

RESOLUTION NUMBER R- 298421

ADOPTED ON SEP 23 2003

WHEREAS, on May 5, 2003, City of San Diego Park and Recreation Department submitted an application to the City of San Diego for a site development permit and planned development permit for the Rancho Penasquitos Skate Park 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 September 23, 2003; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 6995; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 6995, 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 Rancho Penasquitos Skate Park 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

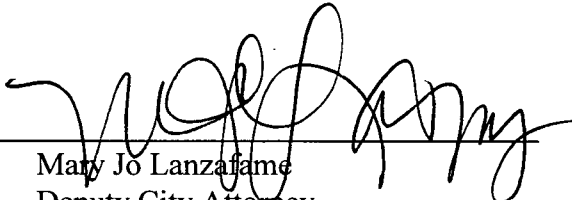
Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
09/08/03
Or.Dept:DSD
R-2004-293
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

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

PROJECT NO. 6995

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 (Project No. 6995) shall be made conditions of Site Development Permit, Planned Development Permit, Rezone, Community Plan Amendment as may be further described below.

General

1. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the monitoring biologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.

Biological Resources

2. Prior to the first preconstruction meeting, the Environmental Review Manager (ERM) of Land Development Review (LDR) Division shall verify that the applicant/permittee has mitigated for direct impacts of **1.01-acres** of coastal sage scrub habitat (Tier II) at the appropriate mitigation ratios defined by the City's Biological Resource Guidelines, by either one of the following measures:

A. The applicant shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 1.01-acre plus a 10 percent administration fee. Said payment is currently estimated at \$45,000 per acre for the Del Mar Mesa area. -or-

B. The applicant shall acquire 1.01-acres of off-site upland habitat (Tiers I - III) **within** the City of San Diego Multi-Habitat Planning Area (MHPA) at a mitigation ratio of 1:1; or **outside** the City of San Diego Multi-Habitat Planning Area (MHPA) at a mitigation of 1.5:1; The applicant shall provide the ERM legal documentation (i.e. land title, deed, etc.) that verifies the appropriate upland habitat within the City's MHPA has been acquired in conformance with the City's Biological Guidelines.

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3. Prior to the first preconstruction meeting, the owner/permittee shall provide a letter to the ERM verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through C):

A. The qualified biologist (project biologist) shall attend the first preconstruction meeting.

B. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved *Exhibit A*. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved *Exhibit A*.

C. The project biologist shall direct the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures adjacent to all graded areas, and identify locations where trench spoil may be stockpiled in order to prevent sedimentation of the habitat. The project biologist shall oversee implementation of best management practices (BMPs) as needed to prevent any significant sediment transport.

Noise

4. Prior to first issuance of occupancy, the Environmental Review Manager (ERM) of the Land Development Review Division shall ensure the following mitigation measures has been implemented:

A. If the park is in use after 7:00 PM, any day of the week, the applicant shall construct a three-foot-high noise wall, relative to the top-of-slope or road edge elevation, as shown on *Figure 6* of the approved *Noise Technical Report* (Recon, March 20, 2003). The noise barrier shall be free of cracks and holes, and may include but is not limited to, masonry block, wood frame with stucco, one-half-inch thick Plexiglas, or one-quarter-inch thick plate glass. If transparent barrier materials are used, no gaps shall occur between the panels.

B. The park shall only be allowed to operate between the hours of 7:00 AM to 7:00 PM if the recommended noise wall is not constructed, satisfactory to the ERM of LDR.

Water Quality

5. Prior to the issuance of any engineering permit, the Environmental Review Manager (ERM) of Land Development Review (LDR) shall verify that comprehensive temporary construction and permanent post-construction water quality best management practices (BMPs), consistent with those shown on the approved *Exhibit A*, are incorporated into the construction drawings to reduce the amount of pollutants (e.g., oil, grease, heavy metals) and sediments discharged from the site, satisfactory to the City Engineer.

A. Implementation of BMPs shall include the use of site design BMPs (capture site run-off, vegetated swales, rip-rap energy dissipator), source control BMPs (covered trash, driveway sweeping), and structural treatment BMPs (fossil

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filters, trough drains, gravel bags, silt fences, etc.) as shown on *Exhibit A*.

B. The applicant shall show on the construction plans (*Exhibit A*) the required construction and post-construction BMPs to be implemented. Specific post-construction BMPs required, and to be shown on the approved *Exhibit A*, shall include, but not limited to:

1.

Construction and maintenance of two vegetated-lined channels containing erosion resistant plant material in conformance with the City's Landscape Standards, along the southern and western property lines as shown on the approved *Exhibit A*.

2. Construction and maintenance of a rip-rap energy dissipator located at the southwestern corner of the property, as shown on the approved *Exhibit A*.

3. Construction and maintenance of a trench drain, fossil filter, and sidewalk underdrain to the edge of curb, located at the western (exiting) driveway of the disabled-accessible parking lot/drop-off/pick-up area, as shown on the approved *Exhibit A*.

C. Equivalent alternative available technologies may be approved as BMPs by the City Engineer in lieu of, or in addition to, those shown on *Exhibit A*.

D. All permanent BMPs shall be maintained in accordance with the applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure that BMPs are being properly maintained.

Transportation/Parking

6. Prior to the first preconstruction meeting, the applicant shall provide a shared parking agreement for a minimum of 21 spaces with the existing commercial center to the west of the proposed project site, as shown on the approved *Exhibit A*.

Air Quality

7. Prior to the first preconstruction meeting, the Environmental Review Manager (ERM) of Land Development Review Division (LDR) shall verify that the following *Air Emission Controls* are noted on the grading plans and implemented during construction.

A. All unpaved construction areas shall be sprinkled with water or other acceptable San Diego Air Pollution Control District (SDAPCD) dust control agents during dust-generating activities to reduce dust emission. Additional watering or acceptable SDAPCD dust control agents shall be applied during dry weather or windy days until dust emissions are not visible.

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B. Trucks hauling dirt and debris shall be properly covered to reduce windblown dust and spills.

C. A 20 mile-per-hour speed limit on unpaved surfaces shall be enforced.

D. On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.

E. On-site stockpiles of excavated material shall be covered or watered.

F. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directly by the City/County to reduce dust generation.

G. Heavy-duty construction equipment with modified combustion/fuel injection systems for emissions control shall be utilized during grading and construction activities. Catalytic reduction for gasoline-powered equipment shall be used. Also, equip construction equipment with pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of nitrogen oxide, to the extent available and feasible.

H. Low pollutant-emitting construction equipment shall be used.

I. Electrical construction equipment shall be used to the extent feasible.

J. The simultaneous operations of multiple construction equipment units shall be minimized (i.e., phase construction to minimize impacts).

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