

RESOLUTION NUMBER R- 293067

ADOPTED ON MAY 02 2000

WHEREAS, on January 12, 1999, Pardee Development submitted an application to the Planning and Development Review Department for a rezone and a resource protection ordinance 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, the issue was heard by the Council on MAY 02 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR No. 99-0015; NOW, THEREFORE,

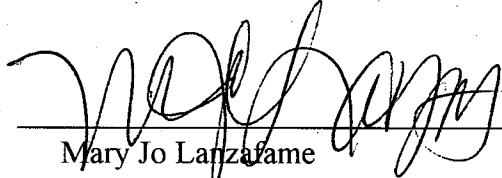
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 99-0015, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 Ostrow Property.

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 Larzafame
Deputy City Attorney

MJL:pev
4/11/00
Or.Dept:PDR
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Ostrow Property

Rezone & Resource Protection Ordinance Permit
LDR NO. 99-0015

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. 99-0015) shall be made conditions of Resource Protection Ordinance Permit as may be further described below.

Biological Resources

As a condition of the Resource Protection Ordinance Permit, the following mitigation measures are required to reduce potentially adverse impacts to approximately 1 acre of non-native grasslands (Tier IIIB) to below a level of significance.

1. Prior to issuance of the first grading permit, direct impacts of Tier IIIB habitat shall be mitigated through on-site preservation by means of recordation of a conservation easement, covenant of easement, or dedication in fee title to the City of San Diego of approximately 0.38 acres (0.5:1 mitigation ratio) of on-site Tier III habitat within the Multiple Habitat Planning Area (MHPA) to the satisfaction of the City Manager.
2. Prior to issuance of the first grading permit, direct impacts of Tier IIIB habitat shall be mitigated to the satisfaction of the City Manager, through one of the following: (a) monetary compensation, or (b) off-site acquisition, at the option of the applicant.
 - (a) Mitigation monies shall 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 shall be as follows:

Staff members from the Planning & Development Review Department shall provide an estimate of the average cost of habitat land in the focused MHPA Habitat Acquisition Area closest to the project site, Zone 14. The estimate shall be based on previous appraisals and comparable land costs within the focused acquisition area. The applicant shall 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 \$20,000 per acre (the current average cost for Zone 14 is \$15,000 to \$25,000 per acre), and the mitigation ratio of 0.5:1, the project applicant would be required to contribute \$2,640 [(\$20,000 x 0.12 acres) + 10% administrative fee]. The actual payment amount would be determined 60 days prior to the issuance of the first grading permit based upon the general land values at that time.

- (b) Acquisition or dedication in fee title or conservation easement of 0.12 acres (0.5:1 mitigation ratio) of off-site Tier I, II, or III habitat within the City's Multiple Habitat

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Planning Area (MHPA), or 0.24 acres (1:1 mitigation ratio) of Tier I, II, or III habitat outside of the MHPA (provided it can be satisfactorily demonstrated to have long-term biological value).

Land Use

Because the Ostrow Property development site will be located adjacent to the Multiple Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines will be made conditions of approval of the Resource Protection Ordinance Permit for this project:

1. If grading occurs between March 1 and August 15 (breeding season for California gnatcatchers), a gnatcatcher survey shall be completed. Prior to commencement of grading, a qualified biologist shall survey habitat of the adjacent MHPA within 800 feet of any grading activity in accordance with USFWS protocol for determining the presence or absence of gnatcatchers. A report shall be provided to the Environmental Review Manager presenting the results of the survey. If the survey concludes that no gnatcatchers are present, then no additional mitigation shall be required. If the applicant chooses not to conduct a gnatcatcher survey, then EAS shall assume gnatcatchers are present.

If California gnatcatchers are present, a temporary wall or berm shall be constructed between grading activity and occupied habitat in order to buffer noise levels. Grading noise shall be monitored weekly to verify that noise levels within occupied habitat is maintained below 60 dB. Additional attenuation, including complete cessation of work during the breeding season, shall be required as necessary to maintain noise levels below 60 dB. Monthly reports regarding noise monitoring results shall be provided to the Environmental Review Manager. Prior to issuance of a grading permit, the applicant shall post bond in the amount required to prepare the gnatcatcher survey, monitoring, and report to ensure performance of the mitigation measure. Upon receiving evidence of performance, the bond shall be released.

If grading occurs before March 1 or after August 15, no mitigation measures regarding California gnatcatchers would be required.

2. Lighting of all developed areas adjacent to the MHPA shall be directed away or shielded from the MHPA.
3. Drainage from all developed areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices.
4. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Hydrology/Water Quality

Prior to issuance of the first grading permit, the City Engineer shall verify that the final grading plan contains the following Best Management Practices (BMPs) which shall be designed according to the City Engineering standards for Urban Storm Water Management. Design and implementation of these measures shall be to the satisfaction of the City Engineer.

1. Sediment basins, desilting basins, or silt traps shall be installed in conjunction with the initial grading operations, and maintained through the development process, as well as during the operation period, as necessary, to remove sediment from runoff waters draining from the land undergoing development.
2. Installation of grassed swales/infiltration trenches at parking lot boundaries or other facilities for pollutant control shall be designed to City Engineering standards for Urban Storm Water Management. Design and implementation of measures shall be to the

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satisfaction of the City Engineer.

3. A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of the project development shall be prepared and submitted concurrently with subdivision improvement plans, where such development is proposed to be developed on land that will be graded or filled. Such a plan shall be prepared by a registered civil engineer and shall be designed to ensure that there will be no significant increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years. Runoff control shall be accomplished by establishing on-site catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness. Alternative designs for the implementation of runoff and erosion control devices on individual lots at site planning stage, shall be approved by the City Engineer and Planning & Development Review Department.

The grading plan shall also incorporate a maintenance program for erosion and runoff control measures which shall be approved by the City Engineer and Planning & Development Review Department. The erosion and runoff control measures shall be designed and bonded prior to recordation of the final map; erosion control measures shall be implemented prior to acceptance of the grading plans and public improvements by the City. The property owner's association shall be responsible for the specified maintenance program and shall maintain records of the maintenance.

4. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be approved by the City's Stormwater Administrator, and shall be developed and implemented concurrently with the commencement of grading activities. A complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that a NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.
5. The owner(s) and subsequent owner(s) of any portion of the property covered by the grading permit and by SWRCB Order No. 92-08-DWG, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWG.

The above Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$450.00 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

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