

RESOLUTION NUMBER R-297050

ADOPTED ON SEPTEMBER 10, 2002

WHEREAS, on October 27, 2000, Richard Yen submitted an application to the City of San Diego for a Conditional Use Permit, Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation (CUP/SDP/PDP/PM/SV No. 40-1050); 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 September 10, 2002; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 40-1050; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report No. 40-1050, 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 report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said 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 Francis Parker Lower School Expansion project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the

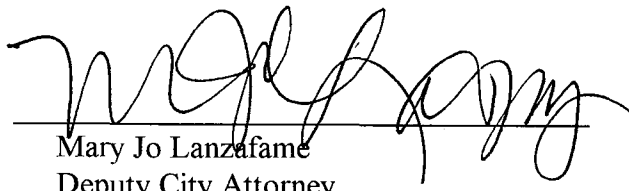
findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

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:pev
8/20/02
5/5/03 Cor.Copy
Or.Dept:DSD
R-2003-290
Form=eirl.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

FRANCIS PARKER LOWER SCHOOL EXPANSION

CONDITIONAL USE PERMIT, SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT, PARCEL MAP, AND STREET VACATION No. 40-1050

LDR NO. 40-1050

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 Environmental Impact Report LDR No. 40-1050 shall be made conditions of CONDITIONAL USE PERMIT, SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT, PARCEL MAP, AND STREET VACATION No. 40-1050 as may be further described below.

Biological Resources

1. Prior to the issuance of the first grading permit, demolition permit, or Notice to Proceed (NTP), the Assistant Deputy Director (ADD) of the Land Development Review Division (LDR) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following notes 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, or between February 15 and August 15, the breeding season for the coastal cactus wren, until the following requirements have been met to the satisfaction of the Assistant Deputy Director of Land Development Review. Coordination with U.S. Fish and Wildlife Service and California Department of Fish and Game would be required if gnatcatchers are present.

- A. A qualified biologist shall survey those areas within the MHPA that would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the coastal California gnatcatcher and the coastal cactus wren. Surveys for the coastal California gnatcatcher and coastal cactus wren shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service weekly for a minimum of four weeks (within the breeding season) prior to the commencement of any construction. If gnatcatchers or cactus wren are present, then ONE of the following conditions must be met:

- I. Between March 1, and August 15 for the gnatcatcher and February 15 and August

R 297050


15 for the cactus wren, no clearing, grubbing, grading, or other construction activities shall occur within any portions of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher and cactus wren habitats. An analysis showing that noise generated by construction activities would not exceed 60 dB 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 ADD of LDR at least two weeks prior to the commencement of an construction activity; or

- II. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician and qualified biologist, 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 dB hourly average at the edge of habitat occupied by the coastal California gnatcatcher and the cactus wren. 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 seasons (August 16).

*Construction noise monitoring shall continue to be monitored at least once 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 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB 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 and San Diego cactus wren are not detected during the initial survey, the qualified biologist shall submit substantial evidence to the ADD of LDR and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 for the California gnatcatcher and February 15 and August 15 for the San Diego cactus wren as follows:

- I. If this evidence indicates the potential is high for coastal California gnatcatcher and/or San Diego cactus wren 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.

 297050


2. Prior to the issuance of the first grading permit, demolition permit, or Notice to Proceed (NTP), the Assistant Deputy Director (ADD) of the Land Development Review Division (LDR) shall verify that the following notes are shown on the plans:
 - A. If construction activities are planned from February 1 to August 15, tree surveys shall be conducted prior to the removal/trimming of the eucalyptus trees to determine the presence of migratory birds or their nests within the area proposed for construction. If occupied nests are found, no construction shall be conducted within a certain radius of the nests (300 feet from the Copper's Hawk nest, 900 feet from the northern harrier nest, 4,000 feet from the golden eagle nest, 300 feet from the burrowing owl nest). Otherwise, a permit from the USFWS shall be obtained prior to the destruction of nests or construction activities shall be confined to the time period between August 16 to January 31 when the nests are not in use.

Historical Resources

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 the 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 the project.
2. Prior to the issuance of the first grading permit, the ADD shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, 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 Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archaeologist 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 monitoring the archaeologist also shall submit a construction schedule indicating when monitoring is to occur.

4. The qualified archaeologist shall complete a records search prior to the construction meeting and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and /or grading activities. The archaeologist shall notify MMC of the start and end of monitoring.
5. The qualified archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the consultant Site Visit Record. This record shall be faxed to the RE and MMC each month.

