

RESOLUTION NUMBER R-287816

ADOPTED ON SEPTEMBER 10, 1996

WHEREAS, on January 6, 1996, the Vons Companies, Inc., a Michigan corporation, Owner/Permittee, submitted applications to the Development Services Department for a Rezone, Mid-City Communities Planned District Permit, Street Actions, Variances, Encroachment Removal Agreement, Building Setback Abandonment and related actions; and

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

WHEREAS, the issues were heard by the City Council on September 10, 1996; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 96-0113;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 96-0113, 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 in connection with the approval of Mid-City Communities Planned

District Permit 96-0113 and related matters.


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, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21080, the City Council hereby finds that new mitigation measures are equal to or more effective in mitigating potential significant noise impacts and will not cause any potentially significant effect on the environment.

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

  
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Harold O. Valderhaug  
Head Deputy City Attorney

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08/06/96  
10/14/96 REV.1  
Or.Dept:Dev.Svcs.  
Case 96-0113  
R-97-113  
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REVISED EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM  
VONS #201 (UPTOWN)  
MID CITY COMMUNITIES PLANNED DISTRICT PERMIT NO. 96-0113

DEP NO. 96-0113

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 (DEP No. 96-0113) shall be made conditions of the Mid-City Communities Planned District Permit may be further described below.

Paleontological Resources

The project site is underlain by the Lindavista Formation which has a moderate potential for fossils. Due to the volume of grading (cut 14,500 cubic yards, fill 300 cubic yards, export 14,200 cubic yards) involved in this project, the applicant has agreed to implement a standard Mitigation, Monitoring and Reporting Program for paleontological resources. The material to be evaluated during construction would be anything excavated out of the formation prior to construction of the proposed project. Implementation of this monitoring program will reduce the impact to paleontological resources to below a level of significance.

1. Prior to any grading, excavation, or drilling activities, the applicant shall present a letter to the City of San Diego Development Services Department indicating that a qualified paleontologist and/or paleontological monitor has been retained to implement the monitoring program. Verification shall be in the form of a letter from the applicant to the Principal Planner of the Environmental Analysis Section (EAS) of the City Development Services Department. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology and 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. All persons involved in the paleontological monitoring of the project shall be approved by EAS prior to the preconstruction meeting.
2. The qualified paleontologist shall attend any preconstruction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading/construction plans.

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3. The paleontologist or paleontological monitor shall be on-site at all times during the original cutting of formations with a known potential to contain fossils, such as the Early Pleistocene period Lindavista Formation. Periodic inspections of cuts in such formations shall also be made. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
4. The paleontologist shall be allowed to temporarily direct, divert, or halt grading/excavation/drilling to allow evaluation and recovery of fossils in a timely manner. At the time of discovery, the paleontologist shall immediately notify the Development Services Department Environmental Analysis Section (EAS) and the Resident Engineer regarding the procedures to be performed before construction activities are allowed to resume.
5. Fossil remains collected during this salvage program shall be cleaned, sorted, and catalogued and then (with the owner's permission) deposited in a public, nonprofit institution with research interest in the materials, such as the San Diego Natural History Museum.
6. The monitoring results report shall be submitted to EAS and the Natural History Museum three months after completion of the monitoring program, but no later than prior to the Development Services' final inspection. The report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.
7. The applicant shall notify EAS of the start and end of construction.

#### Noise

Mitigation is required for the noise impact of truck deliveries on adjacent residentially developed and zoned property. The applicant has agreed to implement the following measures to reduce the noise impact to below a level of significance:

1. "Heavy" (three-axle or more) truck deliveries shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 9:00 a.m. and 7:00 p.m. Sunday. "Medium" (two-axle) truck deliveries shall also be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 9:00 a.m. and 7:00 p.m. Sunday with the following exception:

No more than two "medium" (two-axle) truck deliveries per hour shall be allowed between the hours of 7:00 p.m. and 9:00 p.m. Monday through Saturday.

2. No truck parking, queuing or standing shall be allowed in the alley, fire lanes and designated no-parking areas.
3. The applicant shall notify in writing all vendors, truck drivers, delivery personnel and other users of the alley and loading dock of the parking and delivery restrictions outlined in Items 1 and 2, above.

Prior to Rezone (RZ) and Mid-City Communities Planned District Permit (MCD) approval, the City Development Services Department shall verify that the above mitigation measures are incorporated as conditions of the MCD. These

measures shall be noted as conditions on grading/construction plans. EAS shall review the plans to ensure that the notes have been provided.

The above 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.