

(R-2004-271)(COR. COPY 2)

RESOLUTION NUMBER R-298573

ADOPTED ON NOVEMBER 3, 2003

WHEREAS, on February 19, 2003, Metropolitan Transit Development Board, and the City of San Diego, Owner, and CityLink Investment Corporation, Permittee, submitted an application to the City of San Diego for a Planned Development Permit No. 10198, Site Development Permit No. 25464, Variance No. 29754, Public Use Lease/Joint Use Agreement, Tentative Map No. 10197, Street Vacation No. 33089, Street Dedication No. 10206, and Easement Vacation No. 33012 for the Morena Vista 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 November 3, 2003; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration, Project No. 6137; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration, Project No. 6137, 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 the Morena Vista project.

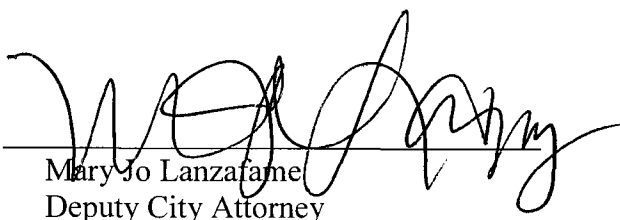
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and 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
08/29/03
10/24/03 COR. COPY
02/03/04 COR. COPY 2
Or.Dept:DSD
R-2004-271
Form=mndr.frm

EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM Planned Development Permit, Site Development Permit, Variance, Tentative Map, Street Vacation, Street Dedication and Easement Vacation (Project No. 6137)

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 92101-4155. All mitigation measures contained in the Mitigated Negative Declaration No. 6137 shall be made conditions of Planned Development Permit, Site Development Permit, Variance, Tentative Map, Street Vacation, Street Dedication and Easement Vacation as may be further described below.

The above Mitigation, Monitoring and Reporting Program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

MITIGATION, MONITORING AND REPORTING PROGRAM:

To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures would be the responsibility of the applicant. The basis for the MMRP can be found in the Initial Study. The mitigation measures are described below.

General

1. After project approval and prior to issuance of any discretionary permits, the applicant shall submit a deposit of \$1,200.00 to the Development Project Manager in Development Services Department to cover the City's costs associated with implementation of the MMRP.

Hydrology/Water Quality

2. Prior to the issuance of any grading permit, the City Engineer shall verify that comprehensive permanent post-construction water quality best management practices (BMPs), consistent with those shown on 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. BMPs shall include the use of catch basin inserts within all onsite inlets, as shown on Exhibit "A" and detailed in "*Water Quality Technical Report Morena Vista Mixed Use (PTS 6137) City of San Diego Project #42-1249*", prepared by SB&O, Inc., dated June 10, 2003. All inlets which would receive runoff from the parking areas shall include provisions for interception of hydrocarbons (sorbent booms or hydrocarbon pillows). Equivalent alternative available technologies may be approved as BMPs by

R- 298573

the City Engineer in lieu of, or in addition to, those shown on Exhibit "A." 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.

3. No grading shall occur between October 1 and April 30 unless an erosion control system has been made a part of grading plans to the satisfaction and approval of the City Engineer. 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.
4. A Dewatering Discharge Permit (NPDES No. CA 1018804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions, pursuant to direction from the RWQCB.

Human Health/Public Safety

5. Prior to issuance of any grading permits the applicant shall enter into an agreement for regulatory oversight with the County of San Diego, Department of Environmental Health, Voluntary Assistance Program, to ensure that a health risk analysis is conducted in association with previously identified petroleum and toxic chemical releases. The application to this program shall include work plans, *Phase I* Reports, *Phase II* Reports and Health Risk Evaluations. A "closure letter" or "concurrence letter" shall be obtained from the Voluntary Assistance Program and submitted to the ADD of LDR for verification that the appropriate levels of remediation efforts have been implemented.
6. Prior to the issuance of any demolition permits proper testing shall be done by the applicant to determine if asbestos or lead-based paints exist within the structures. If the testing shows the presence of asbestos or lead-based paints, then proper precautions shall be made during the removal and disposal of asbestos or lead-based paint containing materials, as regulated by state agencies (Cal-OSHA and Cal-EPA) and San Diego County Air Pollution Control District Rule 361.145 Standard for Demolition and Renovation, to ensure that no hazards to the demolition crew, adjacent residents, or other individuals are created by toxic materials.