

RESOLUTION NUMBER R-286251

ADOPTED ON AUGUST 15, 1995

WHEREAS, on November 7, 1994, Lawrence Bame submitted an application to the Development Services Department for a Vesting Tentative Map, Planned Residential Development, Resource Protection Ordinance permit; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on August 15, 1995; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 94-0623; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 94-0623, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, 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 said report, together with any comments received during the public review process, has been reviewed and considered by this Council.

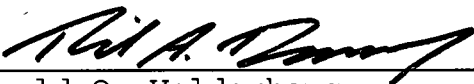
BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and

therefore, that said Mitigated Negative Declaration, on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby 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.

APPROVED: JOHN W. WITT, City Attorney

By



for Harold O. Valderhaug
Chief Deputy City Attorney

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Or.Dept:Clerk
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

BAME

VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT,
AND RESOURCE PROTECTION ORDINANCE PERMIT

DEP NO. 94-0623

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. All mitigation measures contained in the Mitigated Negative Declaration (Dep No. 94-0623) shall be made conditions of VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT, RESOURCE PROTECTION ORDINANCE Permit 94-0623 as may be further described below.

Paleontology.

The site is underlain by Torrey Sandstone and the Bay Point formation which have moderate and high probability of containing important paleontological resources. Excavation of 14,000 cubic yards of earth has the potential to significantly impact these resources. The applicant has agreed to the following monitoring program which would mitigate potential paleontological impacts to a level below significance.

1. A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
2. Prior to issuance of a grading permit or building permit, the requirement for paleontological monitoring shall be noted on the construction drawings. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections and preparation of a results report. These duties are defined as follows:

a. Monitoring

The paleontologist or paleontological monitor shall be on site during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. The paleontologist shall work

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with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.

b. Salvaging

In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.

c. Preparation

Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).

d. Monitoring Results Report

Prior to the issuance of a building permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to EAS for approval.

Biology

The applicant has agreed to the following mitigation measures which would reduce significant impacts to biological resources to below a level of significance:

1. Southern Maritime Chaparral impacts, totaling 1.01 acres (including 0.06 acre off site for brush management) will be mitigated by on site preservation at a 2:1 ratio, or 2.02 acres, and would be located within Lot 5, designated for 8.4 acres of open space.
2. Lot 5 includes 8.4 acres of native vegetation which will be dedicated as open space to the City of San Diego. No removal or addition of vegetation within this open space area will be allowed for any reason.
3. This open space lot shall be clearly indicated on the grading plans and designated for protection during grading activities.
4. Prior to issuance of grading or building permits, which ever occurs first, the natural open space limits shall be marked by the construction supervisor and biologist. No construction equipment, foot traffic, or other forms of disturbance shall be allowed within the open space easement.
5. A note shall be included on the grading plans requiring the applicant to notify the Principal Planner of EAS two weeks before grading begins and for the follow-up inspection after grading is complete. The applicant shall retain a biologist to monitor the grading, construction, and restoration of the project and submit in writing to the City Engineer and EAS , certification that the project has complied with the required

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mitigation measure on the grading plan. At its discretion, the Development Services Department (DSD) shall conduct field inspections during grading. Other than minor changes in grading, the applicant shall process the construction changes through DSD.

6. Prior to the issuance of grading or building permits, whichever occurs first, the applicant shall retain a biologist to survey the site for the previously located Del Mar sand aster. If relocated, the following mitigation measures will be required:
 - a. A detailed plan with specifications must be prepared by a qualified restoration biologist and approved by a qualified restoration biologist and approved by the City, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Game if necessary. When revegetation is attempted, topographical conditions must first be established and met. The soils, slope, drainage, and exposure must duplicate the areas in which the plant naturally occurs. All of these factors contribute to the sensitivity of this plant species and its specific habitat requirements. The preferred area is located just east of the impacted area but must be verified and accepted by the USFWS.
 - b. Revegetation shall include collecting seed from on-site stands (prior to grading). Collect seeds from known population if needed. The collection may require a special collecting permit and must not decrease the plants' local viability. Viability concerns do not apply to seed collection from plant to be lost from development.
 - c. The collected seed should then be turned over to a native plants nursery. The nursery should be experienced in the propagation of sensitive plant species for germination testing and plant seedling establishment. During the time interval between seed collection and seedling planting, the site chosen for the revegetation should be prepared by manual removal of any existing exotic plants or weedy annual plant species. This may be accomplished by hand removal of weedy species, prescribed burning, soil solarization, and/or the use of specific herbicides. The manual removal of weedy annuals will need to be continued throughout all phases of the project and should be supervised by a qualified biologist.
 - d. Planting should be completed under the direct supervision of a biologist or horticulturist experienced in sensitive plant revegetation techniques. In addition, the condition of the seedlings should be documented upon delivery to determine their viability upon delivery to the site.
 - e. Herbivore control measures should be initiated and continued during all phases of the project if herbivore becomes a problem. This will require the construction of fences capable of preventing entrance into the project site from both above and below the ground surface, and may require specific pest extermination control measures in some cases.

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- f. A five-year monitoring program for the site should be carried out by a qualified biologist who is familiar with this plant's biology and habitat requirements. A regular monitoring schedule should be established that will follow the site and the plants's progress through at least five complete growth cycles. During the monitoring program, semi-annual reports and recommendations should be provided to the agencies involved in the approval of this revegetation project.

- g. Contingency/remediation measures need to be specified and assured in case of failure. A bond or deposit of specified dollar amount will also be required to be posted to perform remediation in case the agencies need to implement mitigation.

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