

RESOLUTION NUMBER R- 292341

ADOPTED ON OCT 25 1999

WHEREAS, on August 24, 1998, Fruit Juicee, Inc., San Diego Jewish Academy, and Manhigim Hedashim, Inc. Owner/Permittee, submitted an application to The City of San Diego for a Rezone and Resource Protection Ordinance/Coastal Development Permit/Conditional Use Permit No. 98-0837 for the San Diego Jewish Academy; 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 OCT 25 1999; and

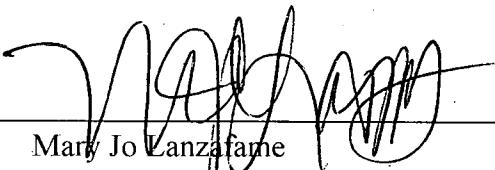
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR No. 98-0837; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 98-0837, 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 San Diego Jewish Academy 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 
Mary Jo Lanza fame
Deputy City Attorney

MJL:pev
10/6/99
Or.Dept:Plan.&Dev.Rvw.
R-2000-417
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SAN DIEGO JEWISH ACADEMY COASTAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, CONDITIONAL USE PERMIT, LOCAL COASTAL PLAN AMENDMENT and REZONE

LDR NO. 98-0837

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. 98-0261) shall be made conditions of COASTAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, CONDITIONAL USE PERMIT, LOCAL COASTAL PLAN AMENDMENT and REZONE as may be further described below.

Biological Resources

1. Prior to recordation of the first final map and/or issuance of the first grading permit, a total of 8.4 acres of biological mitigation shall be required (4.67 acres of mitigation are required for impacts to CSS -Tier II habitat and 3.73 acres are required for SMC - Tier I impacts). Biological mitigation shall be accomplished through the preservation of 8.71 acres as follows;
 - a. 0.82 acres of CSS currently in the MHPA,
 - b. 0.28 acres of CSS added by project to the MHPA,
 - c. 6.31 acres of SMC currently in the MHPA,
 - d. 1.30 acres of SMC added by project to the MHPA.

2. Prior to recordation of the first final map and/or issuance of the first grading permit, a conservation easement shall be placed on the 8.71 acres of habitat proposed to be preserved on-site. The conservation easement shall be submitted and approved by MSCP and EAS staff prior to the issuance of grading permits. The easement shall identify areas to be included in the MHPA and permissible uses and activities and/or restrictions to be placed on preserve areas.

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3. Prior to recordation of the first final map and/or issuance of the first grading permit, monitoring for the presence of nesting raptors is required if grading is to occur in or within 500 feet of eucalyptus forest or potential nesting trees on-site between March 15 and September 15. If nesting raptors are located, mitigation measures to avoid disrupting breeding behavior must be submitted and approved by EAS prior to the issuance of the grading permit.
4. Prior to issuance of grading permits, any additional on- or off-site improvements deemed necessary to complete the project at a later date shall be identified and mitigated per the City of San Diego Biological Review References to the satisfaction of the City Manager.
5. Prior to recordation of the first final map and/or issuance of the first grading permit, all storm drains draining into the MHPA must employ dissipation and filtering devices. These features must be placed in the development area and not in the MHPA. If MHPA impacts are retained, a MHPA Boundary Adjustment and Equivalency Analysis and mitigation measures shall be prepared and approved prior to issuance of the grading permit.

Geology

6. Prior to discretionary approval of the project, a "Notice of Geologic and Geotechnical Conditions" must be recorded unless it can be shown on the plans that the school can be built where no structures are built over a fault trace. Fault traces must be shown on the site plan and grading plan.

Visual Quality

7. Prior to issuance of the Certificate of Occupancy, all retaining walls and manufactured slopes shall be softened by vegetation (vines, trees and shrubs) to the satisfaction of the City Landscaper.
8. Prior to issuance of the first grading permit, total wall heights shall be depicted on the grading plan including the maximum height of walls in the grading summary table (i.e. 32 feet).
9. Prior to issuance of the first building permit, building plans shall identify that buildings are sandstone or similar earthtone/vegetation tone in color and blend in with surrounding hillsides to the satisfaction of the City Manager.

Land Use/MHPA

10. Prior to recordation of the first final map and/or issuance of the first grading permit, EAS shall assure that all alterations of the subject property shall be consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:
 - a. Fencing on-site shall not interfere with continued wildlife movement through

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significant wildlife corridors (western and southwestern areas of the site in the MHPA and adjacent to it).

- b. Artificial lighting shall not be permitted on the subject property except for roadways, facility use and safety. If lighting is required, it shall be shielded, unidirectional, low pressure sodium illumination (or similar) directed away from preserve areas using appropriate placement and shields.
- c. No new, exotic, invasive species (such as Schinus molle, Eucalyptus, Acacia redolens or Ganzia) shall be utilized in, or adjacent to the MHPA. All non-irrigated hydroseeded, revegetation areas and areas adjacent to the MHPA or open space shall consist of native or non-invasive species to the satisfaction of the City Manager. In compliance with the MSCP Subarea Plan, Species Evaluated for Coverage under the MHPA, Appendix A, Torrey pine, wart-stemmed ceanothus and coast wallflower shall be used in the landscape mix for native hydroseed or revegetation areas.
- d. Compliance with City Engineering Drainage Standards shall be ensured to the satisfaction of the City Engineer and EAS. All impacts from the installation of detention basins shall be mitigated per the City of San Diego Biological Review References.
- e. New trail and access road construction shall be limited to those areas depicted on Exhibit A.
- f. Uses in or adjacent to the MHPA shall be designed to minimize noise impacts to the MHPA. Noise impacts affecting the MHPA shall be mitigated or avoided during the breeding season (March 15 - September 15).
- g. Management of lands within the MHPA shall be the responsibility of the owners in fee title of the land. The owner/permittee shall prepare and distribute educational information to the satisfaction of the City Manager to occupants of the project and shall inform all employees of access (trail and non-trail), appropriate plantings, fire management, lighting and other adjacency issues. The information packet shall include hydrology/water quality information from the City's NPDES Stormwater Program.
- h. A restoration/revegetation plan with 5-year mitigation monitoring and reporting program complete with contingency plans (per the City's Biological Review References), revised landscape plan and site plan shall be submitted to the City and approved by the City Manager. The restoration/revegetation plan, landscape plan and site plan shall include/show the following:
 - i. Exotic vegetation shall be removed within the wetland drainage located along the southern side of the existing Shaw Ridge Road.

