

RESOLUTION NUMBER R- 296207

ADOPTED ON MAR 19 2002

WHEREAS, June 21, 2000, the University of San Diego [USD] submitted an application to the City of San Diego to amend USD Master Plan Conditional Use Permit and Resource Protection Ordinance Permit No. 92-0568 to allow development of a multi-level, 703-space parking structure; 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 MAR 19 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration, LDR No. 41-0092/SCH No. 2001111127; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration, LDR No. 41-0092/SCH No. 2001111127, 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 Conditional Use Permit/Site Development Permit No. 41-0092, amending USD Master Plan Conditional Use Permit and Resource Protection Ordinance Permit No. 92-0568.

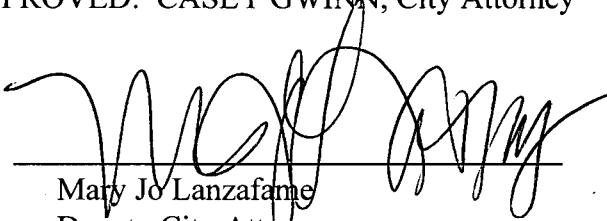
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and 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

  
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Mary Jo Lanzafame  
Deputy City Attorney

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## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

#### AMENDMENTS TO CONDITIONAL USE PERMIT AND

#### RESOURCE PROTECTION ORDINANCE PERMIT

LDR NO. 41-0092

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. 41-0092) shall be made conditions of Amendments to Conditional Use Permit and Resource Protection Ordinance Permit as may be further described below.

The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$3,200 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

#### Biological Resources

1. Prior to the issuance of any grading permit, the applicant shall mitigate for the loss of 1.53 acres of Tier I maritime succulent scrub and .36 acres of Tier IIIB non-native grassland habitats through one of the following options:
  - a. Payment of a monetary contribution by USD to the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990 to the satisfaction of the City Manager. Each contribution would be sufficient to purchase equivalent acreage of maritime succulent scrub and non-native grassland habitats within the Multi-Habitat Planning Area and also an additional 10% to cover administration costs.
  - b. Purchase of habitat offsite within a pre-approved mitigation bank. If the offsite habitat is within the MHPA, the mitigation ratio would be 1:1 and .5:1 for impacts to Tier I maritime succulent scrub and Tier IIIB non-native grassland habitat, respectively; thus requiring the purchase of 1.53 acres of Tier I habitat and .18 acres of Tier IIIB habitat. If the offsite habitat is outside of the MHPA, the mitigation ratio would be 2:1 and 1:1, for impacts to Tier I maritime succulent

scrub and non-native grassland habitat, respectively; thereby requiring the purchase of 3.06 acres of Tier I habitat and .36 acres of Tier IIIB habitat.

- c. Preservation of approximately 3.06 acres of maritime succulent scrub habitat (or in-kind Tier I habitat) and .36 acres of Tier IIIB non-native grassland habitat within the USD campus.
2. Prior to the issuance of any grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division stating that a qualified biologist has been retained to ensure implementation of the biological mitigation.
3. Prior to the issuance of any grading permit, the project biologist shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as depicted on Exhibit A.
4. Prior to the issuance of any grading permit, the project biologist shall supervise the placement of silt fencing along the limits of sensitive habitats adjacent to areas of grading to prevent siltation and/or erosion from entering the sensitive habitats where appropriate.
5. Prior to the issuance of any grading permit, the project biologist shall perform a raptor survey to locate any active raptor nesting areas within the eucalyptus woodlands onsite. If no raptor nests are identified in the eucalyptus trees, no further mitigation is required.
6. If a raptor nest is discovered, prior to grading the qualified biologist shall mark the tree and delineate a 300-foot "no construction" buffer area around the nest site, satisfactory to the Environmental Review Manager of LDR. The buffer shall be maintained until the qualified biologist determines and demonstrates in a survey report satisfactory to the Environmental Review Manager of LDR that the young have fledged or are no longer using the nest.
7. Lighting for the project adjacent to occupied California gnatcatcher habitat shall be selectively placed, shielded and/or directed away from any natural habitat. Lighting adjacent to this habitat shall be screened with vegetation and large spotlight-type lighting that may affect the habitat or its occupants shall be prohibited.

#### Geology/Soils

8. Prior to the issuance of any grading permit, a site specific erosion control plan shall be prepared in conformance with the City's Grading Ordinance to the satisfaction of the City Engineer. The erosion control plans shall include temporary and permanent erosion/siltation control measures and/or devices that would be installed both during and after site grading and construction, including, but not limited to, interim and post-

development landscaping/hydro-seeding, jute netting, (or other approved geotextile material) on manufactured slopes; sandbags, brow ditches, energy dissipators and desilting/detention basins; and any other methods to control short- and long-term surficial runoff and erosion.

