

RESOLUTION NUMBER R-295621

ADOPTED ON OCTOBER 23, 2001

WHEREAS, on November 30, 1999, Chevron Gas Products, Inc., submitted an application to the City of San Diego for a Planned Commercial Development Permit and Conditional Use Permit [PCD/CUP] for the Chevron Gas Station in Sorrento Hills; and

WHEREAS, on July 31, 2001, by Resolution No. R-295256, the Council of the City of San Diego certified Mitigated Negative Declaration LDR No. 99-1200 in connection with the approval of Planned Commercial Development/Conditional Use Permit [PCD/CUP] No. 99-1200 for the Chevron Gas Station in Sorrento Hills; and

WHEREAS, on September 18, 2001, the Council considered and approved a motion to waive the permanent rules of the Council, San Diego Municipal Code section 22.0101, Rule 4, and a motion for reconsideration of the appeals by Chevron Products and Richard Kiy for the Torrey Hills Community Coalition; and

WHEREAS, the matter was set for public hearing on October 23, 2001, testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being advised concerning the issues discussed in Mitigated Negative Declaration LDR No. 99-1200; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 99-1200, 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

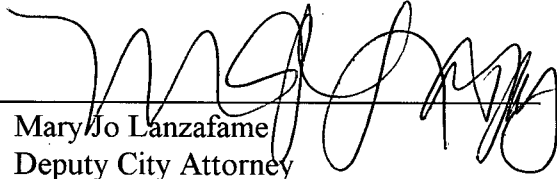
of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of PCD/CUP No. 99-1200 for the Chevron Gas Station in Sorrento Hills.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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

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

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Or.Dept:Clerk
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
CHEVRON GAS STATION - SORRENTO HILLS


CONDITIONAL USE PERMIT and PLANNED COMMERCIAL DEVELOPMENT PERMIT
LDR NO. 99-1200

This Mitigation Monitoring and Reporting Program is designed to ensure project 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. 99-1200) shall be made conditions of the CONDITIONAL USE PERMIT and the PLANNED COMMERCIAL DEVELOPMENT PERMIT as further described below.

1. Prior to the issuance of any grading permits, the owner/permittee shall submit a deposit of \$450.00 to the Environmental Analysis Section (EAS) to cover the City's costs associated with the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
2. Prior to issuance of the grading permit, the Environmental Review Manager shall verify the inclusion of the car wash Noise Reduction Package on the construction plans. This element shall be identified on the construction plans as "Noise Mitigation."
3. The applicant shall provide a noise study of the car wash operation after it has been constructed but before the Certificate of Occupancy is issued. The noise study must verify that the car wash does not generate a noise level in excess of 57.5 db(A) at the property line of adjacent development between 7 A.M. and 7 P.M., and 52.5 db(A) between 7 P.M. and 10 P.M.. The report shall be submitted to EAS of the Land Development Review Department for approval. Upon approval by EAS the Certificate of Occupancy may be issued for the car wash.

In the event that the operating noise of the car wash does not meet the 57.5/52.5 dB(A) criteria stated above, additional mitigation measures shall be developed and implemented, and their effectiveness evaluated and certified in a supplemental noise study prior to issuance of the Certificate of Occupancy.

4. Prior to the issuance of any grading permits, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP), containing all of the following requirements, satisfactory to the Environmental Review Manager and/or the City Engineer.
 - A. Comprehensive permanent post-construction Best Management Practices (BMP's) shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into the City's storm drain system, 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 the discharge into the storm drain system. Any proposed clean-outs (grease, oil, and heavy metal particulate trap) shall be maintained by the owner/permittee to the satisfaction of the City Engineer. Equivalent alternative available technologies and BMP's may be approved by the City Engineer.

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- 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 part for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, any oil/sediment filters which are installed on-site shall be cleaned and maintained as necessary, satisfactory to the City Engineer.
5. Prior to issuance of any grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager, of the Land Development Review Division 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. The applicant shall notify LDR of the start and end of construction.
- A. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the preconstruction meeting.
 - B. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
 - C. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be decreased at the discretion of the qualified paleontologist, and will depend on the rate of excavation, the material excavated and the abundance of fossils.
 - D. 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..
 - E. In the event that significant fossils resources are discovered, the paleontologist shall immediate contact LDR. The determination of significance shall be at the discretion of the qualified paleontologist.
 - F. 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).
 - G. The paleontologist shall record any discovered fossil sites at the San Diego Natural History Museum.
 - H. The qualified paleontologist shall be responsible for the preparation of a monitoring results report with appropriate graphics summarizing the results (even if negative), analyses, and conclusions of the paleontological monitoring program. The report shall be submitted to LDR within three months following the termination of the paleontological monitoring program.

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