

RESOLUTION NUMBER R- 290514

ADOPTED ON JUL 28 1998

WHEREAS, on August 14, 1996, Del Mar Land Management submitted an application to Development Services for a vesting tentative map, planned residential development permit, resource protection permit and coastal development permit for the Mesa Verde Estates development; and

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

WHEREAS, the issue was heard by the Council on July 21, 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Findings to Environmental Impact Report [EIR], LDR No. 96-0625 (Findings to EIR No. 95-0353); NOW, THEREFORE,

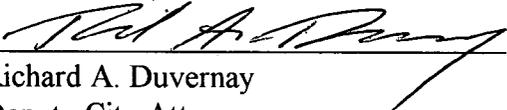
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Findings to EIR, LDR No. 96-0625, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et 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 the Mesa Verde Estates development.

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

BE IT FURTHER RESOLVED, that the City Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that the Findings are hereby approved.

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

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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07/07/98
Or.Dept:Dev.Svcs.
R-99-23
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EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
MESA VERDE ESTATES
VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE
PROTECTION ORDINANCE PERMIT AND COASTAL DEVELOPMENT PERMIT
LDR NO. 96-0625

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. All mitigation measures contained in the Findings (LDR No. 96-0625) shall be made conditions of VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT AND COASTAL DEVELOPMENT PERMIT NO. 96-0625 as may be further described below.

As conditions of the VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT AND COASTAL DEVELOPMENT PERMIT, the following mitigation measures would be required to reduce potential adverse impacts to geology/soils, hydrology/water quality, biological resources, noise, light/glare/shading, land form alteration, public facilities and services, paleontological resources, and safety from the project.

Geology/Soils

1. Prior to issuance of the grading permits the applicant shall submit a full geotechnical study, to the satisfaction of the City Geologist, with mitigation measures to remediate conditions identified in the site specific geological reconnaissance report (Geotechnics, Inc. - dated February 9, 1996) and supplemental report (Geotechnics, Inc. - dated December 31, 1996).
2. Prior to issuance of the grading permits, a site-specific erosion control plan shall be submitted to, and approved by, the City Engineer.

Hydrology/Water

3. Prior to issuance of the grading permits, the applicant shall file a Notice of Intent with the Regional Water Quality Control Board (RWQCB). A General Permit for Construction Activity from the RWQCB, a Storm Water Pollution Prevention Plan and Monitoring Program Plan shall be submitted, satisfactory to the City Engineer. The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMP's) on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Penasquitos Lagoon and other waters. Such BMP's must fulfill the intent of "City Clerk Document No. 00-17068 - Erosion Control Measures for North City Areas Draining Into Los Penasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons (City of San Diego Municipal Code)", and shall include the following:

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- a. Construction phase erosion control measures shall be employed; including such measures as short-term use of sandbags, matting, mulches, berms, hay bales or similar devices; along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
- b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
- c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
- d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes.
- e. Energy dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
- f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
- g. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- h. Landscape design shall incorporate the use of drought tolerant vegetation.
- i. Native and naturalized species shall be planted on slopes. If fertilization is deemed necessary, it shall be discontinued on areas adjacent to open space after one year.
- j. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City of San Diego Landscape Technical Manual, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
- k. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
- l. Grading shall be avoided minimized during the rainy season (October 31

to April 1). If grading is conducted during this period, the Contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.

- m. A maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
- n. All conditions of the General Permit for Construction Activity shall be adhered to.
- 4. Prior to issuance of the grading permits, the City Engineer shall assure that ~~no~~ drains are ~~directed~~ designed to control runoff into the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) preserve and that drains are directed only to sedimentation basins, swales, mechanical trapping devices or similar devices to minimize the potential for erosion damage and minimize water quality impacts.

