserved in perpetuity prior to the issuance of the Notice to Proceed for grading, or the filing of the First Final Map (whichever comes first). All mitigation areas on-site shall be subject to the provision that no clearing, grubbing, grading or disturbance of the native vegetation (including brush management) shall occur within these areas.
7. The easement shall name the U.S. Fish & Wildlife Service and the California Department of Fish & Game as third party beneficiaries and define the Brush Management Zone 2 portion that cannot be used for mitigation. The easement shall identify all permissible uses and activities and/or restrictions to be placed on the Preserve Areas.
8. The management of the open space preserve area shall be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the 0.70 acre MHPA area through dedication to the City in fee title.

Off-Site Mitigation Requirements

9. The remaining 6.83 ~~4.24~~ acres of habitat to be mitigated (per Table 1) shall occur using one of the following options (or combination thereof) to the satisfaction of the City Entitlements Director:

Option A: For the off-site preservation option, the owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego over land within or outside the MHPA that has been approved by the City/USFWS/and CDFG with the appropriate habitat/amounts as outlined in Table 1 above.

Option B: For the HAF option, the applicant shall pay into the fund ~~or~~ (assumes mitigation within MHPA) at current City rate per acre + 10 % administration fee (fee is not listed as it is are subject to change), for 6.83

Site Specific Flora and Fauna Mitigation

In order to comply with the Conditions of Coverage (Appendix A) of the City of San Diego MSCP, CEQA, the Federal Migratory Bird Treaty Act, the CA Department of Fish and Game (CDFG) Code, and the City's ESL Ordinance (see Land Development Manual – Biology Guidelines- Species Specific Mitigation pages 23 -24) the following measures to protect flora and/or fauna are required:

Mitigation for Potential Impacts to California Gnatcatcher

10. Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting), the ADD (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:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, WHICH EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY WITHIN A MHPA AREA, 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 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.

IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. 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
- II. 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

- III. 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 IN PROJECT AREA MHPA'S 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 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR

COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.

- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Coastal Cactus Wren Plant Salvage Mitigation (State Species of Special Concern/MSCP Covered Species)

City Staff considered the list of cactus wren host species below (Table I) and using the consulting biologist's report, annotated it to list presence, absence, or possibility of presence of these species on-site and the following measures are required:

11. Prior to the issuance of the grading permit, all listed species in Table I actually present on-site shall be salvaged for use within City coastal cactus wren mitigation sites

Preconstruction

- A) Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the coastal cactus wren salvage plan.
- B) At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that a coastal cactus wren plant salvage/ relocation plan (including species, locations, numbers, timing and handling, etc.) plan has been completed and approved by City MMC and the appropriate contact from Michael Beck of the Endangered Habitats League (notify by phone and/or email).

Construction

- A) Salvage, storage and transport requirements shall be carried out as specified in the approved salvage plan and at the preconstruction meeting.

Post-construction

- A) Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. Any actions taken related to coastal cactus wren protection, including salvage of species in Table 1, shall also be included in this letter. This letter report shall be submitted to EAS, MSCP Park and Recreation, and MMC Staff.

TABLE 1
NATIVE CACTUS AND SUCCULENT SPECIES TARGETED FOR SALVAGE*
 (*present on-site/? potential on-site to be salvaged if found)

Scientific Name	Common Name
<i>Cylindropuntia californica</i> var. <i>californica</i>	Snake cholla
<i>Cylindropuntia prolifera</i>	?Coast cholla
<i>Dudleya</i> spp.	?Live-forevers
<i>Ferocactus viridescens</i>	*Barrel cactus (10-on-site)
<i>Mammillaria dioica</i>	?Fish-hook cactus
<i>Opuntia littoralis</i>	*Coastal prickly pear
<i>Opuntia oricola</i>	Chaparral prickly pear
<i>Yucca whipplei</i>	Our Lord's candle
<i>Yucca schidigera</i>	?Mojave yucca
<i>Euphorbia misera</i>	Cliff Spurge

General Birds –Direct Grading Take

12. In order to comply with the conditions of the City of San Diego MSCP, CEQA, the Federal Migratory Bird Treaty Act, and the CA Department of Fish and Game (CDFG) Code (which when combined, essentially prohibit any “take” of bird species - including disturbance of eggs, fledglings, nests, or plants/ substrate the nest is located in, or causing adults to abandon nests), the project biologist shall verify that no nesting birds are present on any portion of the project site or nearby vicinity (including off-site areas to be impacted) during grading and construction operations that would be disturbed directly or indirectly by the project, especially during the typical bird breeding season between February 1 and September 15. Potential birds which could breed on-site include raptors, the coastal cactus wren and the CA gnatcatcher among others.

13. If any nesting birds are present on-site or adjacent within 500 feet, breeding season work shall be avoided, or the project biologist shall work with EAS and the appropriate wildlife agencies (i.e. US Fish and Wildlife Service and CDFG) to determine appropriate avoidance and/or other mitigation. The agreed upon mitigation shall be incorporated into the project’s Biological Construction Monitoring Exhibit (BCME) and monitoring results shall be added to the final biological construction monitoring report.