- ii. Only non-invasive vegetation shall be planted on keystone walls adjacent to the wetland area (as called out on Exhibit A).
- iii. Fill shall be removed (in compliance with state and federal permitting agencies) between the two on-site wetland areas to improve the water flow.
- iv. The unvegetated portion of the drainage shall be enhanced with native wetland vegetation.

Historical Resources

11. Prior to the recordation of the first final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified historical archaeologist and/or historical archaeological monitor, as defined in the City of San Diego Historical Resources Guidelines, have been retained to implement the monitoring program. The requirement for archaeological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - a. The qualified historical archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
 - b. The qualified historical archaeologist or archaeological monitor shall be present on-site, full-time during demolition of Buildings 2, 3 and 5 as shown on Exhibit 1. Monitoring tasks during demolition shall include taking 35 mm photographs of architectural elements and construction details and making descriptive notes concerning structural details.
 - c. The qualified historical archaeologist or historical archaeological monitor shall also be present on-site, full-time during initial clearing and grading in areas identified on Exhibit 1 as a shell scatter and an historic trash deposit and in the areas identified around Buildings 2, 3 and 5 as potential areas for the discovery of privies or other buried historic features.
 - d. **WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY**

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RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant historical resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

- e. All cultural materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
- f. Prior to the release of the grading bond, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant historical resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant historical resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to the release of the grading bond.

Transportation/Circulation

- 12. Prior to issuance of the first grading permit, the applicant shall assure the construction of Shaw Ridge Road from Carmel Creek Road to the cul-de-sac at approximately 800 feet west of Carmel Creek Road as a two-lane sub-collector street with a pavement width of 36 feet within a 56-foot right-of-way, with widening to a 45-foot pavement width within a 60-foot right-of way at the approach to the intersection with Carmel Creek Road to provide a 250-foot eastbound to northbound left-turn pocket, satisfactory to the City Engineer.
- 13. Prior to issuance of the first grading permit, the applicant shall provide an Irrevocable Offer of Dedication for Shaw Ridge Road from the cul-de-sac at approximately 800 feet west of Carmel Creek Road to the west end of the property as a two-lane collector street with a pavement width of 36 feet

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within a 56-foot right-of-way, satisfactory to the City Engineer.

14. Prior to issuance of the first grading permit, the applicant shall assure the construction of a cul-de-sac at the west end of Shaw Ridge Road, satisfactory to the City Engineer.
15. Prior to issuance of the first grading permit, the applicant shall assure the construction of Carmel Creek Road as a two-lane collector street with 40 feet of pavement within a 60-foot right-of-way from SR-56 to the end of the southern cul-de-sac. The applicant shall provide a southbound right-turn lane at the intersection of Shaw Ridge Road and Carmel Creek Road, satisfactory to the City Engineer.
16. Prior to issuance of the first grading permit, the applicant shall assure the construction of a 30-foot wide standard driveway or two 20-foot wide driveways with a 10-foot median off Shaw Ridge Road and Carmel Creek Road, satisfactory to the City Engineer.

Hydrology/Water Quality

17. Prior to the preconstruction meeting/issuance of grading permits, the owner/permittee shall comply with the City and State's Storm Water Pollution Prevention Plan (SWPPP), containing all of the following requirements, satisfactory to the City Engineer.
 - a. Comprehensive permanent post-construction Best Management Practices (BMPs) shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from on-site parking lots into adjacent water bodies, as shown on Exhibit A, satisfactory to the City Engineer.
 - b. Self-draining (72 hours) catch (detention) basins fitted with oil/sediment filters (or similar devices approved by the City Engineer) shall be used to clean all runoff from the project parking lots prior to discharging into adjacent water bodies.
 - c. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City- and State-approved SWPPP on the job-site during all construction activities."
 - d. No grading shall be performed during the rainy season (November 15 through February 15) without special erosion control measures approved by the City Engineer.
 - e. Prior to the issuance of certificates of occupancy, the LDR Field Coordinator shall inspect the permanent, post-construction hydrology

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and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs, may be required by the LDR Field Coordinator based on the field inspection.

- f. The SWPPP shall include a permanent maintenance plan for approved devices. These devices shall be cleaned and maintained every four months, or as necessary, satisfactory to the City Engineer. Spot checks may be made by the City Engineer to ensure proper clean-out and maintenance.

Paleontological Resources

18. Prior to the recordation of the first final map and/or issuance of the first 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, as defined in the City of San Diego Paleontological Guidelines, 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 THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
 - b. 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.
 - c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL 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.**
 - d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of 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.

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- e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by Environmental Review Manager of LDR.
19. Prior to the recordation of the first map and/or issuance of grading permits, the above mitigation monitoring and reporting program will require an additional deposit of \$3,200.00 to ensure the successful completion of the Mitigation, Monitoring and Reporting Program.
 20. All of the environmental mitigation measures listed above shall be shown on the construction plans under the heading, "Environmental Requirements".