Biological Resources

- 5. Prior to issuance of grading permits, direct development impacts to 42.64 ~~42.63~~-acres (6.16-acres of Diegan coastal sage scrub, 34.28 ~~34.27~~-acres of southern mixed chaparral and 2.20-acres of non-native grassland) will be mitigated on and off-site in the following manner:
 - a. the applicant shall dedicate (in fee title to the City of San Diego) a total of 13.88-acres located on-site within the City of San Diego's Multiple Habitat Planning Area (MHPA).
 - b. off-site, a total of 10.70 ~~10.60~~-acres located in the MHPA preserve and appropriate habitat tier, shall be acquired (to the satisfaction of the City Manager) and dedicated in fee title to the City of San Diego.

Noise

- 6. Prior to issuance of building permits, a final acoustical report shall be performed required for Lots 1, 4 and 35-43 to determine if interior CNEL for these lots exceeds 45-dB. If interior levels exceed 45-dB, mitigation recommended in the noise report shall be incorporated into the final plans and specifications prior to issuance of the project building permit. Potential mitigation would include; but is not limited to; air-conditioning, mechanical ventilation, and/or upgraded construction materials and windows.
- 7. All grading/construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday or as allowed by the City of San Diego Noise Ordinance (Section 59.5.0404 of the Municipal

Code). Construction-related noise levels (taken as a 12-hour average) shall be limited to 75-dB(A) at the property line of adjacent residential uses. Construction contractors' specifications shall include details of the noise ordinance.

Light/Glare/Shading

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

Landform Alteration

9. Prior to issuance of grading permits, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes ~~and all requirements of the Hillside Review Guidelines~~ as shown on the TM and PRD exhibit A.

Public Facilities and Services - Schools, Library, Water and Sewer

Schools

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

Libraries

11. Prior to recordation of the First Final Map, the project applicant shall pay an development impact fee to provide for fair-share funding of a new branch library in the NCFUA.

Water

12. Prior to recordation of the first Final Map, the 610/712 Water Zone Study and construction of accessory applicable water facilities shall be completed to the satisfaction of the City Engineer.

Sewer

13. Prior to the recordation of the first Final Map, the applicant shall provide a project level sewer study which shows the proposed sewer system for Subarea V to the satisfaction of the City Engineer.

Fire

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14. Prior to recordation of the first Final Map, the City Fire Department shall determine whether a first response can be provided on the project site within six minutes. Mitigation measures in the form of individual sprinkler systems and/or construction/site design safeguards shall be required if a six-minute response cannot be provided at the time of future development.
15. In conformance with the Del Mar Mesa Specific Plan requirements (p. 32), an impact fee shall be paid to partially fund construction of new fire stations if a phase shift occurs for the NCFUA as a whole.

Paleontological Resources

16. Prior to issuance of grading permits, the applicant shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review (LDR) Division. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING PROGRAM SHALL BE APPROVED BY LDR.
17. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss grading plans with the construction contractors. The requirement for paleontological monitoring shall be noted on the grading plans.
18. The qualified paleontologist shall be present full-time, on-site during the original cutting of previously undisturbed sediments. Monitoring will include inspection of excavations and salvage of any fossils from the high resource potential Friars and Stadium formational soils and the moderate resource potential Torrey Sandstone and Lindavista formations. Monitoring time may be increased or decreased at the discretion of the paleontologist in charge, in consultation with LDR, and will depend on the rate of excavation, materials excavated and the abundance of fossils.
19. In the event that fossil remains are discovered, the paleontologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow the evaluation and recovery of exposed fossils. THE PALEONTOLOGIST SHALL CONTACT LDR AT THE TIME OF DISCOVERY. Land Development Review must concur with the proposed salvaging procedures to be performed before ground disturbance operations will be allowed to resume.
20. All paleontological materials collected during monitoring of ground disturbance operations shall be cleaned, sorted and catalogued following standard professional procedures. The collection shall be donated to, and permanently curated with, an appropriate institution.
21. Prior to issuance of the first building permit, a monitoring report which describes results (even if negative), analysis and conclusions of

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the above program (with appropriate graphics) shall be submitted and approved by the Environmental Review Manager of LDR.