Construction Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

14. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):
 - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.
 - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.
 - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information has been completed and approved by City MMC.
 - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site specific fauna/flora surveys/salvage.

Construction Measures

15. The project biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area and to protect sensitive flora (flagged where possible) and fauna.
16. As determined at the Precon Meeting, the project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance onsite, and for the surrounding sensitive habitat as shown on the approved Exhibit A. The biologist shall perform pregrading bird surveys; flag salvage specimens; and salvage flagged plants or arrange salvage. In the even of a positive bird nest survey, the biologist shall delay grading and notify City MMC to accommodate additional mitigation as needed/required. The biologist and or MMC shall also flag MSCP covered and/or other sensitive species such as barrel cactus and Nuttall's scrub oak within Brush Management Zone 2 for

preservation during any thinning operations. Flagging shall be uniformly specific so the crew can differentiate between species to be avoided versus species to be salvages, etc.

17. 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 limited of disturbance as shown as on Exhibit A and as amended to accommodate sensitive species located during the pregrading surveys.

Post Construction Measures

18. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager 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 ADD.
19. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Grading Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
20. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.
21. MMC will provide written acceptance to the PQB and RE of the approved report.

**Land Use -MHPA Land Use Adjacency Guidelines Mitigation
(per Section 1.4.3 of the MSCP Subarea Plan)**

22. Prior to issuance of grading permits, the City ADD (or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage – For this project all drainage from development and sheet flow would flow into landscaping or be directed into existing street drainage areas per Exhibit A. In general, any storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City of San Diego Engineering Drainage Standards shall be ensured to the satisfaction of the ADD and City Engineer.
 - B. Toxins - No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside the established limits of disturbance.
 - C. Lighting -All required temporary or permanent lighting adjacent to the MHPA shall be shielded unidirectional, low pressure sodium illumination (or similar) and directed away

from preserve areas using appropriate placement and shields. Bollard lighting or other lighting alternatives shall be used in place of City pole lights to the satisfaction of the ADD 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 the urban/natural edge (i.e. all MSCP and non-MSCP open-space areas) with appropriate placement or shades.

- D. Noise – Uses in or adjacent to the MHPA shall be designed to minimize noise impacts. Excessively noisy activities (i.e. construction) must be curtailed during the general bird breeding season (January 1 – September 15) or berms/walls should be utilized to reduce impacts to below 60 dB. Adequate noise reduction measures should also be incorporated for the remainder of the year/life of the project where appropriate.
- E. Barriers – Appropriate fencing as required by MSCP/Landscaping/Permit or Long Range Planning shall be installed along the MHPA boundaries and along equestrian/hiking trails to direct public access to appropriate areas and protect open space areas from urban encroachment (students, visitors, plants and toxins). Typically rear lot fences are 2 feet concrete base with open iron bars above to a maximum of 6 feet and equestrian/trail fences are split rail.
- F(a). Invasives - All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the fire marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands. Any landscape or revegetation plan shall include a note indicating that “Non-native plant species identified as invasive by the California Exotic Pest Plant Council shall not be used in the plant palette.” The hydroseed mix used for erosion control shall only contain native species and shall only be applied under the supervision of the biologist or a landscape architect.
- F(b). Prior to issuance of any notice to proceed, the ADD Environmental designee 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. . All revegetation within Brush Management Zone 2 and/or within 100 feet of native habitat must be native chaparral or coastal sage scrub species. No deviations shall be made from the EAS approved Exhibit A without prior EAS approval.
- G Brush Management - Zone 2 brush management may be located inside the MHPA only upon the placement of a conservation easement or covenant of easement over the entire on-site MHPA area (for preservation in perpetuity by the owner/permittee/trustee). The Zone 2 Brush Management area inside the MHPA must also be placed in an additional HOA easement to ensure maintenance. Brush management zones shall not be greater than currently required by City regulations. The amount of woody vegetation clearing shall not exceed 50% of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to MSCP covered and State and Federal listed species to the

maximum extent possible (MMC and the Biologist may visibly tag specimens to be saved prior to brush management at their discretion).

- I. Grading/Land Development – Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

LANDFORM/VISUAL CHARACTER

23. Prior to the issuance of any notice to proceed, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on Exhibit A.

PALEONTOLOGICAL RESOURCES

Private Project (Dated June 3, 2008)

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading

Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend 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 no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- 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, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

NOISE

24. Prior to the issuance of the building permits for the residential units, an acoustical study shall be submitted by the applicant, satisfactory to the ADD Environmental designee and City Engineer. This report must show that construction materials and techniques have ensured adequate noise attenuation so that the interior noise levels do not exceed 45 dB (A).

PUBLIC FACILITIES AND SERVICES

25. *Fire:* Prior to recordation of the first Final Map, the applicant shall provide EAS with a copy of the Site Development Permit with the following conditions listed within it "All residences on the Carmel View project site (PTS 72282) shall be sprinklered in lieu of a six-minute emergency first response time."
26. *Schools:* Prior to the recordation of the first Final Map, the applicant shall provide the City EAS ADD (or Environmental designee) verification that the statutory fees have been paid.