

RESOLUTION NUMBER R- 298675

ADOPTED ON DEC 02 2003

WHEREAS, Wakeland Housing and Development Corporation, Owner and Permittee, submitted an application to the City of San Diego for a Planned Development Permit No. 10373 and Site Development Permit No. 10374 for the Beyer Boulevard Affordable Housing project; 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 December 2, 2003; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 6272; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 6272, 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 Beyer Boulevard Affordable Housing project. ↙

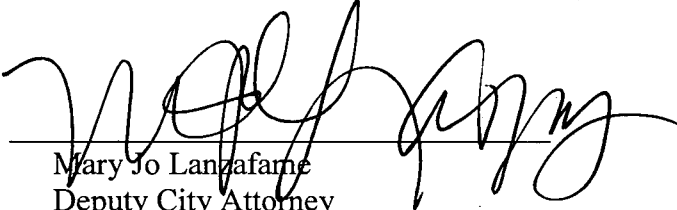
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial

Study and therefore, that the 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:cdk  
11/21/03  
12/01/03 COR. COPY  
Or.Dept:DSD  
R-2004-603  
Form=mndr.frm

EXHIBIT "A"

**MITIGATION, MONITORING AND REPORTING PROGRAM:**

To ensure that site development would avoid significant environmental impacts, a mitigation monitoring and reporting program (MMRP) shall be required. Compliance with the MMRP becomes the responsibility of the applicant through permit conditions. The basis for the MMRP is found in the Initial Study and the mitigation measures are described below under each issue area.

**A. General**

1. After project approval by the Decisionmaker and prior to issuance of any discretionary approval(s), the applicant shall submit a deposit of \$900.00 to the Development Project Manager in Development Services Department to cover the City's costs associated with implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
2. MMRP Conditions - The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration (PTS 6272) satisfactory to the City Manager and the City Engineer. Prior to issuance of any construction permit(s) or filing of final map(s), all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas: **biological resources and historical resources (archaeology)**.

**B. Biological Resources**

1. Prior to the first Preconstruction (Precon) meeting, the owner/permittee shall mitigate direct impacts to 0.15 acres of coast and valley freshwater marsh through a combination of offsite creation and enhancement, at a ratio of 2:1 with at least a 1:1 ratio of creation for a total of 0.30 acre wetland mitigation. Mitigation for wetland habitats (as well as jurisdictional drainages) is anticipated to take place in the form of habitat preservation and restoration on a mitigation site currently under private ownership in the City of Chula Vista, but within the City of San Diego's MHPA. Final approval of the Wetland Mitigation and Monitoring Plan (WMMP) shall be determined through

consultation with the U.S. Army Corps of Engineers, California Department of Fish and Game, the Regional water Quality Control Board and the City of San Diego.

2. Prior to the Precon Meeting, the owner/permittee shall submit evidence of compliance with Sections 401 and 404 of the Clean Water Act and evidence of compliance with Section 1603 of the State of California Fish and Game Code to the Environmental Review Manager (ERM) of Land Development Review (LDR); such evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.
3. Prior to the first Preconstruction Meeting, the owner/permittee shall provide verification of acquisition of 0.30-acre in the 2.86-acres offsite mitigation site on Fourth Avenue in the City of Chula Vista, California approved by the City of San Diego and wildlife agencies.
4. Implementation of Wetland Mitigation and Monitoring Plan - Prior to Precon Meeting
  - a. LDR Plan Check  
Prior to the first Precon Meeting, the ERM of LDR shall verify that the requirements for Biological Monitoring have been noted on the appropriate construction documents.
  - b. Letters of Qualification Have Been Submitted to ERM  
Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Biologist, as defined in the City's Biological Resources Guidelines, has been retained to implement the following monitoring program in accordance with the approved Wetland Mitigation and Monitoring Plan (WMMP).

At least thirty days prior to the Precon Meeting, a second letter shall be submitted to Mitigation Monitoring Coordination (MMC), which shall include the name of the Biologist and the name of all persons involved in the biological monitoring of the project.

