

RESOLUTION NUMBER R- 296300

ADOPTED ON APR 09 2002

WHEREAS, on October 26, 1999, Taiwanese Lutheran Church, ELCA, submitted an application to the City of San Diego for a Conditional Use Permit, Planned Commercial Development Permit, Community Plan Amendment and deviations for the Taiwanese Lutheran Church; 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 APR 09 2002; and

WHEREAS, the City Council considered the issues discussed in Revised Mitigated Negative Declaration, LDR No. 99-1068; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Revised Mitigated Negative Declaration, LDR No. 99-1068, 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 Taiwanese Lutheran Church project.

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 Revised 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
03/18/02
Or.Dept:Dev.Svcs.
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CONDITIONAL USE PERMIT AND PLANNED COMMERCIAL DEVELOPMENT PERMIT No. 99-1068

LDR NO. 99-1068

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. 99-1068 shall be made conditions of CONDITIONAL USE PERMIT and PLANNED COMMERCIAL DEVELOPMENT PERMIT No. 99-1068 as may be further described below.

Biological Resources

1. Prior to the recordation of the final map and/or the issuance of the first grading permit, the City Manager shall verify that the owner/permittee has contributed \$22,523 (0.5:1 mitigation ratio plus a 10% administration fee) to the City's Habitat Acquisition Fund (No. 10571) for impacts to 2.73 acres of Tier IIIB Non-native Annual Grasslands.
2. Prior to the recordation of the final map and/or the issuance of the first grading permit, the owner/permittee shall assure the avoidance of construction impacts beyond those identified in Mitigated Negative Declaration No. 99-1068 as follows: the owner/permittee shall provide a letter to the Assistant Deputy Director (ADD) of the Land Development Review Division verifying that he/she has retained a qualified biologist to implement Measures C1 through C4. A qualified biologist is defined as an individual with a Bachelor's or Master's Degree in biology, ecology or a related field, who has a minimum of 5 years of experience managing biological resources in Southern California.
3. The following mitigation measures shall be noted on the construction plans under the heading "Environmental Requirements":
 - A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area.
 - B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
 - C. During grading activities, the project biologist shall implement and document erosion control Best Management Practices as needed to prevent any significant sediment transport. These practices may include but not be limited to the following: the use of materials such as sandbags; sediment

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fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.

- D. All construction activities shall take place only inside the fenced area. Graded materials shall be stored either inside the fenced development area or in an area approved by the project biologist.
4. Within three months after the completion of grading, the project biologist shall submit a letter report to the Environmental Analysis Section verifying that project impacts did not exceed allowed amounts.
 5. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in the manner and at the ratios specified in Measure A above.

Hydrology/Water Quality

1. The environmental mitigation measures listed below shall be shown on the construction plans under the heading, "Environmental Requirements":
 - A. All comprehensive permanent post-construction Best Management Practices (BMPs) that may be deemed appropriate, shall be incorporated into the construction plans to reduce the amount of pollutants discharged from the project site satisfactory to the City Engineer. BMPs may include, but are not limited to, inlets with oil/sediment filters to filter runoff from the development prior to discharge. Any proposed oil/sediment filters (grease and heavy metal particulate trap), shall be installed on the project property and maintained by the owner/permittee and BMPs may be approved by the City Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer.
 - B. Prior to the release of the grading bond, the City Engineer and/or Stormwater Administrator shall inspect the permanent, post-construction water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer and/or Stormwater Administrator based on the field inspection.

Paleontological Resources

1. The environmental mitigation measures listed below shall be shown on the construction plans under the heading, "Environmental Requirements":
 - A. Prior to the recordation of the first final map, and/or the issuance of a Notice to Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Assistant Deputy Director (ADD) 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.

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- B. PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ADD SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
- C. 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.**
- D. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity 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.
- E. IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RE 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.**
- F. 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.
- G. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
- H. Prior to the release of the grading bond, two monitoring results reports (even if negative), which describe the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR and one copy sent to the RE.

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Human Health and Public Safety

- A. The environmental mitigation measures listed below shall be shown on the construction plans under the heading, "Environmental Requirements":
1. Prior to the recordation of the first final map, and/or the issuance of a Notice to Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Assistant Deputy Director (ADD) of Land Development Review (LDR) stating that a qualified toxicology, or equivalent, lab has been retained to implement the following import soil testing program. **A SECOND LETTER SHALL BE SUBMITTED TO MMC OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE IMPORT SOIL TESTING OF THIS PROJECT.**
 2. To mitigate potential impacts to human health and public safety, testing of all import soils would be required prior to commencement of any activity involving import soils on-site. Import soils testing shall include testing for the following contaminants: abestos, organochlorides, organophosphates, pesticides, polyaromatic hydrocarbons, polychlorinated biphenyls, semi-volitiles, Title 22 metals, total petroleum hydrocarbons, and volatile organic compounds.
 3. A report detailing all findings related to import soil testing shall be submitted to the ADD of LDR for review prior to commencement of grading activities involving import soils on-site.
 4. Should contaminants be discovered in the proposed import soils, the applicant shall contact the County of San Diego Department of Environmental Health (DEH) and the Regional Water Quality Control Board (RWQCB) for additional guidance. Any changes to the proposed project design recommended by DEH or RWQCB shall be submitted to the ADD of LDR for review prior to continuation of construction activities on-site.

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.

**RESO FOR MND & MMRP
REVISED 08/08/00 - AVL**

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