

RESOLUTION NUMBER R- 297100

ADOPTED ON SEP 24 2002

WHEREAS, on May 10, 2000, La Jolla Partners submitted an application to the City of San Diego for a coastal development permit, easement abandonment, public right-of-way use permit and tentative map for the Windansea Luxury Condos 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 SEP 24 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 40-0337; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 40-0337, 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 a coastal development permit, easement abandonment, public right-of-way use permit and tentative map for the Windansea Luxury Condos project.

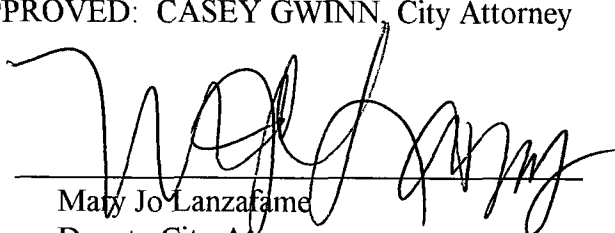
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and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



Maty Jo Lanzafame
Deputy City Attorney

MJL:pev
8/20/02
Or.Dept:DSD
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
WINDANSEA LUXURY CONDOS

LDR NO. 40-0337

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 Mitigated Negative Declaration No. 40-0337 shall be made conditions of the Coastal Development Permit, Easement Abandonment, Public Right-Of-Way Use Permit, and Tentative Map (No. 1473) as may be further described below.

MITIGATION, MONITORING AND REPORTING PROGRAM:

The following mitigation measures were required to reduce potentially adverse impacts to historical resources and potential impacts associated with geology due to project implementation.

General

The 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.

Historical Resources

Prior to the issuance of any grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified archaeologist and/or archaeological monitor, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. **THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING SHALL BE NOTED ON THE CONSTRUCTION PLANS.**
- b. The qualified archaeologist shall attend all preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the

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construction manager. **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.**

- c. The qualified archaeologist or archaeological monitor shall be present full-time during excavation of native soils.
- d. **IN THE CASE OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community. 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 land disturbing activities in the area of discovery will be allowed to resume.
- e. 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. 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.
- f. All cultural materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
- g. Within three months following the completion of grading, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to the release of the grading bond.

Geology

- a. Subsequent to basement excavation and prior to foundation construction, a Certified Engineering Geologist shall examine the excavation and provide a report to the LDR Geology section with the determination whether or not the fault passes beneath the proposed structure. All construction will be halted until the report evaluating the fault is received, reviewed, and accepted by the LDR Geology section.
- b. If the Certified Engineering Geologist determines that the fault does pass beneath the building or cannot provide an opinion regarding the absence of a fault below the proposed structure, then prior to foundation inspection a "Notice of Geologic Conditions" shall be signed by the owner, notarized, and recorded against the property.