 297050

6. 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.
7. 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.
8. 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.
9. 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 ADD of LDR and one copy sent to the RE.
10. 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 ADD of LDR and one copy sent to the RE.
11. 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.
12. Prior to issuance of the first grading permit, demolition permit, or Notice to Proceed (NTP), the Assistant Deputy Director (ADD) of the Land Development Review Division (LDR) shall verify


R- 297050

that the following notes are shown on the plans:

- A. All construction date stamps impacted by the proposed project shall be preserved by cutting, salvaging and incorporating those portions of the sidewalk or curb into the new sidewalk or curb, in approximately the same location.
- B. If any alteration to a historically and architecturally significant building (i.e. South Wing, West Wing and Auditorium) does not meet the Municipal Code definition of a minor alteration, as determined by the Historical Resources Board or Staff, such alteration may only proceed after the issuance of a Site Development Permit in accordance with the Municipal Code.
- C. Documentation shall consist of the *Historical Assessment of the Francis Parker Lower School Campus Buildings* including a California Department of Parks and Recreation DPR form on the campus and a DPR form for each of the identified sidewalk and curb construction date stamps.

Hydrology/Water Quality

- 1. Prior to issuance of the grading permits, the City Engineer shall assure that the Best Management Practices (BMPs) included as part of the project incorporate the following design features:
 - A. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
 - B. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
 - C. Landscape design shall incorporate the use of drought-tolerant vegetation.
- 2. Prior to issuance of the grading permits, the City Engineer shall assure that drains are designed to control runoff into the MHPA and that drains are directed only to sedimentation basins, swales, mechanical trapping devices, or similar devices to minimize the potential for erosion damage and minimize water quality impacts.
- 3. Prior to the issuance of any grading permit, the permittee shall submit a Notice of Intent (NOI) with the State Water Regional Control Board (SWRCB) for the application of a National Pollutant Discharge Elimination System (NPDES) permit. A Notice of Receipt from the SWRCB and a Storm Water Pollution Prevention Plan (SWPPP) shall be submitted and deemed satisfactory to the City Engineer.
- 4. The SWPPP shall be incorporated into the grading and drainage design plans and shall provide for implementation of construction and post-construction BMPs onsite to reduce the amount of pollutants and sediments in construction and post-construction surface runoff before it is discharged into the natural drainage. The grading plans shall note the condition requiring a SWPPP and Monitoring Program Plan. No grading shall be performed during the rainy season

 297050

(November 15 through February 15) without special erosion control measures approved by the City Engineer. Construction-related BMPs shall include silt fencing, gravel bags, and/or jute matting at the toe of the outside of the berms.

5. Construction phase erosion control measures shall be employed, including such measures as short-term use of gravel bags, matting, mulches, berms, hay bales or similar devices, along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
6. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used to preclude runoff flow down graded slopes.
7. Energy dissipating structures (e.g., detention ponds, rip-rap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
8. Vegetation shall be preserved whenever feasible for immediate replacement on disturbed areas following grading. Native noninvasive, irradiated topsoil shall be stockpiled and reapplied as part of site reclamation.
9. Adherence to all conditions of the General Permit for Construction Activity shall be required.
10. All manufactured slopes shall be maintained per Section 7.3, Maintenance Requirements, of the City-Wide Landscape Regulations, Land Development Manual/Landscape Standards, requiring permanent (or temporary per City direction) irrigation systems to be inspected on a regular basis and properly maintained.
11. A maintenance and follow-up program shall be implemented that considers disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, and methods and the responsible party for removal of temporary control structures.
12. The drainage system shall be cleaned and maintained every four months, or as necessary, to ensure the system functions properly. An annual letter report prepared by the permittee identifying the quarterly clean-out dates, system conditions, and required maintenance shall be provided to the City Engineer. Spot checks of the drainage system may be made by the City Engineer to ensure proper clean-out and maintenance.
13. Prior to issuance of the grading permits, the City Engineer shall assure that a catch basin filtration system shall be provided at inlet drains that serve the new parking lot to collect silt, debris, and petroleum hydrocarbons from water runoff and to prevent pollutants from entering the storm drain pipe at the southeastern edge of the site. This system shall remove pollutants from the stormwater, such as sediment, debris, trash, petroleum hydrocarbons (oil and grease from fossil fuels), pesticides, herbicides, and fertilizers. Additionally, in accordance with SWPPP, the Francis Parker Lower School shall implement maintenance monitoring plan for the catch basin filters located at the proposed new parking lot and at the outlet points into Lark Street Canyon and the MHPA.

R- 297050

Traffic/Transportation Circulation

1. Prior to the issuance of the first grading permit, the Assistant Deputy Director (ADD) of the Land Development Review Division (LDR) shall verify that the following note is shown on the grading and building plans:

The construction company shall schedule deliveries outside the starting (7:45 AM – 8:15 AM) and ending school (2:45 PM – 3:15 PM) times. Additionally, construction workers would be parking at a remote site, which is located on Pacific Coast Highway. A shuttle would be provided to transport the workers to and from the project site to lessen temporary impacts of construction traffic during student pick-up and drop-off periods.