Safety

22. Prior to recordation of the first Final Map, if the project includes water quality devices that will result in the impoundment of water, either within the project site or as a condition of approval, then the applicant shall provide a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management will vary with proximity to residences, human activity, risk and environmental factors.
23. Prior to recordation of the first Final Map, sedimentation basins (if they are required by the hydrology analysis) shall be designed to be self-draining within 72 hours, consistent with the California State Stormwater BMPs. Additionally, an access plan, funding and a maintenance contact shall be provided by the responsible party to the City Engineer. Cleaning shall be performed at the frequency necessary to remove algae and vegetation blooms and prevent mosquito breeding and the build-up of contaminated sediments.
24. The above mitigation monitoring and reporting program will require a deposit of \$3,200 to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

As conditions of the TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, COASTAL DEVELOPMENT PERMIT AND RESOURCE PROTECTION ORDINANCE PERMIT the following mitigation measures would be required to reduce potential adverse impacts to geology/soils, hydrology/water quality, biological resources, noise, light/glare/shading, land form alteration, public facilities and services, paleontological resources, and safety from the project.

Geology/Soils

1. Prior to issuance of the grading permits the applicant shall submit a full geotechnical study, to the satisfaction of the City Geologist, with mitigation measures to remediate conditions identified in the site specific geological reconnaissance report (Geotechnics, Inc. - dated February 9, 1996) and supplemental report (Geotechnics, Inc. - dated December 31, 1996).
2. Prior to issuance of the grading permits, a site-specific erosion control plan shall be submitted to, and approved by, the City Engineer.

Hydrology/Water

3. Prior to issuance of the grading permits, the applicant shall file a Notice of Intent with the Regional Water Quality Control Board (RWQCB). A General Permit for Construction Activity from the RWQCB, a Storm Water Pollution Prevention Plan and Monitoring Program Plan shall be submitted, satisfactory to the City Engineer. The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMP's) on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Penasquitos Lagoon and other waters. Such BMP's must fulfill the intent of City Clerk Document No. 00-17068 ("Erosion Control Measures for North City Areas Draining Into Los Penasquitos or San Dieguito Lagoons"); and Section 62.0419 "Protecting Water Quality in Coastal Lagoon", of the City of San Diego Municipal Code, and shall include:
 - a. Construction phase erosion control measures shall be employed; including such measures as short-term use of sandbags, matting, mulches, berms, hay bales or similar devices; along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
 - b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm.
 - c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.

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- d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes.
- e. Energy dissipating structures (e.g., detention ponds, rip-rap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.
- f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
- g. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- h. Landscape design shall incorporate the use of low-water requirement vegetation.
- i. Species planted on slopes shall be chosen for low fertilization requirements. Fertilization on naturalized areas adjacent to open space shall be discontinued after one year.
- j. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City of San Diego Landscape Technical Manual, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
- k. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas immediately following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
- l. Grading shall be avoided during the rainy season (October 31 to April 1).
- m. A maintenance and follow-up program shall be implemented which considers; disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, and methods and responsible party for removal of temporary control structures.
- n. All conditions of the General Permit for Construction Activity shall be adhered to.

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4. Prior to issuance of the grading permits, the City Engineer shall assure that no drains are directed into the Multiple Species Conservation Program (MSCP) preserve area and that drains are directed only to sedimentation basins, swales, mechanical trapping devices or similar.

Biological Resources

5. Prior to issuance of grading permits, direct development impacts to 42.63-acres (6.16-acres of Diegan coastal sage scrub, 34.27-acres of southern mixed chaparral and 2.20-acres of non-native grassland) will be mitigated on and off-site in the following manner:
 - a. the applicant shall dedicate (in fee title to the City of San Diego) a total of 13.88-acres located on-site within the City of San Diego's Multiple Habitat Planning Area (MHPA).
 - b. off-site, a total of 10.60 acres located in the MHPA preserve and appropriate habitat tier, shall be acquired (to the satisfaction of the City Manager) and dedicated in fee title to the City of San Diego.

