

RESOLUTION NUMBER R- 295581

ADOPTED ON OCT 16 2001

WHEREAS, Johnson Communities of Southern California submitted an application to the City of San Diego for a Tentative Map and Street Vacation, and a Planned Residential Development/Resource Protection Ordinance Permit for the Hollywood and Vine 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 City Council on October 16, 2001; and

WHEREAS, the City Council considered the issues discussed in Findings to Master Environmental Impact Report [EIR], LDR No. 99-1274 (Findings to Master EIR No. 95-0353, Master EIR SCH No. 93071097); NOW, THEREFORE,

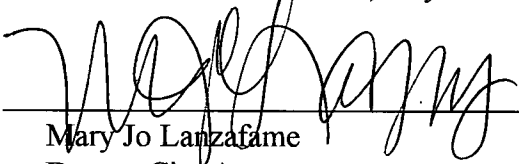
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Findings to Master Environmental Impact Report [EIR], LDR No. 99-1274 (Findings to Master EIR No. 95-0353, Master EIR SCH No. 93071097), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (Cal. Pub. Res. Code § 21000 et seq.), as amended, and the State guidelines thereto (Cal. Code Regs. § 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said 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 Hollywood and Vine project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21157.1 and California Code of Regulations section 15177, the Council finds that the Hollywood and Vine project is a subsequent project to the Del Mar Mesa Specific Plan Master Environmental Impact Report (LDR No. 95-0353) and no additional significant environmental effect will result from the Hollywood and Vine proposal, no new additional mitigation measures or alternatives may be required beyond those included in the Master Environmental Impact Report, and that the project is within the scope of the project covered by Master Environmental Impact Report No. 95-0353.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the project specific 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.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By   
Mary Jo Lanzafame  
Deputy City Attorney

MJL:lc  
10/03/01  
10/09/01 COR.COPY  
Or.Dept:Dev.Svcs.  
R-2002-508  
Form=eirl.frm

EXHIBIT A  
MITIGATION, MONITORING AND REPORTING PROGRAM  
HOLLYWOOD AND VINE  
TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT AND RESOURCE  
PROTECTION ORDINANCE PERMIT  
LDR NO. 99-1274

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. All mitigation measures contained in the Findings (LDR No.99-1274) shall be made conditions of TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT AND RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-1274 as may be further described below.

As conditions of the TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT AND RESOURCE PROTECTION ORDINANCE PERMIT, the following mitigation measures would be required to reduce potential adverse impacts to hydrology/water quality, biological resources, land use, landform alteration, traffic/circulation, light/glare/shading, public facilities and services, and safety from the project.

General

1. The following mitigation, monitoring and reporting program will require a deposit of \$3,200.00 to be collected by the City's Land Development Review Division prior to the issuance of grading permits to ensure the successful completion of the monitoring program.

Hydrology/Water Quality

2. 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. Prior to issuance of a grading permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB, satisfactory to the City Engineer. A copy of the acknowledgment from the SWRCB that an 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.

The grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Penasquitos Lagoon and other waters. Such BMPs must fulfill the intent of "City Clerk Document No. 00-17068 - Erosion Control Measures for North City Areas Draining Into Los Penasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons (City of San Diego Municipal Code)," and shall include the following:

- a. Construction phase erosion control measures shall be employed; including such measures as short-term use of sandbags, matting, mulches, berms, hay bales or similar devices; along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
- b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
- c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
- d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes.
- e. Energy dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
- f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
- g. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- h. Landscape design shall incorporate the use of drought tolerant vegetation.
- i. Native and naturalized species shall be planted on slopes. If fertilization is deemed necessary, it shall be discontinued on areas adjacent to open space after one year.
- j. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City of San Diego Landscape Technical Manual, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
- k. Native vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native topsoil shall be stockpiled and reapplied as part of site reclamation.
- l. Grading shall be minimized during the rainy season (October 31 to April 1). If grading is conducted during this period, the Contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.

- m. A maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
- n. All conditions of the General Permit for Construction Activity shall be adhered to.

