

RESOLUTION NUMBER R- 298736

ADOPTED ON DEC 09 2003

WHEREAS, the City of San Diego, KZ Holdings, LLC, Walzem Trust, and the Zane and Alice B. Feldman Trust, Owners and Permittees, submitted an application to the City of San Diego for a Community Plan Amendment No. 9053, Site Development Permit No. 9052, and Rezone for the Walgreens 32<sup>nd</sup> Street 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 December 9, 2003; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 5500; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 4869, 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 Walgreens 32<sup>nd</sup> Street 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  
11/25/03  
Or.Dept: DSD  
R-2004-632

## EXHIBIT A

### MITIGATION, MONITORING AND REPORTING PROGRAM General/Community Plan Amendment No. 9053, Site Development Permit No. 9052, and Zoning Action No. 9055

#### Water Quality

1. Prior to issuance of the grading permit, the applicant shall verify with the City Engineer that adequate permanent Best Management Practices (BMP's) in accordance with the City of San Diego Storm Water Standards and Standard Urban Storm Water Mitigation Plan (SUSMP) are incorporated into the project plans.
  - a. Permanent BMP's should include a Continuous Deflective Separation (CDS) system or equivalent subject to the satisfaction of the City Engineer.
2. Prior to issuance of the grading permit, the applicant shall enter into a maintenance agreement for long term maintenance of all permanent BMP's and shall be noted on the project plans to the satisfaction of the City Engineer.
3. Prior to issuance of the grading permit, the applicant shall verify that adequate construction Best Management Practices (BMP's) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, are noted on the construction plans or specifications to the satisfaction of the City Engineer.
4. Prior to issuance of the grading permit, the applicant shall verify that all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 20001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity are incorporated into the project and noted on the grading plans to the satisfaction of the City Engineer.
  - a. A Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be submitted and noted on the grading plans to the satisfaction of the City Engineer.
  - b. A Notice of Intent (NOI) shall be filed with SWRCB and a copy of the acknowledgment from the SWRCB shall be submitted to the City Engineer along with the completed approved NOI with permit number.

#### General

1. The above mitigation monitoring and reporting program (MMRP) will require a deposit of \$450 to be collected prior to the issuance of any permit to ensure the successful completion of the monitoring program.

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