

RESOLUTION NUMBER R- 311571

DATE OF FINAL PASSAGE MAR 05 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PHR VILLAGE COMMERCIAL PHASE II, PROJECT NO. 519369.

WHEREAS, the City Council had previously certified Master Environmental Impact Report No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch Subarea Plan in the North City Future Urbanizing Area on July 28, 1998 by Resolution No. 290520; and

WHEREAS, the City Council had previously adopted subsequent Findings for Pacific Highlands Ranch Village No. 7029/SCH No. 97111077 on January 26, 2010 by Resolution No. R-305578; and

WHEREAS, the Planning Commission had previously adopted subsequent Findings for Village at Pacific Highlands Ranch No. 317590/SCH No. 97111077 on December 12, 2013 by Resolution No. 4573-PC; and

WHEREAS, PHR Village II, LLC, a California limited liability company, Owner/Permittee, submitted an application to the Development Services Department for a Rezone, Public Right-of-way Vacation, Easement Vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide the property into six lots and develop two commercial buildings totaling approximately 26,000 square feet and one two-level parking garage in the Village northeast of Pacific Highlands Ranch Parkway between Carmel Valley Road and Village Way on a 2.28-acre site in the CC-1-3 zone (proposed) and Urban Village Overlay zone within Pacific Highlands Ranch Community Plan area (the PHR Village Commercial Phase II project) (Project No. 519369); and

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

WHEREAS, the issue was heard by the City Council on March 5, 2018; and

WHEREAS, the project was considered and analyzed within the scope of the Master Environmental Impact Report MEIR No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch Subarea Plan (Subarea III) in the North City Future Urbanizing Area and the subsequent Findings for Rancho Milagro Project LDR No. 332547/SCH No. 97111077, Pacific Highlands Ranch Village No. 7029/SCH No. 97111077 and Village at Pacific Highlands Ranch No. 317590/SCH No. 97111077; NOW, THEREFORE,

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

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it makes the following findings with respect to the PHR Village Commercial Phase II project in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, section 15000 et seq.), that the findings reflect the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the Master Environmental Impact Report MEIR No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch (Subarea III) Subarea Plan in the North City Future Urbanizing Area and the subsequent Findings for Pacific Highlands Ranch Village

No. 7029/SCH No. 97111077 and Village at Pacific Highlands Ranch No. 317590/SCH

No. 97111077 has been reviewed and considered by the City Council:


a. The proposed project will have no additional significant effect on the environment that was not identified in the Master Environmental Impact Report MEIR No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch Subarea Plan in the North City Future Urbanizing Area and the subsequent Findings for Pacific Highlands Ranch Village No. 7029/SCH No. 97111077 and Village at Pacific Highlands Ranch No. 317590/SCH No. 97111077, no new or additional mitigation measures or alternatives may be required, and the project is within the scope of the Master Environmental Impact Report MEIR No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch Subarea Plan in the North City Future Urbanizing Area and the subsequent Findings for Pacific Highlands Ranch Village No. 7029/SCH No. 97111077 and Village at Pacific Highlands Ranch No. 317590/SCH No. 97111077; and

b. No substantial changes have occurred with respect to the circumstances under which the Master Environmental Impact Report MEIR No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch Subarea Plan in the North City Future Urbanizing Area and the subsequent Findings for Pacific Highlands Ranch Village No. 7029/SCH No. 97111077 and Village at Pacific Highlands Ranch No. 317590/SCH No. 97111077 was certified and no new information, which was not known and could not have been known at the time that the Master Environmental Impact Report MEIR No. 96-7918/SCH No. 97111077 for the Pacific Highlands Ranch Subarea Plan in the North City Future Urbanizing Area and the subsequent Findings for Pacific Highlands Ranch Village No. 7029/SCH No. 97111077 and Village at Pacific Highlands Ranch No. 317590/SCH No. 97111077 was certified, has become available.

BE IT FURTHER RESOLVED that, pursuant to State CEQA Guidelines Section 15177(d), the City Council hereby adopts the project-specific Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this Council in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Casey C. Shaw
Deputy City Attorney

CS:jvg:nja
02/09/18
Or.Dept: DSD
Doc. No.: 1685668

Attachment: Exhibit A – Mitigation, Monitoring, and Reporting Program

Passed by the Council of The City of San Diego on MAR 05 2018, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Barbara Bry | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Ward | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gomez | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAR 05 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Hy Ready*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311571

EXHIBIT A

**MITIGATION, MONITORING, AND REPORTING PROGRAM,
 PLANNED DEVELOPMENT PERMIT NO. 1830261 AND SITE DEVELOPMENT
 PERMIT NO. 1830262 - PROJECT NO. 519369**

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 Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Master Environmental Impact Report – Subsequent Project Findings No. 519369 shall be made conditions of Planned Development Permit No. 1830261 and Site Development Permit No. 1830262 as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<http://www.sandiego.gov/development-services/industry/information/standtemp>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The

PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultant:

Qualified paleontological monitor.

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 519369 and/or Environmental Document Number 519369, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency:

Not Applicable

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work would be performed. When necessary for clarification, a detailed methodology of how the work would be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the

salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

| DOCUMENT SUBMITTAL/INSPECTION CHECKLIST | | |
|------------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| Issue Area | Document Submittal | Associated Inspection/ Approvals/Notes |
| General | Consultant Qualification Letters | Prior to Preconstruction Meeting |
| General | Consultant Construction Monitoring Exhibits | Prior to or at Preconstruction Meeting |
| Paleontology | Paleontology Reports | Paleontology site observation |
| Bond Release | Request for Bond Release Letter | Final MMRP inspections prior to Bond Release Letter |

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

In order to avoid potential impacts to Paleontological Resources, the following mitigation measures shall be implemented by the permit holder:

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

- A. Land Development Review (LDR) 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 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 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 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, 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 CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 - 2. The monitor shall document field activity via the CSV. The CSV'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 8 a.m. 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 8 a.m. 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.

PUBLIC SAFETY

Prior to any grading activities, the applicant shall provide a letter from the County Environmental Health Department Vector Surveillance and Control Division (VSCD) to the environmental review manager of LDR verifying that a vector control program has been designed. Elements of the program may include, but not be limited to the following:

- A. The detention basins shall be kept free of debris, high concentrations of nutrients which could contribute to alga blooms, and organic floatage. Any emergent vegetation (e.g., cattails and bulrushes) shall be removed only as necessary to control the mosquito problem.

- B. Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.
- C. Although the above measures are designed to minimize the potential for mosquito breeding in the on-site retention basins and control mosquito populations, active control measures may be necessary at times. This would include the application of a mosquito fog or insecticide spray. The use of this measure should be minimized to avoid reducing populations of other insects. Use of spray application shall be minimal and shall require coordination with VSCD, USFWS, and CDFG.
- D. Maintenance of the detention basins shall be the responsibility of a homeowners association or similar maintenance district.