

(R-97-537)

RESOLUTION NUMBER R-288072

ADOPTED ON NOVEMBER 19, 1996

WHEREAS, on September 13, 1994, CONGREGATION BETH AM submitted an application to the Development Services Department for a Tentative Map, Carmel Valley Planned District Development/Resource Protection Ordinance and Conditional Use Permit, Street Vacation and Precise Plan Amendment; and

WHEREAS, the permits were 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 November 19, 1996; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 94-0541/35-0372; NOW, THEREFORE,

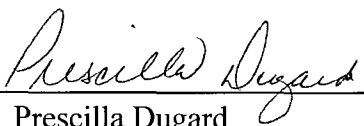
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 94-0541/35-0372, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code 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 declaration, together with any comments received during the public review process, has been reviewed and considered by this Council.

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 Mitigated Negative Declaration, 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 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 
Prescilla Dugard
Deputy City Attorney

PMD:cdk
12/05/96
Or.Dept:Clerk
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

DEL MAR HEIGHTS I
TENTATIVE MAP, CARMEL VALLEY DEVELOPMENT PERMIT,
CONDITIONAL USE PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT,
STREET VACATION AND PRECISE PLAN AMENDMENT

LDR NO. 94-0541/35-0372

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 94-0541/35-0372) shall be made conditions of the TENTATIVE MAP, CARMEL VALLEY DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, STREET VACATION and PRECISE PLAN AMENDMENT to reduce potential adverse noise impacts on the project, as well as potential adverse project impacts to traffic circulation, biological resources, visual quality/grading/ aesthetics, water quality and paleontological resources as may be further described below.

ENVIRONMENTAL MITIGATION MEASURES

1. Prior to issuance of the first building permit, a six-foot-high sound attenuation barrier located at the top of slope of Units 1 and 2 adjacent to the future alignment of Del Mar Heights Road shall be shown on the building plans to the satisfaction of the Principal Planner of EAS and the Acoustical Plan Check Section of the Development Services Department to achieve a 60 dB(A) exterior noise level for the amphitheater and playground areas of Unit 1 and 65 dB(A) exterior noise level for the usable outdoor residential space of Units 2 and 3. The proposed sound attenuation barrier shall be solid and continuous with no gaps or openings. An effort should be made to avoid visually obtrusive measures such as a six-foot-high masonry or stucco barrier. A berm or combination of berm and barrier would be preferable. Prior to issuance of the first certificate of occupancy, the Acoustical Plan Check Section shall verify that the sound attenuation barrier has been installed in accordance with the approved building plans.
2. Prior to issuance of the first building permit, a final acoustical report and specific noise attenuation measures shall be submitted to and approved by the Acoustical Plan Check Section to achieve a 45 dB(A) interior noise level for the preschool/school, synagogue and single-family residences. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound rated as high as STC 45, which generally require a double, double-paned slider (a window inside of a window). Baffling or elimination of attic vents, and resilient channels in exterior walls may also be required. Sound attenuation greater than 30 dB(A) requires special construction techniques.

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3. Prior to issuance of the first building permit for Phase 2 of the proposed development, the easterly extension of Del Mar Heights Road shall be constructed from Carmel Canyon Road to Lansdale Drive East, satisfactory to the City Engineer.
4. Prior to recordation of the first Final Map, the applicant shall enter into a bonded biological monitoring and maintenance agreement with the City for a period of two years. The monitoring and maintenance agreement shall be developed to ensure the establishment of Summer Holly (*Comarostaphylis diversifolia* ssp. *diversifolia*) plantings, including the identification of specific criteria for measuring success, and shall stipulate that the applicant is responsible for maintenance of the plantings. The applicant shall provide verification that a stock certified biologist or licensed landscape architect has been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Principal Planner of EAS of the Development Services Department. The stock certified biologist or licensed landscape architect shall oversee the planting and maintenance of the plants for a period of 2 years and submit semi-annual status reports to the Principal Planner of EAS. If the plants are not surviving and thriving at the end of 2 years, planting of new specimens will be required and the monitoring and maintenance agreement will be extended for an additional two years. This would be repeated until the Summer Holly are thriving after two years from planting.
5. Prior to the commencement of grading, the transplanting of approximately 12 individuals of Summer Holly (occurring on Lots 5 and 6 and in the Emerald Drive right-of-way) to the northern portion of the site (in the open space easement of Lots 7 and 8 adjacent to the Multiple Species Conservation Program boundary) shall be accomplished to the satisfaction of the Principal Planner of EAS. As an alternative, replacement plantings of Summer Holly shall be accomplished on a 3:1 basis (i.e., 36 individuals planted for the approximately 12 that will be lost) in the open space easement described above. Such planting shall be of local origin and a minimum 15-gallon size.
6. Prior to recordation of the first Final Map, a detailed grading plan shall be submitted to and approved by the Principal Planner of EAS of the Development Services Department. This plan shall demonstrate that the proposed manufactured slopes imitate, to the extent feasible, the existing landform features through the use of: (1) contour grading and terracing to avoid extreme slope faces, (2) undulation to avoid straight slope faces, (3) rounding the tops and toes of slopes to simulate natural contours and (4) variable slope ratios.
7. Prior to recordation of the first Final Map, the applicant shall enter into a bonded landscape monitoring and maintenance agreement with the City for a period of two years or until such time as the maintenance is assumed by the Carmel Valley Landscape Maintenance District. The monitoring and maintenance agreement shall be developed to ensure the establishment of the landscape plan, including the identification of specific criteria for measuring success, and shall stipulate that the applicant is responsible for the landscape maintenance of all manufactured slopes and landscape screening for retaining walls and noise attenuation barriers.
8. Prior to issuance of certificates of occupancy, the applicant shall revegetate all manufactured slopes and provide landscape screening for

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retaining walls and noise attenuation barriers in accordance with the landscape plan approved by the Landscape Review Section of the Development Services Department. The landscape plan shall be implemented to the satisfaction of the Landscape Review Section and adequate proof shall be provided to the City that a qualified landscape architect has been retained to monitor the establishment of the landscaped areas.

9. Prior to recordation of the first Final Map, the applicant shall file a Notice of Intent with the State Water Resources Control Board (SWRCB). A Notice of Receipt from the SWRCB, a Storm Water Pollution Prevention Plan (SWPP) 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 (BMPs) on-site to reduce the amount of pollutants in post-construction surface runoff before it is discharged to Gonzales Canyon. BMPs may include structural controls such as grassed swales, infiltration trenches and/or stormceptors.
10. Prior to recordation of the first Final Map, 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 Principal Planner of EAS of the Development Services Department. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology and who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY EAS.
11. The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans.
12. The Paleontologist or paleontological monitor shall be on-site full-time during original cutting of previously undisturbed sediments of the Lindavista and Mission Valley formations to perform periodic inspections of excavations and, if necessary, to salvage exposed fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated and the abundance of fossils.
13. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. AT THE TIME OF DISCOVERY, THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY EAS STAFF OF SUCH FINDING. EAS shall approve salvaging procedures to be performed before construction activities are allowed to resume.
14. All collected fossil remains shall be cleaned, sorted and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).
15. Prior to the issuance of building permits, a monitoring results report

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shall be submitted to and approved by the Principal Planner of EAS. The monitoring results report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

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