

RESOLUTION NUMBER R- 292969

ADOPTED ON APR 11 2000

WHEREAS, on September 5, 1997, Garden Communities, RP, submitted an application to The City of San Diego for a tentative map, street vacation, and planned residential development and resource protection permit; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, on March 2, 2000, the Planning Commission, pursuant to Resolution No. 2933-PC-2, recommended Council approval of said amendments; and

WHEREAS, the issue was heard by the Council on APR 11 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 96-7716; NOW, THEREFORE,

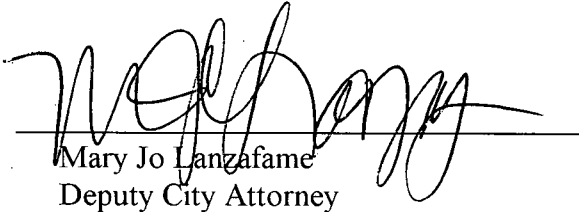
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 96-7716, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 Garden Communities.

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 Lanzafame
Deputy City Attorney

MJL:pev.
3/23/00
Or.Dept:PDR
R-2001089
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

GARDEN COMMUNITIES, TENTATIVE MAP, STREET VACATION, PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION ORDINANCE PERMIT

DEP NO. 96-7716

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. 96-7716) shall be made conditions of Tentative Map, Street Vacation, Planned Residential Development and Resource Protection Ordinance Permit as may be further described below.

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 a perpetual conservation easement has been recorded over Tentative Map Lots A, B, and C, totaling approximately 7.45 acres. The easement shall identify permissible uses and activities as well as applicable restrictions within these open space lots.
2. Prior to the issuance of any grading permit, the owner/permittee shall assure the avoidance of construction impacts beyond those identified in Mitigated Negative Declaration No. 96-7716 as follows: the owner/permittee shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division stating that a qualified biologist has been retained to implement Measures A through D below.

Prior to issuance of any grading permit, the City Manager shall verify that the following requirements are 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.

Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager which assesses actual project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego "Land Development/Zoning Code Update Biology Guidelines," to the satisfaction of the City Manager.

3. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a wetlands mitigation plan to the satisfaction of the City Manager, and the resource agencies (California Department of Fish and Game, and U.S. Fish and Wildlife Service), and shall demonstrate that all required wetlands permits have been obtained from the resource agencies. Impacts to southern willow scrub and disturbed southern willow scrub are proposed to be mitigated onsite at a 3:1 ratio by creation/enhancement of 0.66 acre of southern willow scrub habitat onsite.
4. The clearing of all habitats (including eucalyptus trees) shall be done only between August 16 and February 14 (the non-breeding season of sensitive resident and migratory bird species, specifically the Red Shoulder Hawk). Habitat may be cleared during the breeding season only if the qualified biologist provides evidence to the satisfaction Environmental Review Manager that the sensitive species is no longer present.


Hydrology/Water Quality

5. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a 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), as shown on Exhibit "A", shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into adjacent open space and wetland areas satisfactory to the City Engineer. BMP's may include but are not limited to catch basins fitted with oil/sediment filters to filter runoff from the development prior to discharge into adjacent open space and wetland areas. The proposed Modified Type "A-4" Cleanouts (grease and heavy metal particulate trap), as indicated on Exhibit "A", shall be maintained by the owner/permittee to the satisfaction of the City Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer.
- B. 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."

- C. No grading shall be performed during the rainy season (November 15 through March 31) without special erosion control measures approved by the City Engineer.
- D. Prior to the issuance of certificates of occupancy, the City Engineer shall inspect the permanent, post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer based on the field inspection.
- E. The SWPPP shall include a permanent maintenance plan, prepared satisfactory to the City Engineer, which defines the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, the oil/sediment filters shall be cleaned and maintained as necessary, satisfactory to the City Engineer.

Paleontological Resources

- 6. Prior to 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 THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
- 7. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
- 8. 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.
- 9. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER OR HIS/HER DESIGNEE 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.**
- 10. 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.
- 11. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the

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paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

General

12. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$2,000.00 to be collected prior to the recordation of the final map and/or issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

NOTICE OF DETERMINATION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Planning and Development Review Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

LDR Number: 96-7716

State Clearinghouse Number: 2000011024

Permit Number: 96-7716

Project Title: Garden Communities

Project Location: The property is located directly west of the terminus of Adobe Bluffs Drive, between Donaker Street and Rotherham Avenue, in the Torrey Highlands Subarea (Subarea IV) of the Future Urbanizing Area (Portion of SW 1/4 of the NW 1/4 of the NE 1/4 of Section 12, Township 14 South, Range 3 West, SBM).

Project Description: TENTATIVE MAP, STREET VACATION, PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION ORDINANCE PERMIT (TM/SV/PRD/RPO No. 96-7716) for the subdivision of a 30.5-acre property into 88 lots; the future construction of 84 single-unit residences; the street vacation of portions of Magnolia Drive, Orange Grove Avenue, and Black Mountain Road; and REZONE of a portion of the site from A-1-10 to R-1-6000.

This is to advise that the City of San Diego City Council on April 11, 2000, approved the above described project and made the following determinations:

- 1. The project in its approved form ___ will, X will not, have a significant effect on the environment.
- 2. ___ An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
X A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
___ An addendum to a previous Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

- 3. Mitigation measures X were, ___ were not, made a condition of the approval of the project.
- 4. (EIR only) Findings ___ were, ___ were not, made pursuant to CEQA Guidelines Section 15091.
- 5. (EIR only) A Statement of Overriding Considerations ___ was, ___ was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Gargas


Telephone: (619) 446-5326

Filed by: _____
Signature

Senior Planner

Title

Reference: California Public Resources Code, Sections 21108 and 21152.

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