

(R-2001-483)

RESOLUTION NUMBER R- 293935

ADOPTED ON OCT 03 2000

WHEREAS, on August 11, 1999, UCVGP, Inc., submitted an application to The City of San Diego for a Conditional Use Permit [CUP], rezone, and community plan amendment for the University City Village apartment project; 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 October 3, 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 98-0408, SCH. No. 2000061116; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 98-0408, SCH. No. 2000061116, 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 University City Village apartment 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


Richard A. Duvernay
Deputy City Attorney

RAD:lc

09/19/00

Or.Dept:P&DR

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Form=mndr.frm

EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM UNIVERSITY CITY VILLAGE APARTMENTS CONDITIONAL USE PERMIT/ REZONE/COMMUNITY PLAN AMENDMENT/RESOURCE PROTECTION ORDINANCE PERMIT (CUP/RZ/CPA/RPO No. 98-0408)

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. 98-0408) shall be made conditions of CONDITIONAL USE PERMIT/ REZONE/COMMUNITY PLAN AMENDMENT/RESOURCE PROTECTION ORDINANCE PERMIT (CUP/RZ/CPA/RPO No. 98-0408) 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.

Hydrology/Water Quality

1. Prior to the issuance of grading permits, 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) shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the streets, landscaping and parking lots into storm drain areas, as shown on Exhibit A, satisfactory to the City Engineer. (Fees or 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. 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.
 - d. 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.

Biological Resources

2. Prior to construction, the applicant shall contribute \$5775 (includes 10% administration fee) to the City's Habitat Acquisition Fund for impacts to 0.1 acre of oak woodland and 0.05 acre of southern mixed chaparral within Brush Management Zone 1.
3. The sewer upgrade in Marian Bear Park shall be carried out with either of the following two options

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satisfactory to the City Engineer, the City Park and Recreation Biologist and the Environmental Review Manager (ERM) of Land Development Review:

a. Option A: "Jack and Bore"

Any vegetation disturbed during the "Jack and Bore" process shall be replaced following construction in accordance with the City's established mitigation ratios. A Restoration Plan shall be submitted and approved by the City's Planning and Land Development Department ERM and the Park and Recreation Department's Biologist prior to the issuance of grading permits.

b. Option B: Trenching

1) Prior to the issuance of the certificate of occupancy, the applicant shall restore 0.18 acre of wetlands within Marian Bear Memorial Park. The disturbance footprint of the pipeline (0.06 acre) within southern sycamore-alder riparian woodland shall be restored to mitigate temporary impacts associated with the sewer line improvement. Habitat restoration of approximately 0.12 acre shall occur on-site within Marian Bear Park and in accordance with the Marian Bear Natural Resource Management Plan.

2) A Five Year Monitoring and Reporting Program shall be submitted and approved by the City's Planning and Land Development Department ERM and the Park and Recreation Department's Biologist prior to the issuance of grading permits.

4. All direct and indirect impacts to active raptor nests from brush management shall be avoided. Prior to issuance of the grading permit, the project biologist shall perform a final survey and submit a letter to EAS with any recommendations for avoidance or negative findings.

Noise

5. In accordance with the City's Noise Ordinance, all construction and general maintenance activities, except in an emergency, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday and shall utilize the quietest equipment available.

6. The following will be made conditions of the CUP to ensure mitigation of noise impacts.

a. All perimeter units with a direct street noise exposure shall be constructed with architectural components that achieve a 25 dB Noise Level Reduction (NLR) along Governor Drive and a 27 dB NLR along SR-52 to insure attainment of a 45 dB CNEL interior noise level. The primary feature of an NLR of 25 dB sound attenuation package is the use of dual-paned windows with a minimum sound transmission class (STC) of 25 or higher. Typical dual-paned windows have STCs of 26 to 28 dB. Use of dual-paned windows in new units facing Governor Drive or SR-52 would allow interior standards to be readily met.

