

RESOLUTION NUMBER R- 313407

DATE OF FINAL PASSAGE JAN 12 2021

A RESOLUTION ADOPTING FINDINGS TO MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 96-7918 STATE CLEARING HOUSE (SCH) NO. 97111077 AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE PACIFIC HIGHLANDS RANCH (PHR) UNIT 22B AMENDMENT - PROJECT NO. 655758.

WHEREAS, PARDEE HOMES, a California corporation, Owner and Permittee, submitted an application to the Development Services Department for a Vesting Tentative Map, a Site Development Permit to amend Site Development Permit No. 4651 and Planned Development Permit to amend Planned Development Permit No. 4652 for the Pacific Highlands Ranch (PHR) Unit 22B project (Project); and

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

WHEREAS, the issue was heard by the City of San Diego City Council on JAN 12 2021; and

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

WHEREAS, the City of San Diego City Council had previously approved subsequent Findings to a MEIR Land Development Review (LDR) No. 41-0185 / SCH No. 97111077 for the Pacific Highlands Ranch Units 17-22A, which was approved on September 21, 2004 by Resolution No. R-299674; and

WHEREAS, the Project was analyzed to be within and consistent with the scope of the MEIR No. 96-7918 / SCH No. 97111077 and Findings to MEIR LDR No. 41-0185 / SCH No. 97111077 and no additional impacts or mitigation was identified beyond what was previously identified; and

WHEREAS, in connection with the consideration of the PHR Unit 22B project, the City Council considered MEIR No. 96-7918 / SCH No. 97111077 and the subsequent Findings to MEIR LDR No. 41-0185 / SCH No. 97111077, and the environmental analysis for the PHR Unit 22B project; and

WHEREAS, under San Diego Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the 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 City Council of the City of San Diego, that it makes the following findings with respect to the PHR Unit 22B 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 MEIR No. 96-7918 / SCH No. 97111077 and the subsequent Findings to MEIR LDR No. 41-0185 / SCH No. 97111077 have been reviewed and considered by the Council:

- a) The Project will have no additional significant effect on the environment that was not identified in MEIR No. 96-7918 / SCH No. 97111077 and the subsequent Findings to a MEIR LDR No. 41-0185 / SCH No. 97111077, no new or additional

mitigation measures or alternatives may be required, and the project is within the scope of MEIR No. 96-7918 / SCH No. 97111077 and the subsequent Findings to MEIR LDR No. 41-0185 / SCH No. 97111077; and

- b) No substantial changes have occurred with respect to the circumstances under which the MEIR No. 96-7918 / SCH No. 97111077 and the subsequent Findings to MEIR LDR No. 41-0185 / SCH No. 97111077 were certified and adopted, and no new information, which was not known and could not have been known at the time that the MEIR 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 /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
11/19/2020
Or.Dept:DSD
CC No. N/A
Doc. No.: 2531856
Attachments: Exhibit A: Environmental Impact Report MMRP

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM PHR UNIT 22B PROJECT NO. 655758

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 (MMRP) will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Master Environmental Impact Report – Subsequent Project Findings No. 655758 shall be made conditions of Site Development Permit and Planned Development Permit 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 biological 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 655758 and/or Environmental Document Number 655758, 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
Biology	Monitoring Reports	Biology site observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
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 Biological Resources, Paleontological Resources, and Noise, the following mitigation measures shall be implemented by the permit holder:

Biological Resources

1. Prior to the issuance of any grading permits and the first pre-construction meeting, the owner/permittee shall provide a letter to the Environmental Review Manager (ERM) of Land Development Review (LDR) Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as outlined below (see A through G):

- 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. All construction activities taking place within 100 feet of wetland habitats shall be monitored by the project biologist.
- C. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas.
- D. The biologist shall monitor 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 in order to prevent sedimentation of the habitat.
- E. The project biologist shall monitor the placing of a chain link fence (or any other fencing deemed appropriate by the biologist) around the wetland and all other sensitive habitats to be preserved on site as shown on the approved Exhibit A.
- F. If construction occurs during the breeding season of the California coastal gnatcatcher, March 1st to August 15th, the following measures shall be implemented:
 - 1) Prior to the commencement of grading, the project biologist shall survey those areas of the Multi-Habitat Planning Area (MHPA) within 500 feet of any construction activity in accordance with the US Fish and Wildlife Service (USFWS) protocol for determining the presence/absence of gnatcatchers and shall notify the ERM of LDR of the results.
 - 2) If no California coastal gnatcatchers are found to be present, then no additional measures are required.
 - 3) If it is determined that California gnatcatchers are present, construction operations shall be suspended or noise/line of sight barrier(s) shall be constructed to buffer noise at the edge of the occupied habitat. The location of any such barrier(s) shall be determined by the project biologist.
 - 4) Construction noise shall be monitored by an acoustical expert on an ongoing basis to verify that noise at the edge of gnatcatcher occupied areas of the MHPA is maintained below an hourly average of 60 dB. If the level is exceeded, additional measures, such as restrictions on the simultaneous use of

equipment, shall be implemented to the satisfaction of the ERM of LDR. If such measures are not effective, construction activities shall cease in and within 500 feet of occupied habitat within the MHPA.

- 5) Monthly letter reports shall be provided to the ERM of LDR with the results of noise monitoring and an assessment of the breeding/nesting behavior of the gnatcatchers.

G. The qualified biologist shall ensure that all construction taking place within and adjacent to the MHPA is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:

- 1) All required 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.
- 2) 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 MHP A shall consist of native or non-invasive species to the satisfaction of the ERM of LDR.
- 3) No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales and/or detention basins are used as needed during construction and as permanent features.
- 4) No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of construction-related activities.

Paleontological Resources

1. Prior to issuance of the first grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff of LDR at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the paleontological monitoring of this project.
2. Prior to the issuance of any grading permits, the ERM of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
3. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction manager or grading contractor, resident engineer (RE), and MMC staff. The qualified

paleontologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11 x 17 inches) that identifies areas to be monitored. The paleontologist also shall submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.

4. In the event of a significant paleontological discovery, and when requested by the paleontologist, the city resident engineer (RE) shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principal investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.
5. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
6. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
7. Prior to the release of the grading bond, two copies of the monitoring results report which describe the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR. A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.

Noise Levels

1. Prior to the issuance of any certificates of occupancy, a final acoustical report which evaluates interior and exterior noise levels based on projected traffic volumes in the Master Environmental Impact Report for all residential areas within the 65 and 70 dB contour lines (to be established in such report based on the final building plans), shall be completed in conformance with the City's *Acoustical Guidelines*. The final report shall be subject to the approval of the ERM of LDR. If it is determined that the interior and/or exterior noise levels in any of the affected buildings exceeds City standards, specific mitigation measures to achieve exterior and interior noise levels that would not exceed 65 dB(A) CNEL and 45 dB(A) CNEL respectively, shall be included in said report and incorporated into the project to the satisfaction of the ERM of LDR.

Passed by the Council of The City of San Diego on JAN 12 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 12 2021.

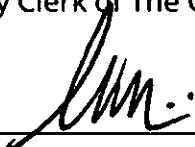
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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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