

RESOLUTION NUMBER R- 291082

ADOPTED ON DEC 08 1998

WHEREAS, on August 8, 1997, K. Hovnanian at Carmel Village submitted an application to the Development Services Department of the City of San Diego for a General Plan Amendment; Carmel Valley Community Plan Amendment; Neighborhoods 4, 5, and 6 Precise Plan Amendment; Rezone; Tentative Map and Carmel Valley Planned District Development Plan Permit for the Carmel Del Mar Neighborhood 4 - South project; 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 December 8, 1998; and

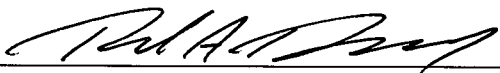
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 96-7824; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 96-7824, 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 Carmel Del Mar Neighborhood 4 - South project.

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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12/03/98
Or.Dept.Dev.Svcs.
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EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM

CARMEL VALLEY NEIGHBORHOOD 4 SOUTH, UNIT 17

GENERAL PLAN AMENDMENT; CARMEL VALLEY COMMUNITY PLAN AMENDMENT; CARMEL DEL MAR NEIGHBORHOODS 4, 5, & 6 PRECISE PLAN AMENDMENT; REZONE; TENTATIVE MAP AND CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PLAN

LDR 96-7824

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 Mitigated Negative Declaration (LDR No. 96-7824) shall be made conditions of the GENERAL PLAN AMENDMENT; CARMEL VALLEY COMMUNITY PLAN AMENDMENT; CARMEL DEL MAR NEIGHBORHOODS 4, 5, & 6 PRECISE PLAN AMENDMENT; REZONE; TENTATIVE MAP AND CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PLAN; as described below.

PALEONTOLOGICAL RESOURCES

1. Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.
2. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.
3. The paleontologist or paleontological monitor shall be on site full time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.
4. 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. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

5. The qualified paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
6. Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.

CULTURAL RESOURCES

7. A cultural resources survey prepared in 1985 for Neighborhoods 4, 5, & 6 Precise Plan identified eight archaeological sites on the tentative map site. A subsequent 1989 investigation found that all sites on the subject property had been destroyed without correct surveying for archaeological resource significance. The project applicant acknowledged that appropriate mitigation was not completed for the site and agreed to compensate for the loss of these resource through a monetary contribution to the City's archaeological preservation fund. The amount of monetary damages has been determined to be \$40,000 for the entire Precise Plan area of 822 acres. The proposed project share would therefore equal \$327 ($\$40,000/822 \text{ acres} = \$48.67/\text{acre} \times 6.72 \text{ acres}$), to be paid prior to issuance of grading permits.

NOISE

8. Prior to issuance of building permits, noise barriers ranging from four to six feet in height shall be shown on building plans along the backyards of Lots 1-12, 22, 44, 45, 48, 49 and 50. Noise barriers shall be located at the top of slope of the building pads as shown in Figure 3 of the Initial Study (attached). Noise barriers may be constructed as a wall, berm or both. Construction materials shall have a minimum surface density of 3.5 pounds per square-foot. Materials may consist of masonry, plexiglass, tempered glass or a combination of these materials. The barriers must be designed without openings or cracks.
9. Prior to issuance of building permits, a detailed acoustical analysis shall be required for Lot 1-12, 22-26, 44, 45, 48, 49 and 50 to ensure that interior Community Noise Equivalency Levels (CNEL) would not exceed 45 decibels (dB). Where required, these homes shall be equipped with air-conditioning and/or mechanical ventilation. Sound-rated windows may be required for homes adjacent to State Route 56. Measures developed by the detailed acoustical study shall be noted on the building plans.

GEOLOGY

10. Prior to issuance of grading permits, special measures, as described in the "Geotechnical Update Report for Lot 48 of the Carmel Del Mar Neighborhood 4, Unit 13 Project" (Pacific Soils Engineering, Inc., February 25, 1998), needed to mitigate the localized area of left-in-

place alluvium shall be submitted by the geotechnical consultant for review and approval by the Development Services, Land Development Review Geology Section.

11. Prior to the issuance of grading permits, the above mitigation monitoring and reporting program will require an additional deposit of \$450.00 to ensure the successful completion of the Mitigation Monitoring and Reporting Program.