### Biological Resources

3. Prior to the recordation of the first final map and/or issuance of grading permits, impacts to 3.0 acres of sensitive habitat shall be mitigated as follows: 0.1 acres of Southern maritime chaparral, 1.9 acres of Coastal sage scrub, and 1.0 acres of disturbed Coastal sage scrub habitats shall be mitigated, to the satisfaction of the City Manager, through a combination of the following: (a) on-site preservation of 2.0 acres of habitat within the MHPA, (b) acquisition of additional off-site habitat within the MHPA, and (c) contribution into the City's Habitat Acquisition Fund, thereby preserving a total of 3.0 acres of native habitat, as described below (biological impacts within the property boundaries of this project due to construction of Del Mar Mesa Road have already been addressed as a separate project).
- a. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego a total of 2.0 acres within the on-site Hollywood and Vine Mitigation Parcel (APN 308-020-13), including 1.0 acre of Tier I, and 1.0 acre of Tier II-III habitat within the MHPA. The easement shall name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and provide that no clearing, grubbing, grading or disturbance of the native vegetation shall occur within the area.
- b. The balance of mitigation requirements shall be met through the acquisition of additional habitat within the MHPA for which the owner/permittee shall record a Covenant of Easement, Conservation Easement or dedication in fee title to the City of San Diego a total of 1.0 acre, consisting of 1.0 acre of Tier I-III habitat within the MHPA. The easement shall name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and provide that no clearing, grubbing, grading or disturbance of the native vegetation shall occur within the area.
- c. Or, in lieu of the acquisition of land to mitigate for the remaining 1.0 acre, the City Manager shall verify that the applicant has contributed \$38,500.00 to the City's Habitat Acquisition Fund (No. 10571) for off-site mitigation of biological resources.

### Land Use

4. 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 500 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.

5. Lighting of all developed areas adjacent to the MHPA shall be directed away or shielded from the MHPA.
6. 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.
7. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

#### Landform Alteration

8. Prior to issuance of grading permits, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on the TM and PRD Exhibit A.

#### Traffic/Circulation

9. Prior to the issuance of the first building permit, the project shall conform to the Del Mar Mesa/Subarea V Transportation Phasing Plan.
10. Prior to recordation of the first Final Map, the applicant shall widen Del Mar Mesa Road/Carmel Mountain Road to a two-lane collector street with a center left-turn lane, with a minimum pavement width of 44 feet within 65 feet of right-of-way with appropriate transition to the west, satisfactory to the City Engineer.

#### Light/Glare/Shading

11. Street lights shall be provided only where necessary for safety purposes and shall consist of low pressure-sodium (or similar) type. All street and residential lights shall be directed away from open-space areas (consistent with MSCP Guidelines) with appropriate placement or shades.

---

## Public Facilities and Services

### Schools

12. Prior to the recordation of the first Final Map, the applicant shall fully mitigate impacts to the Del Mar Union School District and San Dieguito Union High School District through payment of school mitigation costs and/or participation in a Mello-Roos Community Facilities District.

### Libraries

13. Prior to recordation of the first Final Map, the project applicant shall pay a development impact fee to provide for fair-share funding of a new branch library in the NCFUA.

### Water

14. Prior to recordation of the first Final Map, the 610/712 Water Zone Study and construction of accessory applicable water facilities shall be completed to the satisfaction of the City Engineer.

### Sewer

15. Prior to the recordation of the first Final Map, the applicant shall provide a project level sewer study which shows the proposed sewer system for Subarea V to the satisfaction of the City Engineer.

---

### Fire

16. Prior to recordation of the first Final Map, the City Fire Department shall determine whether a first response can be provided on the project site within six minutes. Mitigation measures in the form of individual sprinkler systems and/or construction/site design safeguards shall be required if a six-minute response cannot be provided at the time of future development.
17. Prior to recordation of the first Final Map, the applicant shall pay a development impact fee to partially fund construction of new fire stations, if a phase shift occurs for the NCFUA as a whole.

### Safety

18. Prior to recordation of the first Final Map, if the project includes water quality devices that will result in the impoundment of water, either within the project site or as a condition of approval, then the applicant shall provide a Vector Prevention and Control Management Plan (VPCMP) to the satisfaction of the County Department of Environmental Health. The VPCMP shall include the following elements: necessary mosquito control access, impoundment designs, water level management, mosquito fish/predator stocking, and emergent vegetation management. This plan shall be integrated into the other management plans for brush/vegetation, streams and basins. Levels of management will vary with proximity to residences, human activity, risk and environmental factors.

19. Prior to recordation of the first Final Map, sedimentation basins (if they are required by the hydrology analysis) shall be designed to be self-draining within 72 hours, consistent with the California State Storm water BMPs. Additionally, an access plan, funding and a maintenance contact shall be provided by the responsible party to the City Engineer. Cleaning shall be performed at the frequency necessary to remove algae and vegetation blooms and prevent mosquito breeding and the build-up of contaminated sediments.