

RESOLUTION NUMBER R- 300179

ADOPTED ON MAR 01 2005

WHEREAS, on December 19, 2000, Lawrence M. Cushman submitted an application to the City of San Diego for a coastal development permit, site development permit, rezone, tentative parcel map, and multi-habitat planning area boundary line adjustment; 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 MAR 01 2005; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 1591; NOW, THEREFORE,

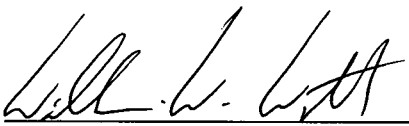
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 1591, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et 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 coastal development permit, site development permit, rezone, tentative parcel map, and multi-habitat planning area boundary line adjustment for the Towne Centre Corporate Plaza 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, as Exhibit A, 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: MICHAEL J. AGUIRRE, City Attorney

By 

William W. Witt
Deputy City Attorney

WWW:pev
01/07/05
Or.Dept:DSD
R-2005-729
MMS #1228

ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT (CDP No. 117798), SITE DEVELOPMENT PERMIT (SDP No. 2758), REZONE, TENTATIVE PARCEL MAP and MULTI-HABITAT PLANNING AREA (MHPA) BOUNDARY LINE ADJUSTMENT

PROJECT No. 1591

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. 1591/SCH No. 2003101139) shall be made conditions of Coastal Development Permit (CDP No. 117798), Site Development Permit (SDP No. 2758), Rezone, Tentative Parcel Map, and Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment as may be further described below.

General

1. Prior to issuance of any construction permits, 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 paleontologist, the monitoring biologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.
2. Prior to the issuance of any construction permits, the Environmental Review Manager (ERM) of the Land Development Review Division (LDR) shall verify the following mitigation measures are noted on a separate sheet of the construction/grading plans submitted and included in the specifications under the heading **Environmental Mitigation Requirements**.

Biological Resources

3. Prior to the first preconstruction meeting and/or start of construction activities, the applicant/permittee shall ensure direct impacts from the on-site development of the Towne Centre Corporate Plaza project have been mitigated as follows (conditions 4.A (a-c) and 4.B), in accordance to **Table 1** below.

Satisfactory to the Environmental Review Manager (ERM) of Land Development Review (LDR) Division, the applicant shall mitigate within the MHPA on-site according to the appropriate mitigation ratios as required by the City of San Diego Biology Guidelines.

- A. The applicant shall mitigate habitat impacts from the on-site development of the Towne Centre Corporate Plaza by the following measures:
 - a. The applicant shall preserve 0.04 acre of scrub oak chaparral in the adjusted MHPA on-site for impacts to 0.40 acre of scrub oak chaparral from the Towne Centre Corporate Plaza development.
 - b. The applicant shall preserve 7.6 acres of Diegan coastal sage scrub in the adjusted MHPA on-site for impacts to 7.6 acres of Diegan Coastal sage scrub from the Corporate Plaza development.
 - c. The applicant shall preserve 0.6 acre of non-native grassland and 0.8 acre of Diegan coastal sage scrub in the adjusted MHPA on-site for impacts to 2.7 acres of non-native grassland from the Corporate Plaza development.
- B The applicant shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 0.36 acre of on-site impacts to scrub oak chaparral habitat not mitigated for on-site within the MHPA. Said payment is currently estimated at \$25,000 per acre.

4. Prior to the first preconstruction meeting and/or start of construction activities, the applicant/permittee shall ensure direct impacts from the development of the off-site sewer improvements have been mitigated as described below (condition 5.A. (a-b)), in accordance to *Table 2* below.

Satisfactory to the Environmental Review Manager (ERM) of Land Development Review (LDR) Division, the applicant shall mitigate within the MHPA on-site according to the appropriate mitigation ratios as required by the City of San Diego Biology Guidelines.

- A. The applicant shall mitigate habitat impacts from the off-site sewer improvements by either of the following measures:
 - a. The applicant shall purchase off-site habitat land in the amount necessary to mitigate for 0.9-acre of impacts to Diegan coastal sage scrub that can not be mitigated for on-site within the MHPA. - or -
 - b. The applicant shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 0.9-acre of off-site impacts to Diegan coastal sage scrub that can not be mitigated for on-site within the MHPA., Said payment is currently estimated at 25,000 per acre.