MMC will provide Plan Check with a copy of both the first and second letter:

- c. At least thirty days prior to the Precon Meeting the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas described below, or other such information, have been completed and updated. The biologist should identify pertinent information concerning protection of sensitive resources, such as but not limited to, flagging of individual plants or small plant groups, limits of grade fencing and limits of silt fencing (locations may include 10-foot or less inside the limits of grading, or up against and just inside of the limits of the grade fencing).
- d. Monitor Shall Attend Precon Meetings  
Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Biologist, Biological Monitors, Construction Manager and/or Grading Contractor, Resident

Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Biologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the monitoring program with the Construction Manager and/or Grading Contractor.

If the Biologist is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, Environmental Analysis Section (EAS) staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

- e. Identify Areas to Be Monitored  
At the Precon Meeting, the Biologist shall submit to MMC a copy of the site/grading plan (reduced to 11"x17") that identifies areas to be protected, fenced and monitored as well as areas that may require delineation of grading limits.
- f. When Monitoring Will Occur  
Prior to the start of work, the Biologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.
- g. Biological Monitor Shall Be Present During Grading/Excavation  
The Biological Monitor shall be on site to ensure that grading limits are observed and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid significant impacts. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.

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 adjacent open space.

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.

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.

- h. The Biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that specialty studies are completed, as appropriate.
- i. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and

conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted by the Biologist to the MMC for approval by the ERM of LDR.

- j. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation or other such follow up action plans shall be included as part of the Final Biological Monitoring Report. Additional mitigation measures may also be required.
- k. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

**C. Historical Resources (Archaeology)**

**Prior to Preconstruction (Precon) Meeting**

1. Land Development Review (LDR) Plan Check
  - a. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ERM.
  - a. Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program. **If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.**
3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)
  - a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.
  - b. MMC will provide Plan Check with a copy of both the first and second letter.
4. Records Search Prior to Precon Meeting
  - a. At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to a

copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

### Precon Meeting

1. Monitor Shall Attend Precon Meetings
  - a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - b. If the Monitor is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.
3. When Monitoring Will Occur
  - a. Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

### During Construction

1. Monitor Shall be Present During Grading/Excavation
  - a. 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 sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.
2. Discoveries
  - a. Discovery Process
 

In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI, as appropriate, shall be contacted and 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 PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.
  - b. Determination of Significance
 

The significance of the discovered resources shall be determined by the PI 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, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

### 3. Human Remains

- a. If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:
- b. Notification
  - (1) Archaeological Monitor shall notify the RE or BI as appropriate, MMC and the PI if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
  - (2) The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- c. Isolate discovery site
  - (1) Work will be redirected from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
  - (2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
  - (3) If a field examination is not warranted, the Medical Examiner shall determine, with input from the PI, if the remains are or are most likely to be of Native American origin.
- d. If Human Remains are determined to be Native American
  - (1) The Medical Examiner shall notify the Native American Historic Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
  - (2) The NAHC will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination.
  - (3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  - (4) The PI will coordinate with the MLD for additional coordination.
  - (5) Disposition of Native American human remains will be determined between the MLD and the PI, IF:
    - (a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
    - (b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner or their authorized representative shall re-enter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.
- e. If Human Remains are **NOT** Native American
  - (1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  - (2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).



- (3) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner and the Museum of Man.
4. Night Work
- a. If night work is included in the contract
- (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the preconstruction meeting.
- (2) The following procedures shall be followed.
- (a) No Discoveries  
In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.
- (b) Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction; 2.,a. & b.** will be followed, with the exception that the PI will contact MMC by 8AM the following morning to report and discuss the findings.
- b. If night work becomes necessary during the course of construction
- (1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- (2) The RE, or BI, as appropriate, will notify MMC immediately.
- c. All other procedures described above will apply, as appropriate.
5. Notification of Completion
- a. The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

### Post Construction

1. Handling and Curation of Artifacts and Letter of Acceptance
- a. 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.
- b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.
2. Final Results Reports (Monitoring and Research Design And Data Recovery Program)
- a. Prior to the release of the grading bond, two copies of the Final 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 ERM of LDR.

- b. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.
  - c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.
3. Recording Sites with State of California Department of Park and Recreation
- a. 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 with the Final Results Report.