

RESOLUTION NUMBER R- 296613

ADOPTED ON JUN 04 2002

WHEREAS, on June 4, 2002, Farwest American Enterprises, Ltd. submitted an application to the City of San Diego for Community Plan Amendment, Rezone, Site Development Permit, and Planned Development Permit No. 40-1069 for Summerwind Village Apartments; 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 JUN 04 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 40-1069; NOW, THEREFORE,

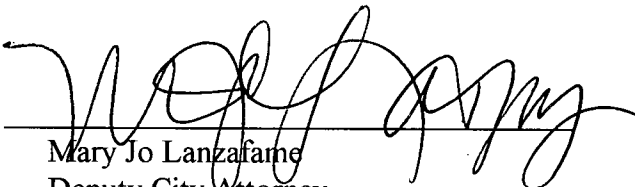
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 40-1069, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 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 Community Plan Amendment, Rezone, Site Development Permit and Planned Development Permit No. 40-1069 for Summerwind Village Apartments.

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

MJL:pev  
5/21/02  
Or.Dept:DSD  
R-2002-1646  
Form=mndr.frm

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

#### COMMUNITY PLAN AMENDMENT, REZONE, SITE DEVELOPMENT PERMIT, AND PLANNED DEVELOPMENT PERMIT

for

#### SUMMERWIND VILLAGE APARTMENTS.

LDR NO. 40-1069

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) shall be made conditions of COMMUNITY PLAN AMENDMENT, REZONE, SITE DEVELOPMENT PERMIT, AND PLANNED DEVELOPMENT PERMIT No. 40-1069 as may be further described below.

#### Biology

1. Prior to the issuance of the first grading permit the applicant shall submit a letter to the Mitigation Monitoring Coordination (MMC) section of Land Development Review verifying the purchase of 0.14 acre of wetland mitigation credits for creation, restoration, and/or enhancement of wetland habitat within the Rancho Jamul Mitigation Bank or City of San Diego (Southern Penasquitos Lagoon).

#### Water Quality

2. Prior to the issuance of the first grading permit, a Storm Water Pollution Prevention Plan (SWPPP) shall be shown on the grading plans and submitted to the Land Development Review (LDR) Division for review and approval to the satisfaction of the City Engineer. Implementation of the SWPPP shall include Best Management Practices (BMP's) during construction including the use of silt fences, hay bales and sandbags adjacent to the offsite drainage channel.

#### Historical Resources (Archaeology)

3. Prior to the issuance of the first grading permit the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program.

**A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.**

**4. PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE GRADING PLANS.**

5. Prior to beginning construction, the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.

AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE ARCHAEOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR.

**THE QUALIFIED ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES. THE ARCHAEOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**

6. The qualified archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month.

7. **IN THE EVENT OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW FOR PRELIMINARY EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**

The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR **must** concur with the evaluation **before** grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts **before** ground disturbing activities in the area of discovery will be allowed to resume.

8. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed by the archaeological monitor after notification to the County Coroner by the City RE. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.
9. The archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
10. Prior to the release of the grading bond, two copies of a monitoring results report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the Environmental Review Manager of LDR and one copy sent the Resident Engineer.
11. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR and one copy sent the Resident Engineer.
12. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center at San Diego State University with the final monitoring results report.

Paleontology

13. Prior to the issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.
14. **PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
15. Prior to beginning construction the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. **THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**
16. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS Staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
17. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (RE) SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE PALEONTOLOGIST WITH PRINCIPAL INVESTIGATOR(PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE**

**TIME OF DISCOVERY. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**

18. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
19. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
20. Prior to the release of the grading bond, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.

General

21. The above mitigation monitoring and reporting program will require a deposit of \$450.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the monitoring program.