Noise

6. Prior to issuance of building permits, an interior acoustical analysis is required for Lots 1, 4 and 35-43 to determine if interior CNEL would exceed 45-dB. If interior levels exceed 45-dB, mitigation recommended in the noise report shall be incorporated into the final plans and specifications prior to issuance of the project building permit. Potential mitigation would include; but is not limited to; air-conditioning, mechanical ventilation, and/or upgraded construction materials and windows.
7. All grading/construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday or as allowed by the City of San Diego Noise Ordinances (Section 59.5.0404 of the Municipal Code). Construction-related noise levels (taken as a 12-hour average) shall be limited to 75 dB(A) at the property line of adjacent residential uses. Construction contractors' specifications shall include details of the noise ordinance.

Light/Glare/Shading

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

Landform Alteration

9. Prior to issuance of grading permits, the applicant shall submit a

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grading plan to the satisfaction of the City Engineer incorporating the following design objectives and grading guidelines:

- a. Manufactured slopes adjacent to natural open space shall be rounded and contoured to blend with natural slopes.
- b. Contour-grading techniques, including rounding the toe and top of manufactured slopes, shall be utilized as required by the Hillside Review Guidelines.

Public Facilities and Services - Schools, Library, Water and Sewer

Schools

- 10. As a condition of the Tentative Map, participation in payment of school mitigation costs and/or participation in a Mello-Roos Community Facilities District is required. The fees shall be collected prior to issuance of Building Permits.

Libraries

- 11. As a condition of the Tentative Map (in compliance with requirements in the Del Mar Mesa Specific Plan (page 32)), the project applicant would pay an impact fee to provide for fair-share funding of a new branch library in the NCFUA.

Water

- 12. Prior to issuance of the grading permit, the 610/712 water zone study and construction of accessory applicable water facilities shall be completed to the satisfaction of the City Engineer.

Sewer

- 13. Prior to the issuance of the grading permit, the applicant shall be required to provide a sewer study showing the proposed sewer system for Subarea V to the satisfaction of the City Engineer.

Fire

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

- 15. In conformance with the Del Mar Mesa Specific Plan requirements (p. 32), an impact fee would be paid to partially fund construction of new fire stations if a phase shift occurs for the NCFUA as a whole.

Paleontological Resources

16. Prior to issuance of grading permits, the applicant shall provide verification that a qualified paleontologist and/or paleontological monitor (see Paleontological Guidelines for qualifications) have been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review (LDR) Division. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING PROGRAM SHALL BE APPROVED BY LDR.
17. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss grading plans with the construction contractors. The requirement for paleontological construction monitoring shall be noted on the grading plans.
18. The qualified paleontologist shall be present full-time, on-site during the original cutting of previously undisturbed sediments. Monitoring will include inspection of excavations, and salvage of any fossils from the high-resource-potential Friars and Stadium formational soils and the moderate-resource-potential Torrey Sandstone and Lindavista formations). Monitoring time may be increased or decreased at the discretion of the paleontologist in charge in consultation with LDR and will depend on the rate of excavation, materials excavated and the abundance of fossils.
19. In the event that fossil remains are discovered, the paleontologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow the evaluation and recovery of exposed fossils. THE PALEONTOLOGIST SHALL CONTACT LDR AT THE TIME OF DISCOVERY. LDR must concur with the salvaging procedures to be performed before ground disturbance operations will be allowed to resume.
20. All paleontological materials collected during monitoring of ground disturbance operations shall be cleaned, sorted and catalogued following standard professional procedures. The collection shall be donated to and permanently curated with an appropriate institution.
21. Prior to issuance of the first building permit, a monitoring which describes the results (even if negative), analysis and conclusions of the above program (with appropriate graphics) shall be submitted to LDR. If fossils are found, a evaluation report shall also be submitted.

Safety

22. Prior to recordation of the Building Permit, if the project includes water quality devices that will result in the impoundment of water, either within the project site or as a condition of approval, then the applicant shall provide a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental

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Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management will vary with proximity to residences, human activity, risk and environmental factors.

23. Sedimentation basins shall be designed to be self-draining within 72 hours, consistent with the California State Stormwater BMPs. Cleaning shall be performed at the frequency necessary to prevent mosquito breeding; and contaminated sediments and vegetation shall be removed. Access and funding for maintenance shall be provided, with a clear statement of the responsible party.
24. The above mitigation monitoring and reporting program will require a deposit of \$3,200 to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.