

RESOLUTION NUMBER R- 299700

ADOPTED ON SEP 28 2004

WHEREAS, on April 25, 2003, Aero Drive Three, LLC, submitted an application to the City of San Diego for a Planned Development Permit No. 56270/Site Development Permit No.56271/Right-of-Way Vacation No. 37090; 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 28, 2004; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 6729; NOW, THEREFORE,

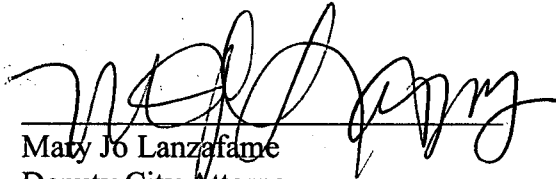
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 6729, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 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 planned development permit, site development permit, and right-of-way vacation for the Aero Drive Three 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:cfq  
07/27/04  
Or.Dept:DSD  
R-2005-137

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM AERO DRIVE THREE Planned Development Permit/Site Development Permit/Right-of-Way Vacation LDR No. 6729, Project No. 6729

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) 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. The City of San Diego, Engineering and Capital Projects Department and the Development Services Department are jointly responsible for ensuring that this program is carried out.

This 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. Prior to the issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Department Fee Schedule to cover the City's cost associated with implementation of the Mitigation, Monitoring and Reporting Program [MMRP].
2. Prior to the issuance of a Notice to Proceed [NTP] or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assisted Deputy Director [ADD] of the City's Land Development Review Division [LDR] shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading *Environmental Requirements*: "Aero Drive Three Project is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration 6729."

#### Biology

1. Prior to the issuance of a Notice to Proceed [NTP] or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, direct impacts to 0.23 acres of Tier II coastal sage scrub habitat shall be mitigated to the satisfaction of the City Manager, through one of the following: (a) off-site land acquisition within the MHPA; (b) payment into the City's Habitat Acquisition Fund as described below, or (c) a combination of a and b below:

- a. Prior to issuance of the first grading permit, the owner/permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 0.23-acres of Tier II or better habitat located off-site, in the City of San Diego's MHPA. This 0.23-acres would satisfy the 1:1 mitigation acreage ratio requirements for impacts outside the MHPA that would be mitigated inside the MHPA; or
- b. Prior to issuance of the first grading permit, the owner/permittee shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 0.23-acres of habitat. The current per-acre contribution amount for the Habitat Acquisition Fund is \$25,000. In order to achieve the required 1:1 ratio, \$5,750 ( $\$25,000 \times 0.23$  acre) must be paid into the fund.
- c. A combination of *a* and *b* as referenced above.