

RESOLUTION NUMBER R-291152

ADOPTED ON JANUARY 11, 1999

WHEREAS, on May 14, 1998, Craig Gustafson submitted an application to The City of San Diego for a Carmel Valley Planned District Development Permit [CVPD] and Resource Protection Ordinance [RPO] Permit for the Carmel Pointe Apartments; and

WHEREAS, the permit 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 January 11, 1999; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR No. 98-0417; NOW, THEREFORE,

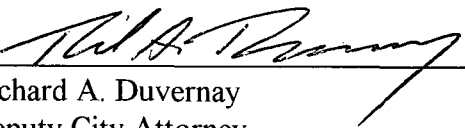
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 98-0417, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 CVPD/RPO Permit No. 98-0417 for the development of the Carmel Pointe Apartments.

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

RAD:lc
01/21/99
Or.Dept:Clerk
R-99-822
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CARMEL POINTE,

CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT and RESOURCE PROTECTION
ORDINANCE PERMIT

LDR NO. 98-0417

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. 98-0417) shall be made conditions of CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT and RESOURCE PROTECTION ORDINANCE PERMIT as may be further described below.

1. Prior to issuance of grading permits, impacts to approximately 4.7 acres of Southern maritime chaparral and 1.1 acres of Coastal sage scrub shall be mitigated to the satisfaction of the City Manager, through one of the following: (a) payment of fees, or (b) acquisition of off-site habitat.

(a) Mitigation monies will be deposited in the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990. The process for determining the amount of mitigation monies deposited will be as follows:

Staff members from the Development Services Department will provide an estimate of the average cost of habitat land in the focused MHPA Habitat Acquisition Area closest to the project site, the Del Mar Mesa. The estimate will be based on previous appraisals and comparable land costs within the focused acquisition area. The applicant will be required to contribute the estimated average per acre land cost multiplied by the required mitigation acreage plus an additional 10 percent to cover administrative costs.

Based on today's approximate land value of \$27,500 per acre, the project applicant would be required to contribute \$175,450 [(\$27,500 X 5.8 acres) + 10% Admin fee]. The actual payment amount would be determined 60 days prior to the issuance of a grading permit based upon the general land values at that time.

(b) Acquisition or dedication in fee title or conservation easement of 4.7 acres of off-site Tier I habitat within the City's Multiple Habitat Planning Area (MHPA), or 9.4 acres of off-site Southern maritime chaparral outside of the MHPA (provided it can be

R-291152

satisfactorily demonstrated to have long-term biological value), and acquisition or dedication in fee title or conservation easement of 1.1 acres of off-site Tier I-III habitat within the City's MHPA or 1.68 acres of off-site Coastal sage scrub outside of the MHPA (provided it can be satisfactorily demonstrated to have long-term biological value).

2. Prior to issuance of building permits, the applicant shall assure by permit and bond, the installation of a traffic signal at Elijah Court East and El Camino Real, satisfactory to the City Engineer. This signal shall be completed by the applicant and accepted by the City prior to issuance of a certificate of occupancy for the first dwelling unit.
3. Prior to the recordation of the first final map and/or issuance of grading permits, the applicant 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, Storm Water Pollution Prevention Plan (SWPPP) shall be submitted and deemed satisfactory to the City Engineer.
4. 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.
5. Prior to the issuance of building permits, 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.
6. 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.
7. 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.
8. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.

9. 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.
10. 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.
11. 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.
12. 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.
13. This mitigation monitoring and reporting program will require an additional deposit of \$3,200.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.