9. Prior to approval of grading permits, the applicant shall retain a soils engineer to monitor the grading, construction, installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and Program Manager of Land Development Review certification that the project has complied with the required notes on the grading plan addressing erosion controls.
10. Prior to the issuance of any grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified geologist or geotechnical engineer has been retained to implement a geologic monitoring program to ensure that no unexpected adverse geologic conditions, such as faulting, exist on the project site. The requirement for geologic monitoring shall be noted on the grading plans. All persons involved in the geologic 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.
11. The geological monitor shall be on site full-time during all grading activities for the Lower West Parking Structure.
12. Prior to the issuance of building permits, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the geologic monitoring program, shall be submitted to and approved by the Environmental Review Manager of LDR.

#### Noise

13. Prior to the issuance of a certificate of occupancy, the applicant shall apply a surface treatment, or an alternative method of reducing tire squeal noise of equal effectiveness, to the drive aisles of the Lower West Parking Structure to reduce tire squeal noise.

#### Hydrology/Water Quality

14. Prior to the issuance of any grading permit, the applicant shall prepare a site specific drainage plan which will be incorporated into the grading plan to the satisfaction of the City Engineer. The drainage plan shall provide appropriate measures to be utilized during construction to control and minimize runoff from proposed development sites.

The site specific drainage plans shall include measures to direct onsite drainage away from adjacent canyons and undeveloped areas.

15. Best Management Practices (BMP's) to control runoff shall be included in the drainage plan. Prior to building permit issuance, the University shall provide evidence to the satisfaction of the City Engineer that runoff control devices have been installed pursuant to the approved grading plans.
16. Permanent BMP's, in the form of grass swales, storm water interceptors, storm drain inlet filtration systems, or other equivalent measures satisfactory to the City Engineer, shall be employed to catch and filter runoff from the surface parking lot and Lower West Parking Structure prior to discharge into the City's storm drain system. The University shall be responsible for maintenance of the BMP's.

#### Light/Glare

17. Prior to the issuance of any grading permit, a detailed lighting study shall be submitted to and approved by the Environmental Review Manager of the City's Development Services Department. This study shall include, but shall not be limited to, an evaluation of the following performance standards:
  - a. Lighting shall enhance and complement the architectural theme and character of the project. Illuminated entries shall be lighted low to the ground, and be adequately controlled to prevent hot spots, flashing, glare, and spill-over into adjacent areas. The light study shall also consider measures, such as the height of light poles and shut-off times for light fixtures to effectively prevent the "spill-over" of light.
  - b. All security and access lighting facilities or fixtures including parking lot and street standards shall consist of high-pressure sodium vapor lamps, or equivalent source, with 90-degree cut-off luminaries, to the extent feasible, to provide maximum shielding and direct light away from adjacent residential and natural open space areas.
  - c. All street standards and light standards shall be limited to a maximum of 40 feet. The number of light poles shall also be kept to a minimum by combining several luminaries on a single pole.
  - d. High-intensity security lighting shall be avoided, except where unfeasible. If used, such lighting shall be adequately shielded so as to confine the light within a defined service area.

- e. Outdoor lighting facilities or fixtures shall be used which provide the necessary light in a manner that illuminates the desired area or feature most efficiently with a minimum amount of energy consumption (e.g. automatic timing devices).
  - f. All outdoor lighting shall be in substantial conformance with the City of San Diego Lighting Ordinance and all other provisions of the City's Municipal Code.
18. Prior to the issuance of a certificate of occupancy, the applicant shall verify that the appropriate lighting controls have been installed in accordance with the approved lighting study, to the satisfaction of the Environmental Review Manager of the City's Development Services Department.

Paleontological Resources

19. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.
20. **PRIOR TO THE PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
21. Prior to beginning construction (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. **THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**
22. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or greater and shall document activity via the Consultant Site Visit

Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided that they contact MMC and consult with appropriate EAS staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

23. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE PALEONTOLOGIST WITH PRINCIPAL INVESTIGATORS (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**
24. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, 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 LDR to suggest alternative disposition of the collection.
25. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
26. Within three months following the completion of trenching/grading, two monitoring results reports (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the Erm of LDR and one copy sent to the RE.

#### General

27. All mitigation measures contained in EIR 92-0568 applicable to the C.U.P./R.P.O. amendments to the University's Master Plan, LDR No. 40-0419, are hereby incorporated by reference. These mitigation measures included Geology/Soils, Visual Quality/Landform Alteration, Hydrology/Water Quality, Air Quality, Paleontological Resources, and any other measures applicable to this project.