

RESOLUTION NUMBER R-288038

ADOPTED ON NOVEMBER 12, 1996

WHEREAS, on July 10, 1995, THOMAS O. HICKS submitted an application to the Development Services Department for a Coastal Development/Sensitive Coastal Resource/La Jolla Shores permit; and

WHEREAS, the permit 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 Council on November 12, 1996; and

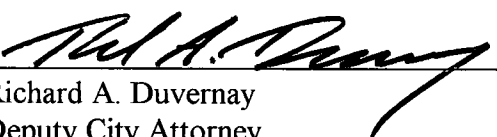
WHEREAS, the Council of The City of San Diego thoroughly reviewed and considered the issues discussed in Mitigated Negative Declaration No. 95-0348 as well as the comments and the response to comments, the public testimony at the hearing, and the public record; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 95-0348, 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 and the response to comments, has been reviewed and considered by this Council in connection with the approval of Coastal Development/Sensitive Coastal Resource/La Jolla Shores Planned District Permit No. 95-0348 and related matters.

BE IT FURTHER RESOLVED, that the Council finds and concludes, based upon information contained within the public record, including reports, exhibits and public testimony, that the project as redesigned now mitigates all potentially significant effects on the environment including any alleged direct and/or cumulative impacts to blockage of private and/or public views as well as alleged impacts to community character due to the bulk and scale of the proposed project. Further, any other previously identified impacts as identified in the Initial Study have or will be mitigated through implementation of the project and measures assured within the Mitigation Monitoring and Reporting Program contained within the Mitigated Negative Declaration, and therefore, that said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and is hereby incorporated by reference, is hereby approved and certified.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program as contained within the Mitigated Negative Declaration, and the 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: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc:cdk  
12/06/96  
Or.Dept:Clerk  
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Hick's Residence

Coastal Development/Sensitive Coastal Resource/La Jolla Shores Permit

DEP NO. 95-0348

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. 95-0348) shall be made conditions of Coastal Development/Sensitive Coastal Resource/La Jolla Shores Permit 95-0348 as may be further described below!

Compliance with the site specific archaeological mitigation measures shall be the responsibility of the applicant and shall be assured through full time monitoring of project construction on the site by a qualified archaeologist. This will ensure that site development avoids potentially significant cultural deposits and that unanticipated finds are handled in a timely manner, in compliance with the State CEQA Guidelines. The archaeological monitoring of project construction shall include the following:

1. Prior to the start of ground disturbance operations (ie. demolition of foundations, grading), the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor has been retained to implement the archaeological construction monitoring program. This 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 of San Diego Development Services Department prior to the start of ground disturbance operations. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists (SOPA). An archaeological monitor is defined as an individual who has expertise in the identification and recovery of cultural resources and who is working under the direction of a qualified archaeologist. ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL CONSTRUCTION MONITORING OF THIS PROJECT SHALL BE APPROVED BY EAS PRIOR TO GROUND DISTURBANCE OPERATIONS. FOR QUESTIONS REGARDING THE ARCHAEOLOGICAL SITES, EAS SHALL BE CONTACTED.
2. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological construction monitoring program and discuss plans with the construction contractors. The requirement for archaeological construction monitoring shall be noted on the site plan. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a monitoring report. These duties are defined as follows:

a. Monitoring

The qualified archaeologist or archaeological monitor shall be present on site full-time during ground disturbance operations to ensure that project development avoids

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potentially significant cultural deposits and that unanticipated intact cultural resources are handled in a timely manner.

b. Evaluation

In the event that unanticipated cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow the evaluation of potentially significant cultural resources. THE ARCHAEOLOGIST SHALL CONTACT EAS AT THE TIME OF DISCOVERY. The significance of the discovered resources shall be determined by the archaeologist, in consultation with EAS. EAS must concur with the evaluation before ground disturbance operations will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

c. Analysis

All cultural materials collected during monitoring of evaluation shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify functions and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.

d. Report Preparation

A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the above program (with appropriate graphics) shall be submitted to be approved by the Principal Planner of EAS within three months following termination of the monitoring program. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared as part of the evaluation report and carried out prior to issuance of a certificate of occupancy to mitigate project impacts. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the PRINCIPAL PLANNER OF EAS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

3. THE APPLICANT SHALL NOTIFY EAS STAFF OF THE START AND END OF CONSTRUCTION.

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.

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