

RESOLUTION NUMBER R- 296493

ADOPTED ON MAY 14 2002

WHEREAS, on June 29, 2000, Maymon, Limited Partnership, with Dacon Development as General Partner, submitted an application to the City of San Diego for a Site Development Permit and Public Right-of-Way Use Permit for the Olson Industrial Lot development, Project No. 1384; 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 MAY 14 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration, LDR No. 40-0495, SCH No. 2002021019; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration, LDR No. 40-0495, SCH No. 2002021019, 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 Olson Industrial Lot development, Project No. 1384.

SAN DIEGO CITY

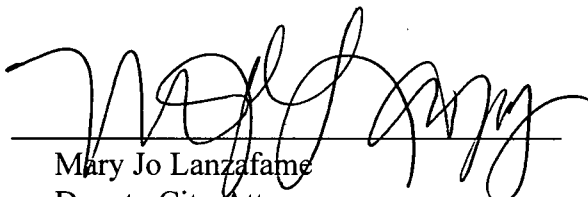
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BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of 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  
04/30/02  
Or.Dept:Dev.Svcs.  
R-2002-1524  
Form=mndr.frm

## EXHIBIT A

### MITIGATION, MONITORING, AND REPORTING PROGRAM

Olson Industrial Lot

Site Development Permit and Public Right-of-Way Use Permit

LDR NO. 40-0495

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. 40-0495) shall be made conditions of Site Development Permit No. 40-0495 and Public Right-of-Way Use Permit as may be further described below.

#### General

1. The Mitigation, Monitoring, and Reporting Program (MMRP) shall require a deposit of \$900.00 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

#### Paleontological Resources

2. Prior to issuance of a grading permit, 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.

**PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**

3. 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.**
4. 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 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.
5. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (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 INVESTIGATOR (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.**
6. 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 an alternative disposition of the collection.
7. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
8. Prior to the release of the grading bond, two monitoring results report (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.

Historical Resources (Archaeology)

9. Prior to the issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.**
10. PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE GRADING PLANS.
11. Prior to beginning construction (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager and/or grading contractor.

AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE ARCHAEOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR.

12. The monitoring program shall consist of the controlled destruction of recorded site CA-SDI-10,249. Controlled destruction of this site shall consist of scraping the site area in parallel swaths removing thin layers (10 to 15 centimeters) of soil with each scrape. Diagnostic artifacts shall be controlled during the program. If features are identified, they shall be marked with flagging and further scrapping in the area of discovery shall be halted until the resources can be evaluated and treated. Soil removal shall continue until sterile subsoil is encountered throughout the entire limit of the site. No archaeological monitoring is required beyond the limits of recorded site CA-SDI-10,249.

13. The qualified archaeologist shall be present during the grading/excavation of native soils within the limits of recorded site CA-SDI-10,249 and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month.
14. **IN THE EVENT OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW FOR PRELIMINARY EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**

The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR **must** concur with the evaluation **before** grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts **before** ground disturbing activities in the area of discovery will be allowed to resume.

15. 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 by the archaeological monitor after notification to the County Coroner by the City RE. 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. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.
16. The archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
17. Prior to the release of the grading bond, two copies of a monitoring results report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the Environmental Review Manager of LDR and one copy sent the Resident Engineer.

18. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR and one copy sent the Resident Engineer.
19. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center at San Diego State University with the final monitoring results report.

