

RESOLUTION NUMBER R- 289984

ADOPTED ON APR 21 1998

WHEREAS, on November 6, 1997, Chartwell Lodging, Inc., submitted an application to Development Services for a community plan amendment, rezone, and planned industrial development permit amendment for the development of the Hilton Garden Inn at 5520 Morehouse Drive; 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 APR 21 1998; and

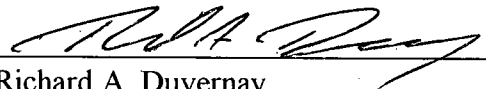
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 96-7896; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 96-7896, 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 community plan amendment, rezone, and planned industrial development permit amendment for the development of the Hilton Garden Inn.

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   
Richard A. Duvernay  
Deputy City Attorney

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## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

#### Community Plan Amendment, Rezone, and Planned Industrial Development Permit Amendment

LDR NO. 96-7896

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. 96-7896) shall be made conditions of Community Plan Amendment, Rezone, Planned Industrial Development Amendment and Planned Commercial Development PERMIT as may be further described below.

#### Traffic

The following mitigation measure is required to reduce traffic impacts on the intersection of Morehouse Drive and Lusk Boulevard to below a level of significance.

1. Prior to the issuance of a Certificate of Occupancy, the developer shall contribute 24% of the cost of the future traffic signal at Lusk Boulevard and Morehouse Drive.

These measures will reduce traffic impacts to below a level of significance.

#### Noise

The following mitigation measures are required to reduce projected aircraft noise levels from Marine Corps Air Station (MCAS) Miramar on the proposed structures to below a level of significance.

2. Upon submittal of plans for a building permit, an interior acoustical analysis shall be submitted to the Development Services' Noise Abatement Officer. The report shall determine the appropriate design and use of building materials to ensure that interior noise levels would be reduced to 45 dB(A) CNEL or less, based on projected aircraft noise levels from Marine Corps Air Station (MCAS) Miramar.

3. Prior to issuance of building permits, construction plans shall be reviewed by the City Manager to determine that the noise mitigation measures have been incorporated into the plans. During construction, the City Manager shall verify compliance with the mitigation measures.

These measures will reduce noise impacts to below a level of significance.

### Paleontology

The following mitigation measures are required to reduce paleontological impacts to below a level of significance.

4. The applicant shall provide a letter of verification to the Environmental Analysis Section of Development Services stating that a qualified paleontologist has been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology 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 may be retained to perform the on-site monitoring in place of the qualified paleontologist. 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.

5. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the preconstruction meeting.
6. The qualified paleontologist shall attend the preconstruction meeting to consult with the excavation contractor. The paleontologist's duties shall include monitoring, salvaging, preparation of collected materials for storage at a scientific institution that houses paleontological collections, and preparation of a monitoring results report. These duties are defined as follows:

#### A. Monitoring

The paleontologist or paleontological monitor shall be on-site during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. Monitoring shall be done full-time in those formations (Ardath Shale, Baypoint and Scripps) with a high sensitivity rating, and shall be half-time in those formations (Lindavista) with a moderate sensitivity rating. The monitoring time may be increased or decreased at the discretion of the paleontologist in consultation with EAS. Monitoring shall occur only when excavation activities affect the geologic formation.

## B. Salvaging

In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely fashion.

The paleontologist shall contact EAS at the time of discovery. EAS must concur with the salvaging methods before construction activities are allowed to resume.

## C. Fossil Preparation

Fossil remains shall be cleaned, sorted, repaired, catalogued, and then (with the permission of the owner of the property where the remains were collected) stored in a local scientific institution that houses paleontological collections.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification, and submittal of a letter of acceptance from a local qualified curation facility. 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 EAS to suggest an alternative disposition of the collection.

## D. Report Preparation

A monitoring results report with appropriate graphics summarizing the results (even if negative), analyses, and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program, and prior to DSD's final inspection. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum.

The above mitigation monitoring and reporting program will require an additional deposit of \$450.00 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.