

RESOLUTION NUMBER R- 300475

ADOPTED ON MAY 24 2005

WHEREAS, on September 1, 2004, Meadowbrook Homes, LLC, Owner/Permittee submitted an application to the City of San Diego for a community plan amendment, planned development permit, site development permit, rezone, tentative map and easement abandonment (Project No. 6777); 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 MAY 24 2005; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration Project No. 6777; NOW, THEREFORE,

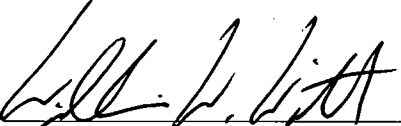
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration Project No. 6777, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 community plan amendment, planned development permit, site development permit, rezone, tentative map and easement abandonment for the Skyline Hills Townhomes 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  
05/10/05  
Or.Dept:DSD  
R-2005-1179  
MMS #1926  
ENVIRONMENTAL - MND 11-01-04

## EXHIBIT A

### MITIGATION, MONITORING AND REPORTING PROGRAM SKYLINES HILLS TOWNHOMES – PROJECT NO. & MND NO. 6777

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. 6777 shall be made conditions of Conditional Use Permit, Site Development Permit, and Easement Abandonment, as may be further described below.

#### 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 is the responsibility of the applicant. The basis for the MMRP can be found in the Initial Study. The mitigation measures are described below:

#### **Biological Resources**

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the Assistant Deputy Director (ADD) of Land Development Review (LDR) verifying that a qualified biologist, as defined in the City of San Diego Biological Resource Guidelines, has been retained to implement the biological resources mitigation program.
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, direct impacts to 0.18 acres of coastal sage scrub habitat (Tier II) and 4.28 acres of non-native grassland (Tier IIIB) shall be mitigated to the satisfaction of the City Manager, through one or a combination of the following: (a) off-site acquisition of 0.18 acres of coastal sage scrub habitat and 2.14 acres of non-native grassland habitat within the MHPA, (b) off-site land acquisition of equivalent acreage in an approved conservation mitigation bank, or (c) payment into the City's Habitat Acquisition Fund, as described below.
  - a. The owner/permittee shall acquire off-site mitigation land that includes 0.18 acres of coastal sage scrub (Tier II or higher) and 2.14 acres of non-native grassland (Tier IIIB or higher) within the MHPA. These acreages are based on the mitigation ratios of 1:1 for coastal sage scrub and 0.5:1 for non-native grassland. If the mitigation occurs outside of the MHPA, the ratios would increase to 1.5:1 and 1:1, respectively.
  - b. The owner/permittee shall provide verification to the ADD of the LDR that conservation credits equivalent to 0.18 acres of Tier II upland habitat and 2.14 of

Tier IIIB upland habitat has been assigned in the City's Marron Valley Conservation Bank as mitigation for project impacts to coastal sage scrub and non-native grassland.

- c. The owner/permittee shall contribute a total of \$58,000.00 to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.18 acres of coastal sage scrub (Tier II) and 2.14 acres of non-native grassland (Tier IIIB). The contribution amount for the HAF is \$25,000.00 per acre. The total amount is based on mitigation ratios of 1:1 for coastal sage scrub and 0.5:1 for non-native grassland (impacts occurred outside of the MHPA, yet mitigation would be inside the MHPA).

## I. Paleontological Resources

Prior to Preconstruction Meeting

### 1. *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 Assistant Deputy Director (ADD) of Land Development Review (LDR) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

### 2. *Letters of Qualification have been submitted to the ADD*

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

### 3. *Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)*

- a. At least thirty days prior to the Preconstruction (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.

### 4. *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.

### **Preconstruction Meeting**

#### *1. 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 Contractors representatives to meet and review the job on-site prior to start of any work that requires monitoring.

#### *2. 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) that identifies areas to be monitored.

#### *3. 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**

#### *1. 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.

#### *2. 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.

3. *Night Work*

a. If night work is included in the contract

- (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- (2) The following procedures shall be followed:
  - (a) 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.

- (b) MINOR DISCOVERIES

- (1) All Minor Discoveries will be processed and documented using the existing procedures under **During Construction** (see Section 2. *Discoveries*, Subsection a.), with the exception that the RE will contact MMC by 9 A.M. the following morning.

- (c) POTENTIALLY SIGNIFICANT DISCOVERIES

- (1) If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction**

(see Section 2. *Discoveries*, Subsection b.), will be followed, with the exception that the RE will contact MMC by 9 A.M. the following morning to report and discuss the findings.

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

#### 4. *Notification of Completion*

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

#### **Post Construction**

- 1. The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.
  - a. SUBMIT LETTER OF ACCEPTANCE FROM LOCAL QUALIFIED CURATION FACILITY.

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

- b. 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.

- c. 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

- d. FINAL RESULTS REPORT

1. 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

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above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR.

2. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

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