b. The entire project must achieve a minimum NLR of 17 dB to protect against aircraft noise from MCAS Miramar. In order to attain an NLR of 17 dB, all new units within University City Village shall include supplemental ventilation to allow for upstairs window closure facing the noise source. Air conditioning shall be required as a standard feature in these units.

c. All rental agreements shall contain clear language that while the project meets average noise exposure standards from military aircraft operations, single-event noise and vibration may, at times, be clearly audible, even inside units with closed doors and windows.

d. Prior to the issuance of building permits, confirmation that the project meets City and State Building Code Requirements for noise protection shall be provided to EAS.

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- e. The applicant shall contract a qualified acoustical engineer to monitor noise levels at the occupied residential units. Noise levels at the occupied residential units shall not exceed 65 dB(A) CNEL. If noise levels do exceed 65 (a)CNEL, temporary noise barrier(s) shall be implemented to reduce noise levels to below 65 (a)CNEL. Barriers shall be adjusted as necessary during construction to ensure that construction noise levels at the occupied residential units are no greater than 65 (a)CNEL.
- f. Prior to the issuance of building permits, a subsequent acoustical analysis shall be submitted to EAS to verify incorporation of all noise control requirements on building and site plans.

Land Use

7. All proposed utility lines shall be designed to avoid or minimize intrusion into the MHPA. These facilities shall be routed through developed or developing areas rather than the MHPA, where possible. If no other routing is feasible, then the lines shall follow previously existing roads, easements, rights-of-way, and disturbed areas, minimizing habitat fragmentation.
8. All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located and constructed to minimize environmental impacts. All such activities shall avoid disturbing the habitat of MSCP covered species, and wetlands. If avoidance is infeasible, mitigation shall be as stated in the Biological Resource Mitigation Measures.
9. Temporary construction areas and roads, staging areas, or permanent access roads shall be restricted to disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion shall be implemented in accordance with the City's Biological Review References.
10. No invasive species and/or non-native plant species shall be planted in or adjacent to the MHPA.
11. Prior to the issuance of grading permits, the project biologist shall train construction crews and field workers to ensure that all conditions of the Biological Monitoring Program are met.

Paleontological Resources

12. Prior to the issuance of grading permits, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified paleontologist and/or paleontological monitor (as defined in the *City of San Diego Paleontological Guidelines*, revised April 2000) have been retained to implement the paleontological monitoring program during the excavation for the new facilities. The requirement for monitoring shall be noted on the grading plans.
13. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the issuance of the grading permit.
14. The qualified paleontologist or paleontological monitor shall attend any preconstruction/pregrading meetings to consult with City staff and the excavation contractor.
15. The paleontologist or paleontological monitor shall be on-site full-time during excavation into previously undisturbed formations. The monitoring time may be decreased at the discretion of the paleontologist in consultation with LDR.
16. If significant fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.
17. In the event that significant fossil resources are discovered, the paleontologist shall immediately contact LDR. The determination of significance shall be at the discretion of the qualified

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paleontologist.

18. The qualified paleontologist shall be responsible for preparation of fossils to a point of identification and submittal of a letter of acceptance from a local qualified curation facility (as defined in the *City of San Diego Paleontological Guidelines*). The paleontologist shall record any discovered fossil sites at the San Diego Natural History Museum.
19. The qualified paleontologist shall be responsible for the preparation of a monitoring results report with appropriate graphics summarizing the results (even if negative), analysis, and conclusions of the above program. The report shall be submitted to LDR within three months following the termination of the paleontological monitoring program.

General

20. Prior to the issuance of grading permits, the applicant shall submit a \$3,200.00 deposit with an updated Responsible Party form to EAS to ensure the successful completion of the Mitigation Monitoring and Reporting Program.
21. All of the environmental mitigation measures listed above shall be shown on the construction plans under the heading, "Environmental Requirements".