

RESOLUTION NUMBER R- 292056

ADOPTED ON AUG 03 1999

WHEREAS, on November 19, 1998, Sterling Land Development, LLC, submitted an application to The City of San Diego for a tentative map, planned residential development/ resource protection ordinance permit, rezone and street vacation for the Torrey Brooke development; 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 August 3, 1999; and

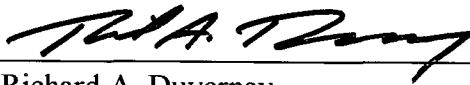
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 98-1189; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 98-1189, 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 land use actions for the Torrey Brooke development.

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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07/26/99
Or.Dept:Plann.&Dev.Rvw.
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

TORREY BROOKE
TENTATIVE MAP
REZONE

PLANNED RESIDENTIAL DEVELOPMENT PERMIT
RESOURCE PROTECTION ORDINANCE PERMIT

LDR NO. 98-1189

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. 98-1189) shall be made conditions of the Tentative Map, Rezone, Planned Residential Development and Resource Ordinance Permit No. 98-1189.

Biological Resources

1. Prior to the recordation of the final map and/or the issuance of the first grading permit, the City Manager shall verify that the owner/permittee has contributed \$15,400 (1:1 mitigation ratio, \$10,000 per acre, plus a 10% administration fee) to the City's Habitat Acquisition Fund (No. 10571) for impacts to 1.4 acres of Tier II coastal sage scrub.
2. Prior to the recordation of the final map and/or the issuance of the first grading permit, the owner/permittee shall assure the avoidance of construction impacts beyond those identified in Mitigated Negative Declaration No. 98-1189 as follows: the owner/permittee shall provide a letter to the Environmental Review Manager of the Land Development Review Division verifying that he/she has retained a qualified biologist to implement Measures 3A through 3D. A qualified biologist is defined as an individual with a Bachelor's or Master's Degree in biology, ecology or a related field, who has a minimum of 5 years of experience managing biological resources in southern California.
3. The following mitigation measures shall be noted on the grading plans under the heading "Environmental Requirements":
 - A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on Exhibit A.
 - B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
 - C. During grading activities, the project biologist shall implement and document erosion control Best Management Practices as needed to prevent any

significant sediment transport. These practices may include but not be limited to the following: the use of materials such as sandbags; sediment fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.

- D. All construction activities shall take place only inside the fenced area. Graded materials shall be stored either inside the fenced development area or in an area approved by the project biologist.
4. Within three months after the completion of grading, the project biologist shall submit a letter report to the Environmental Analysis Section verifying that project impacts did not exceed allowed amounts.
 5. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in the manner and at the ratios specified in Measure 1 above.

Hydrology/Water Quality

6. Prior to the recordation of the final map and/or issuance of the first grading permit, the owner/permittee shall submit a Storm Water Pollution Prevention Plan (SWPPP) satisfactory to the City's Stormwater Pollution Regulation (SPR) Section of the Streets Division. Implementation of the SWPPP shall be noted on the grading and construction plans under the heading "Environmental Requirements."
7. Prior to the recordation of the final map and/or the issuance of the first grading permit, the SPR shall verify that the structural elements of SWPPP are a part of the construction and grading plans. Such elements may include but not be limited to stormceptors, retention ponds, grass-crete or other permeable pavers, grass swales, erosion control landscaping and grading, and warnings stamped on stormdrains. The SWPPP shall include a permanent maintenance plan, and the drainage system shall be maintained and cleaned by the owner/permittee every four months, or as needed to ensure the system functions properly. The SWPPP shall include the requirement for an annual letter report prepared by the owner/permittee identifying the appropriate clean-out dates, system conditions and required maintenance, to be submitted to the SPR.
8. Prior to the issuance of building permits, the City Engineer shall inspect the drainage system. Existing runoff catchment basins or temporary erosion control devices shall not cease operations until the SWPPP and drainage system are approved by SPR.

Other

9. Prior to the recordation of the final map and/or issuance of the first grading permit, an additional deposit of \$450.00 shall be collected to ensure the successful implementation of the mitigation program.