

RESOLUTION NUMBER R- 291086

ADOPTED ON DEC 08 1998

WHEREAS, on March 11, 1998, Steven L. Black submitted an application to The City of San Diego for amendments to the Progress Guide and General Plan, the Carmel Valley Community Plan, the Local Coastal Program, and the Carmel Del Mar Neighborhoods 4, 5 and 6. Precise Plan; and for a Coastal Development Permit/Carmel Valley Planned District Development Permit for the development of the Kilroy Carmel Center; 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

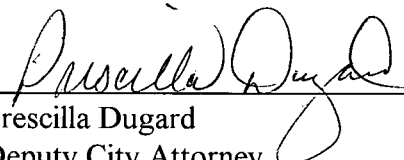
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 98-0227; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 98-0227, 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 Kilroy Carmel Center 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 
Prescilla Dugard
Deputy City Attorney

PD:lc:pev
12/03/98
Or.Dept.Dev.Svcs
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

KILROY CARMEL CENTER; AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN, CARMEL VALLEY COMMUNITY PLAN AND LOCAL COASTAL PROGRAM, AMENDMENT, AND NEIGHBORHOOD 6 PRECISE PLAN; COASTAL DEVELOPMENT PERMIT AND CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT

LDR NO. 98-0227

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. 98-0227) shall be made conditions of COASTAL DEVELOPMENT PERMIT and CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT as may be further described below.

1. Prior to issuance of individual building permits, an 8-foot-high sound attenuation berm located between the project's exterior usable areas and State Route 56 (SR 56) shall be shown on the site plans to the satisfaction of the City Manager to achieve a 70 dB(A) exterior noise level for the exterior usable areas. The proposed sound attenuation berm shall be solid and continuous with no gaps or openings.
2. Prior to issuance of individual certificates of occupancy, the City Manager shall verify that the sound attenuation berms adjacent to each individual building have been constructed in accordance with the approved grading plans.
3. Prior to the issuance of the first building permit, a final acoustical report and specific interior noise attenuation measures shall be submitted to and approved by the City Manager to achieve a 50 dB(A) interior noise level for the proposed office buildings. 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 requires a double, double-paned slider. 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.
4. Prior to the issuance of the first building permit, the owner/permittee shall pay the appropriate Facilities Benefit Assessment fees in accordance with the Carmel Valley Public Facilities Financing Plan.
5. Prior to the issuance of the first building permit, the owner/permittee shall provide improvements at El Camino Real and Valley Center Drive to the satisfaction of the City Engineer. The improvements include: re-striping the eastbound approach to provide single left- and right-turn lanes and a shared left- through- and right-turn lane; re-striping the westbound approach to provide single left- and right-turn lanes and a shared left-, through- and right-turn lane; implementing east-west split phasing; and improving the northbound approach to provide a northbound right-turn lane.
6. Prior to the issuance of the first building permit, the owner/permittee shall provide for the design and construction of a traffic signal at the intersection of Valley Center Drive and Carmel View Road to the satisfaction of the City Engineer.
7. Prior to the issuance of the first building permit, the owner/permittee shall widen the eastbound

approach of Valley Center Drive and Carmel Creek Road to accommodate an eastbound to southbound right-turn lane, to the satisfaction of the City Engineer.

8. Prior to the issuance of grading permits, the owner/permittee shall submit a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for the application of a National Pollutant Discharge Elimination System (NPDES) permit. A Notice of Receipt from the SWRCB, and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted and deemed satisfactory to the City Engineer.
9. The SWPPP shall be incorporated into the grading and drainage design plans, and shall provide for implementation of construction and post-construction Best Management Practices (BMPs) on-site to reduce the amount of pollutants and sediments in construction and post-construction surface runoff before it is discharged into the natural drainage. The grading plans shall note the condition requiring a SWPPP and Monitoring Program Plan. No grading shall be performed during the rainy season (November 15 through February 15) without special erosion control measures approved by the City Engineer.
10. Prior to the issuance of the first building permit, a site inspection of the drainage system by the City Engineer shall occur as part of the MMRP. Existing runoff catchment basins or temporary erosion control devices shall not cease operations until the SWPPP and drainage system are approved by the City Engineer.
11. The drainage system shall be cleaned and maintained every four months, or as necessary, to ensure the system functions properly. An annual letter report prepared by the applicant identifying the quarterly clean-out dates, system conditions and required maintenance shall be provided to the City Engineer. Spot checks of the drainage system may be made by the City Engineer to ensure proper clean-out and maintenance.
12. A cultural resources survey prepared in 1985 for the neighborhoods 4, 5, and 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 adequate evaluation for archaeological resource significance. The project applicant acknowledged that appropriate mitigation was not completed for the sites and has agreed to compensate for the loss of these resources through a monetary contribution to the City's historical resource preservation fund. The amount of monetary damages shall be determined by calculating a pro-rata share of the \$40,000.00 total cost (\$5,000.00 per site) of the eight archaeological sites, based on a ratio of project acreage to Precise Plan acreage. Using this method, the owner/permittee shall contribute \$630.00 $[(17.34 \text{ acres} / 1,100 \text{ acres}) \times \$40,000.00]$. This amount shall be submitted to EAS prior to the issuance of building permits.
13. Prior to the issuance of building permits, the owner/permittee shall submit exterior elevations, to the satisfaction of the City Manager, which show that no more than 50 percent of any exterior elevation will be constructed of materials with a light reflectivity greater than 30 percent to reduce potential hazards from light and glare on motorists using the SR 56.
14. The above mitigation monitoring and reporting program will require an additional deposit of \$3,200 to be collected prior to the issuance of grading permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.