Table 1
Mitigation Requirements for Direct Impacts
from the Corporate Plaza

MITIGATION REQUIREMENTS FOR DIRECT IMPACTS FROM THE CORPORATE PLAZA						
VEGETATION COMMUNITY	MSCP TIER	IMPACTS	MITIGATION			
			Ratio (all mitigation in MHPA)*	Acreage Required	Acreage to be Used in Adjusted MHPA	Shortage or Excess of Mitigation Acreage
Scrub oak chaparral	I	0.4	1:1	0.4	0.04	Short by 0.36 acre.
Diegan coastal sage scrub	II	7.6	1:1	7.6	8.4	Excess of 0.8 acre, but use 0.8 acre for grassland mitigation below, so excess of ±0.3 acre.
Non-native grassland	IIIB	2.7	0.5:1	1.4	0.6	Short by 0.8 acre; however, can use 0.8 acre of coastal sage scrub excess above, so no shortage.
TOTAL		10.7	--	9.4	9.04	--

*Tier I impacts may be mitigated in the MHPA in tier, or outside the MHPA in kind. Tier II and Tier IIIB impacts may be mitigated in the MHPA with Tier I-III habitats, or outside the MHPA in kind.

Table 2
Mitigation Requirements for Direct Impacts
from the Off-Site Sewer

Vegetation Community	Tier	Off-Site Sewer Impacts	Mitigation Ratio (All Mitigation in MHPA)*	Mitigation Acreage Required
Diegan coastal sage scrub	II	0.9	1:1	0.9

5. Prior to the recordation of the first final map and/or any construction permits, the applicant shall record to the satisfaction of the City Manager, either a conservation easement, covenant of easement, or dedicate in fee title to the City of San Diego the required upland habitat (approximately 9.4 acres) within the MHPA open space on-site. The easement shall name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and identify the permissible uses and activities and/or restrictions to be placed on preserve areas, including a provision that no clearing, grubbing, grading or disturbance of the native vegetation shall occur within the area. Management of the preserved open space shall be the responsibility of the

owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.

6. After the recordation of Site Development Permit No. 2758 and/or prior to the first pre-construction meeting, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as outlined below (see A through D):

- A. The qualified biologist (project biologist) shall attend the first preconstruction meeting and discuss the biological resources mitigation program with Environmental Review Manager's staff, Construction Manager, Contractor, and Resident Engineer.
- B. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas. 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 into sensitive biological habitat.
- D. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A.

7. **COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)**

Prior to the issuance of any construction permit and/or first preconstruction meeting, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

- A. No clearing, grubbing, grading, or other construction activities shall occur between **March 1 and August 15**, the breeding season of the Coastal California Gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:
 - a. A qualified biologist (possessing a valid Endangered Species Act Section 10(A)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the Coastal California Gnatcatcher. Surveys for the Coastal California Gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction.

If gnatcatchers are present, then the following conditions must be met:

- (1) Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; *and*
- (2) Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; *or*
- (3) At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the Coastal California Gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

** Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

- B. If Coastal California Gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
- a. If this evidence indicates the potential is high for Coastal California Gnatcatcher to be present based on historical records or site conditions, then condition 8.Aa(3) shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

8. **LEAST BELL'S VIREO (State Endangered/Federally Endangered)**

Prior to the issuance of any construction permit and/or first preconstruction meeting, the City Manager (or appointed designee) shall verify that the following project requirements regarding the Least Bell's vireo are shown on the construction plans:

- A. No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the Least Bell's vireo, until the following requirements have been met to the satisfaction of the city manager:
- (a) A qualified biologist (possessing a valid Endangered Species Act Section 10(A)(1)(a) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the Least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction.

If the Least Bell's vireo is present, then the following conditions must be met:

- (1) Between March 15 and September 15, no clearing, grubbing, or grading of occupied Least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; *and*
- (2) Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (A) hourly average at the edge of occupied Least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities.

Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; *or*

- (3) At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the Least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

** Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

- B. If Least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 - a. If this evidence indicates the potential is high for Least Bell's vireo to be present based on historical records or site conditions, then condition 9.Aa(3) shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Biological Resources/Land Use

9. The qualified biologist shall ensure that all construction taking place within and adjacent to the Multi-Habitat Planning Area (MHPA) is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:

- A. All required lighting adjacent to the MHPA shall be shielded, unidirectional, with shoe box style down lights in the parking areas and low level bollard lights along the pathways. All lighting shall be directed away from preserve areas using appropriate placement and shields.
- B. No new, exotic, invasive species shall be utilized in or adjacent to the MHPA. All non-irrigated hydroseeded revegetation areas and areas adjacent to the MHPA shall consist of native or non-invasive species to the satisfaction of the ERM of LDR.
- C. No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales and/or detention basins are used as needed during construction and post-construction.
- D. The project biologist shall ensure that any toxics, stock-piling of manure or agricultural products, or any chemicals that could adversely affect natural resources within the MHPA and/or sensitive vegetation shall be properly disposed of and eliminated.
- E. No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of construction-related activities.
- F. The public shall be directed away from the MHPA with the use of landscape hedges and unobtrusive signs.

Paleontological Resources

PRIOR TO PRECONSTRUCTION (PRECON) MEETING

10. LAND DEVELOPMENT REVIEW (LDR) PLAN CHECK

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 Environmental Review Manager (ERM) of LDR shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

11. LETTERS OF QUALIFICATION HAVE BEEN SUBMITTED TO ERM

Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.

12. SECOND LETTER CONTAINING NAMES OF MONITORS HAS BEEN SENT TO MITIGATION MONITORING COORDINATION (MMC)

- A. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.
- B. MMC will provide Plan Check with a copy of both the first and second letter.

13. RECORDS SEARCH PRIOR TO PRECON MEETING

At least thirty days prior to the Precon meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

PRECON MEETING

14. MONITOR SHALL ATTEND PRECON MEETINGS

- A. Prior to beginning of any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.
- B. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

15. IDENTIFY AREAS TO BE MONITORED

At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17 inches) that identifies areas to be monitored.

16. WHEN MONITORING WILL OCCUR

Prior to the start of work, the Paleontologist also shall submit a construction schedule to MMC through the RE, or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

DURING CONSTRUCTION

17. MONITOR SHALL BE PRESENT DURING GRADING/EXCAVATION

The qualified Paleontologist shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and shall document activity via the Consultant Site Visit Record (form). This record shall be faxed to the RE, or BI as appropriate, and MMC each month.

18. DISCOVERIES

A. *Minor Paleontological Discovery*

In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.

B. *Significant Paleontological Discovery*

In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist with Principal Investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

19. NIGHT WORK

A. If night work is included in the contract

a. When night work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.

b. The following procedures shall be followed:

(1) No Discoveries

In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.

(2) Minor Discoveries

All Minor Discoveries will be processed and documented using the existing procedures under During Construction with the exception that the RE will contact MMC by 9 A.M. the following morning.

- (3) **Potentially Significant Discoveries**
If the PI determines that a potentially significant discovery has been made, the procedures under During Construction will be followed, with the exception that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.

- B. If night work becomes necessary during the course of construction
 - a. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - b. The RE, or BI, as appropriate, will notify MMC immediately.
- C. All other procedures described above will apply, as appropriate.

20. NOTIFICATION OF COMPLETION

The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

POST CONSTRUCTION

21. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

22. SUBMIT LETTER OF ACCEPTANCE FROM LOCAL QUALIFIED CURATION FACILITY

The Paleontologist shall be responsible for submittal of a letter of acceptance to ERM of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.

23. IF FOSSIL COLLECTION IS NOT ACCEPTED, CONTACT LDR FOR ALTERNATIVES

If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.

