

RESOLUTION NUMBER R- 299079

ADOPTED ON APR 13 2004

WHEREAS, Fairway Views, L.L.C., Applicant, submitted an application to the City of San Diego for Coastal Development Permit Nos. 8182, 11492, and 11493 for the Fairway Views 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 January 20, 2004; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 99-1357; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 99-1357, 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 land use actions for the Fairway Views 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

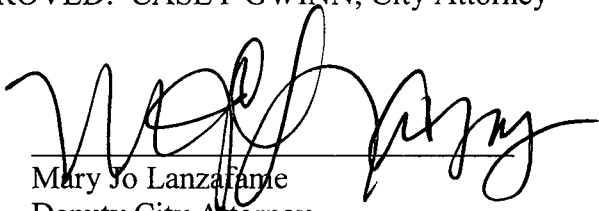
Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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
12/11/03
Or.Dept: DSD
R-2004-563

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

FAIRWAY VIEWS

LDR NO. 99-1357

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. No. 99-1357) shall be made conditions of approval and permits as may be further described below.

General

1. After project approval by the Decision maker and prior to issuance of any discretionary permit(s), the applicant shall submit a deposit of \$1,200.00 to the Development Project Manager in Development Services Department to cover the City's cost associated with implementation of the Mitigation, Monitoring, and Reporting Program (MMRP).

Geology/Soils

1. Prior to recordation of the Final Map, all geologic and geotechnical hazards or defects shall be corrected or assured by permit and bond to be corrected. An as-graded geotechnical report will be required to document that all geologic and geotechnical hazards and defects were corrected. The as-built geotechnical report must conclude that each parcel has a factor-of-safety of 1.5 or greater with respect to gross and surficial slope stability.
2. As a condition of approval of the Tentative Parcel Map, a settlement monitoring program shall be conducted at the conclusion of grading. The survey data must be analyzed by the geotechnical engineer to determine that future soil settlement will be within appropriate and tolerable limits prior to recording the Final Map.
3. Any area of the overall site which will not have an adequate factor-of-safety with respect to slope stability or unacceptable potential differential settlement shall be designated as a building restricted easement that shall be granted on the Final Map. The geotechnical consultants shall certify by signatures and seals (stamps) that the building restricted easement on the Final Map is in accordance with the geotechnical investigation approved for this project.

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Biological Resources

1. Prior to the issuance of the first grading permit, direct impacts to approximately 0.42 acres of coastal sage scrub shall be mitigated to the satisfaction of the City Manager through the following:
 - (a) Mitigation monies shall be deposited in the City of San Diego's Habitat Acquisition Fund as established by City Council Resolution R-275129, adopted on February 12, 1990. The process for determining the amount of mitigation monies deposited shall be as follows:

Staff members from Development Services and Planning Departments shall provide an estimate of the average cost of habitat land in the focused MHPA Habitat Acquisition Area closest to the project site. The estimate shall be based on previous appraisals and comparable land costs within the focused acquisition area. The applicant shall be required to contribute the estimated average per acre land cost, multiplied by the required mitigation acreage (0.42 acres), plus an additional 10 percent to cover administrative costs.

Water Quality

1. 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 detention basins and inlet fossil fuel filters as shown on Exhibit "A" and detailed in "Permanent Storm Water BMP for Fairway Views", prepared by Michael Lee Smith, RCE, dated April 15, 2003. Equivalent alternative available technologies may be approved as BMPs by the City Engineer in lieu of, or in addition to, those shown on the 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.
2. No grading shall occur between October 1 and April 30 unless an erosion control system has been made a part of the 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.

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