

RESOLUTION NUMBER R- 291877

ADOPTED ON JUN 29 1999

WHEREAS, on August 7, 1998, H.E.V. Torrey Hills Limited submitted an application to The City of San Diego for amendments to the Sorrento Hills Community Plan and the City of San Diego Progress Guide and General Plan, a Rezone, and a Planned Commercial Development for the Holtze Executive Village; 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 June 29, 1999; and

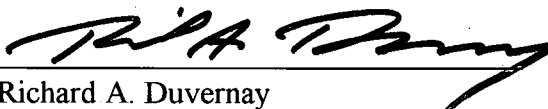
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 98-0768; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Mitigated Negative Declaration No. 98-0768, 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 land use actions for the Holtze Executive Village.

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 HOLTZE EXECUTIVE VILLAGE COMMUNITY PLAN AMENDMENT/REZONE/PLANNED COMMERCIAL DEVELOPMENT LDR NO. 98-0768

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) 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. 98-0768) shall be made conditions of Community Plan Amendment/Rezone/Planned Commercial Development as may be further described below.

To ensure that site development would avoid significant environmental impacts, a mitigation monitoring and reporting program will be required. Compliance with the mitigation measures would be the responsibility of the applicant. The basis for the mitigation monitoring and reporting program and the mitigation measures are described below under each issue area.

#### Paleontological Resources

- a. Prior to issuance of any building and/or grading permit, 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 Environmental Review Manager of LDR of the Planning and Development Review 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 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. All persons involved in the paleontological monitoring of the project shall be approved by EAS at least thirty days prior to the preconstruction meeting.
- b. The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement The requirement for paleontological monitoring shall be noted on the grading plans.
- c. The Paleontologist or paleontological monitor shall be on-site full-time during original cutting of previously undisturbed sediments of the Ardath Shale to perform periodic inspections of excavations and, if necessary, to salvage exposed fossils. The frequency of inspections will depend upon the rate of excavation, the materials excavated and the abundance of fossils.

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- d. In the event that well-preserved fossils are encountered, 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.
- e. All collected fossil remains shall be cleaned, sorted, repaired and cataloged following standard professional procedures. The collection be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).
- f. Prior to the issuance of building permits, a monitoring results report with appropriate graphics summarizing the results (even if negative), analyzes, and conclusions of the above monitoring program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum.
- g. The above mitigation monitoring and reporting program will require a \$450.00 deposit 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.