#### Water Quality

20. Prior to the issuance of any grading permit, comprehensive permanent post-construction Best Management Practices (BMPs), consistent with those shown on Exhibit "A", shall be incorporated into the project plans to reduce the amount of pollutants and sediments discharged from the site, satisfactory to the City Engineer. BMPs shall include the use of water quality structures (e.g., inlet filter, stormwater interceptor) and rip-rap energy dissipaters, as shown on Exhibit "A". Equivalent alternative available technologies and BMPs may be approved by the City Engineer in lieu of, or in addition to, those shown on Exhibit "A". All permanent BMPs shall be maintained in accordance with the applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure compliance with proper maintenance procedures.
21. Grading plans shall incorporate short-term erosion control measures, including planting on disturbed and manufactured slopes, grading to facilitate drainage away from the slope faces, use of sediment control devices and swales at the top of slopes, and construction of desilting basins, to the satisfaction of the City Engineer and the Environmental Review Manager. The grading plan shall include a drainage system which provides for implementation of BMPs on-site to reduce construction phase runoff of pollutants into adjacent water courses.
22. Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of this project with appropriate ground cover vegetation shall be performed within 30 days of completion of grading activities.
23. Sediment and erosion control devices to retard the rate of runoff from manufactured slopes shall be installed if grading occurs during wet weather season, November 1 through April 1. Native and naturalized species shall be planted on slopes. If fertilization is deemed necessary, it shall be discontinued on areas adjacent to open space after one year.

Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading, as appropriate.

24. No grading shall occur between October 1 and April 30 unless an erosion control system has been made a part of grading plans to the satisfaction and approval of the City Engineer. If grading is conducted during this period, the Contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.
25. Fill areas stripped of native vegetation shall require special consideration, such as desilting basins, improved surface drainage, and early planting of erosion-resistant ground covers to reduce the erosion potential.
26. All manufactured slopes shall be immediately revegetated or hydroseeded with erosion-resistant plant mixes and irrigated to ensure plant coverage prior to the next rainy season. In areas to be included as naturalized open space, such plantings shall be noninvasive native grasslands and shrubs and include native plant mixes preferencing the surrounding native habitat.
27. All manufactured slopes shall be maintained per Section 4.5, Maintenance Requirements, of the City of San Diego Land Development Code, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.

### Biological Resources

Prior to issuance of the first grading permit, the applicant shall verify that a qualified biologist has been retained to implement the following biological monitoring program:

28. Prior to the issuance of any grading permit, the 6.10 acres of the subject property containing coastal sage scrub and non-native annual grassland habitats which are outside the limits of the development area (including all required brush management areas) shall be either dedicated to the City in fee title or conserved in perpetuity in a manner acceptable to the City Manager.
29. Prior to initiation of any construction-related grading, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
30. Prior to issuance of any grading permits, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading. The biological monitor shall submit a letter to the applicant and/or City indicating that the fencing has been checked and grading can commence.



31. A biological monitor shall be onsite to ensure that grading limits are observed. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid significant impacts. Weekly monitoring reports shall be submitted to the City reporting site conditions as they relate to biological resources.
32. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area; No equipment maintenance shall be conducted within or near the adjacent open space.
33. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space.
34. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.

Land Use (Multiple Species Conservation Program)

35. Prior to the issuance of any building permit for structures adjacent to the Multi-Habitat Planning Area (MHPA), a lighting design plan shall be provided to the City Manager for review and approval. The plans shall require that exterior lighting in development areas adjacent to the MHPA be limited and shall shield and direct all lighting away from native habitat. Large spot light type lighting that may affect conserved habitat shall be prohibited. The lighting design shall be noted and graphically shown on building and landscape plans and compliance with this measure shall be monitored by the City Manager.
36. Prior to the issuance of any grading permit, the City Manager shall review grading plans to ensure that berms, swales, or other methods are used as needed to redirect drainage away from sensitive habitat within the MHPA. No direct drainage into the MHPA shall occur during and/or after construction.
37. Prior to the issuance of any grading permit, the City Manager shall review the landscape plans to ensure that no invasive non-native plant species shall be introduced into areas adjacent to the MHPA.
38. Prior to the issuance of any engineering permit, the City Manager shall verify that the (MHPA) boundaries and the following notes regarding the coastal California gnatcatcher are shown on the plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST SHALL SURVEY THOSE AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 dBA FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE A MINIMUM OF FOUR WEEKS (WITHIN THE BREEDING SEASON) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN ONE OF THE FOLLOWING CONDITIONS MUST BE MET:
  - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dBA HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60dBA HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF THE ABOVE ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
  - II. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dBA HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING\* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ABOVE ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient

noise level if it already exceeds 60 dBA hourly average. Such measures include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE INITIAL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
  - I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.II SHALL BE ADHERED TO AS SPECIFIED ABOVE.
  - II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.