24. RECORDING SITES WITH SAN DIEGO NATURAL HISTORY MUSEUM

The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

25. FINAL RESULTS REPORT

- A. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.
- B. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

Hydrology/Water Quality

PRE-CONSTRUCTION

26. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit" for the grading proposed for this project. All grading shall conform to the requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

27. Prior to the issuance of any construction permit, the Environmental Review Manger (ERM) of Land Development Review Division (LDR), shall verify that the owner/permittee/subdivider has incorporated any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, in the construction plan or specifications, satisfactory to the City Engineer.

28. Development of this project shall comply with all the requirements of the State Water Resources Control Board (SWRCB) Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity.

In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities. The SWPPP shall identify all applicable erosion control devices to be used during construction. These may include (but may not be limited to) earthen berms, gravel bags, silt fences, temporary storm drains, desilting basins, energy dissipating devices, bladed swales, geotextile mats, plastic sheeting, and hydrdoseeding or other vegetation and irrigation practices.

29. In addition, the owner(s) and the subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order NO. 99-08-DWQ and any subsequent amendment thereto, shall comply with special provisions set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

30. A complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; furthermore, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

31. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City/State approved SWPPP on the job site during all construction activities."

POST-CONSTRUCTION

32. Prior to the issuance of any construction permit, the owner/permittee/subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, consistent with the registered civil engineering stamped Water Quality Technical Report, approved by the City Engineer.

33. Prior to the issuance of any construction permit, the Environmental Review Manager (ERM) of the Land Development Review (LDR) shall verify that these comprehensive permanent post-construction Best Management Practices (BMPs) have been incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into the City's storm drain system. BMPs may include but are not limited to catch basins fitted with oil/sediment filters to filter runoff from the development prior to the discharge into the storm drain system.

34. Prior to the issuance of any construction permit, the owner/permittee/subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

The maintenance agreement shall be prepared satisfactory to the City Engineer and shall define the owner/permittee/subdivider as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance agreement, any oil/sediment filters and/or proposed clean-outs (grease, oil, and heavy metal particulate traps) which are installed on-site shall be cleaned and maintained by the owner/permittee/subdivider as necessary, to the satisfaction of the City Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer.

35. Prior to the issuance of Certificates of Occupancy, the City Engineer shall inspect the permanent post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer based on the field inspection.

36. The drainage system proposed with this development shall be subject to approval by the City Engineer.

Transportation/Circulation

37. Prior to the recordation of the final parcel map and/or first building permit, the applicant shall dedicate and assure by permit and bond the improvement of Towne Centre Drive from its existing terminus to the project's southeasterly boundaries with a street cross-section of 50-feet of pavement within 70 feet of Right-Of-Way (ROW), including a cul-de-sac with radius of 55 feet of pavement within 65 feet of ROW. All street improvements shall include full-height curb, gutter, and sidewalk to the satisfaction of the City Engineer.

38. Prior to the recordation of the final parcel map and/or first building permit, the applicant shall complete the following conditions at the Eastgate Mall Drive / Towne Centre Drive intersection, satisfactory to the City Engineer:

- A. Widen the north and south legs to provide dual left-turn lanes.
- B. Increase the width of the southbound right-turn curb lane by one (1) foot.
- C. Remove the existing northbound right-turn overlap phasing.
- D. Reconfigure Eastgate Mall to provide a right-turn curb lane for the westbound approach.

- E. Modification of the traffic signal timing, in conjunction with the changed lane designations.

39. Prior to the recordation of the final parcel map and/or first building permit, the applicant shall complete the following conditions at the La Jolla Village Drive / Towne Centre Drive intersection, satisfactory to the City Engineer:

- A. Change the lane designation on the northbound Towne Centre Drive approach to include two through lanes.
- B. Modification of the traffic signal timing in conjunction with the changed lane designations.

Public Safety

40. Prior to the issuance of any certificate(s) of occupancy, the Environmental Review Manager (ERM) of the Land Development Review Division (LDR) shall verify that the applicant/owner/leasee has prepared and submitted a Hazardous Materials Business Plan to the City and/or County of San Diego for any hazardous materials on-site within the identified Marine Corps Air Station (MCAS) Accident Potential Zone II (APZ) area.