

RESOLUTION NUMBER R-295214

ADOPTED ON JULY 24, 2001

WHEREAS, on April 10, 2001, Frank Warren submitted an application to the City of San Diego for a Coastal Development Permit, Site Development Permit, and Tentative Map for the Warren Development; 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 July 24, 2001; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 40-0242; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 40-0242, 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 land use actions for the Warren Development.

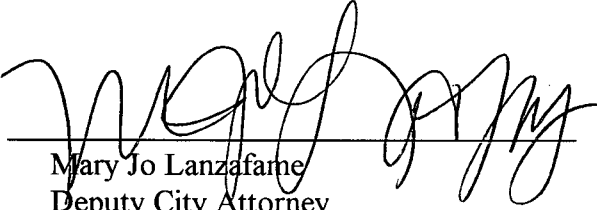
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study

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 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: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
08/29/01
Or.Dept:Clerk
R-2002-276
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT,
AND TENTATIVE MAP

LDR NO. 40-0242

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 No. 40-0242) shall be made conditions of Coastal Development Permit, Site Development Permit, and Tentative Map as may be further described below.

1. The following measures shall be noted on the second sheet of the construction plans and included in the specifications.
2. Prior to the issuance of any grading permits, the owner/permittee shall submit a deposit of \$450.00 to the Environmental Analysis Section (EAS) to cover the City's costs associated with the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
3. The applicant shall provide a full-time archaeological monitoring program during the removal of landscape, walls, jacuzzi, associated infrastructure such as underground pipes, and for the excavation of footings as follows:
 - A. Prior to the issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified historical archaeologist and/or archaeological monitor, as defined in the City of San Diego Historical Resources Guidelines, have been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - B. THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING SHALL BE NOTED ON THE GRADING PLANS.
 - C. A qualified archaeologist shall attend the preconstruction meeting to make comments and/or suggestions concerning the archaeological monitoring program with the

construction manager. **THE QUALIFIED ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES.**

- D. The qualified archaeologist or archaeological monitor shall be present on-site full-time during disturbance of native soils.
- E. **IN THE CASE OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE RESIDENT ENGINEER OR DESIGNEE SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE RESIDENT ENGINEER OR MITIGATION AND MONITORING COORDINATION STAFF SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resource(s) shall be determined by the archaeologist in consultation with LDR. LDR must concur with the evaluation procedures before grading activities are allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery are allowed to resume.
- F. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains.
- G. All cultural materials collected shall be cleaned, cataloged and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function 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. Additionally, any sites and/or features encountered during the monitoring program shall be recorded on the applicable Department of Parks and Recreation forms (DPR 523A/B, et al.) and submitted to the South Coastal Information Center at San Diego State University and the San Diego Museum of Man. The final monitoring results report shall include the permanent trinomial designation of any newly-discovered sites.
- H. Prior to the release of the grading bond, a monitoring results report and/or evaluation report, which describes the results, analysis, and conclusions of the entire historical monitoring program (with appropriate graphics and photo documentation)

shall be submitted to and approved by the Environmental Review Manager of LDR. For significant historical resources, a Research, Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant historical resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to the release of the grading bond.

4. Prior to issuance of the grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review (LDR) Division stating that a qualified paleontologist and/or paleontological monitor (as defined in the City of San Diego Paleontological Guidelines) have been retained to implement the monitoring program. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.
 - A. The requirement for paleontological monitoring shall be noted on the grading plans.
 - B. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
 - C. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be decreased at the discretion of the qualified paleontologist, and shall depend on the rate of excavation, the material excavated and the abundance of fossils.
 - D. If significant 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.
 - E. In the event that significant fossils resources are discovered, the Resident Engineer or Mitigation and Monitoring Coordination (MMC) staff shall immediate contact LDR. The determination of significance shall be at the discretion of the qualified paleontologist.
 - F. The 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 (as defined in the City of San Diego Paleontological Guidelines). The paleontologist shall record any discovered fossil sites at the San Diego Natural History Museum.
 - G. The qualified paleontologist shall be responsible for the preparation of a monitoring results report with appropriate graphics summarizing the results (even if negative), analyses, and conclusions of the paleontological monitoring program. The report shall be submitted to LDR within three months following the termination of the paleontological monitoring program.