

RESOLUTION NUMBER R-288716

ADOPTED ON MAY 27, 1997

WHEREAS, on January 11, 1996, Texaco Refining and Marketing Inc. submitted an application to Development Services for a conditional use permit (CUP) for the Texaco Station at Viper; 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 May 27, 1997; and

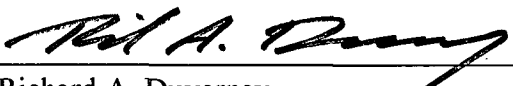
WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration Nos. 96-0076 (Texaco at Viper CUP) and 96-0161 (Lusk Mara Mesa Tentative Map); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration Nos. 96-0076 and 96-0161, 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 the CUP for the Texaco Station at Viper.

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 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: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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06/03/97
Or.Dept:Clerk
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Texaco at Viper Conditional Use Permit

LDR NO. 96-0076

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 (LDR Nos. 96-0076 and 96-0161) shall be made conditions of the Conditional Use Permit as may be further described below.

Traffic (CUP No. 96-0076)

1. The Lusk Mira Mesa Lot 42 Final Map shall be recorded prior to issuance of a building permit for the Texaco at Viper facility.
2. The Certificate of Occupancy for the Texaco at Viper facility shall not be issued until all of the above traffic improvements are installed and operational.

Paleontological Resources (CUP No. 96-0076)

The plans and specifications for the Texaco facility Conditional Use Permit shall be reviewed by the Environmental Analysis Section (EAS) of the City Development Services Department prior to contract advertisement to ensure that the measures stated below are included.

1. The applicant (Texaco Refining and Marketing, Inc.) shall provide a letter of verification to the Environmental Analysis Section of the Development Services Department stating that a qualified paleontologist has been retained to implement the monitoring program. 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 may be retained to perform the on-site monitoring in place of the qualified paleontologist. 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 supervision of a qualified paleontologist.

2. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the preconstruction meeting.

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3. The qualified paleontologist shall attend the preconstruction meeting to consult with the excavation contractor. The paleontologist's duties shall include monitoring, salvaging, preparation of collected materials for storage at a scientific institution that houses paleontological collections, and preparation of a monitoring results report. These duties are defined as follows:

a. Monitoring

The paleontologist or paleontological monitor shall be onsite to inspect for fossils only during the excavation for the underground gasoline tanks.

b. Salvaging

In the event that fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely fashion. Because of the potential for recovery of small fossil remains, it may be necessary to set up a screen-washing operation onsite.

The paleontologist shall contact EAS at the time of discovery. EAS must concur with the salvaging methods before construction activities are allowed to resume.

c. Fossil Preparation

Fossil remains shall be cleaned, sorted, repaired, catalogued, and then stored in a local qualified curation facility. A qualified curation facility is defined as a research institution with a permanent commitment to long-term care of paleontological collections, and with professional curatorial staff.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact EAS to suggest an alternative disposition of the collection.

d. Report Preparation

A monitoring results report with appropriate graphics (e.g., stratigraphy) summarizing the results (even if negative), analyses, and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program and prior to DSD's final inspection. Any discovered fossil sites shall be recorded at the San Diego Museum of Natural History.

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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