

RESOLUTION NUMBER R- 299653

ADOPTED ON SEP 20 2004

WHEREAS, on August 18, 1999, the City of San Diego, Engineering and Capital Projects Department submitted an application to the Development Services Department for a Site Development Permit for the Serra Mesa/Kearny Mesa Branch Library [the Project]; and,

WHEREAS, on December 10, 2003, the City of San Diego Hearing Officer certified Mitigated Negative Declaration No. 4813, LDR No. 99-0825, dated November 25, 2003, a copy of which is on file in the Development Services Department [the MND]; and,

WHEREAS, in connection with the MND, the City of San Diego Hearing Officer adopted the Mitigation, Monitoring and Reporting Program, a copy of which is attached hereto as Exhibit A; and,

WHEREAS, in connection with the consideration of the construction of the Serra Mesa/Kearny Mesa Branch Library, the City Council considered the issues discussed in Mitigated Negative Declaration, LDR No. 99-0825; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, stating for the record that the information contained in the final Mitigated Negative Declaration, LDR No. 99-0825, including any comments received during the public review process, has been previously reviewed and considered by the City of San Diego Hearing Officer and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the construction of the Project.

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 Eric A. Swenson for
Susan. Y. Cola
Deputy City Attorney

SYC:EAS:jls
09/08/04
Or.Dept: E&CP
R-R-2005-265

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM SERRA MESA LIBRARY PROJECT NO. 4813

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 (Project No. 4813) shall be made conditions of the Site Development Permit as may be further described below. The City of San Diego, Park and Recreation Department and the Development Services Department are jointly responsible for ensuring that this program is carried out.

Biological Resources

1. Prior to the issuance of any construction permits (grading or building permits) the applicant shall provide a letter to the Environmental Review Manager verifying that a qualified biologist has been retained to oversee the implementation of the mitigation and to ensure the project avoids unauthorized impacts. The biologist shall meet with the construction crew and the City's Mitigation Monitoring Coordinator prior to any work to go over the mitigation program. The biologist shall be on site during the grading to ensure that the anticipated impacts are not exceeded. The biologist shall submit a letter to the Environmental Review Manager after the grading is complete to disclose whether or not the anticipated impacts were exceeded and that all necessary mitigation measures were implemented.
2. Prior to any grading on the property a permanent fence will be installed around the vernal pools. This fence shall be made of non-combustible material, preferably a chain-link fence, six feet in height. The fenced area will be identified with signage which will identify the area as a sensitive habitat that shall be kept free of trash and debris. A biological monitor shall be on-site during the installation of the fence in order to ensure that there are no impacts to the sensitive habitat. The biologist shall submit a letter to the Environmental Review Manager after the fence installation is complete to disclose if any unanticipated impacts occurred and if any mitigation measures are necessary. The City of San Diego Library Department will be responsible for keeping the fenced area free of trash and debris.
3. The mitigation for impacts to 0.47 acre of coastal sage scrub habitat will occur at a 1:1 ratio by preserving 0.41 acre of coastal sage scrub habitat on-site. To mitigate for the remaining 0.06 acre of habitat the Engineering and Capital Projects Department of the City of San Diego will contribute \$1,530.00 to the City's Cornerstone Land Management Fund into the Mitigated Credits Marron Valley Revenue Account prior to the issuance of any construction permits.
4. The mitigation for impacts to 1.81 acres of non-native grassland will meet the required 1:1 ratio with the preservation of habitat on-site. Approximately 3.94 acres of non-native grassland habitat will be preserved on-site, which will exceed the mitigation requirement.

R- 299653

5. If brush management zone two maintenance is required on-site a biologist shall be present to ensure that no impacts occur to vernal pools or their watershed. Prior to such maintenance a letter will be submitted to the Environmental Review Manager of the City of San Diego to identify the biological monitor and to notify the City of maintenance in the vicinity the sensitive biological resources. The biologist shall submit a letter to the Environmental Review Manager after the brush management maintenance is complete to disclose if any unanticipated impacts occurred and if any mitigation measures are necessary.

6. In order to mitigate for impacts to approximately 109 San Diego goldenstars a transplantation and monitoring plan shall be submitted to the Environmental Review Manager for review and approval prior to the issuance of the grading permit. The following provides a summary of the conceptual transplantation and monitoring plan.

A. Mitigation Roles and Responsibilities

The City of San Diego will be the financially responsible party for the completion of the mitigation for the project impacts. Installation of the San Diego goldenstar will be performed by a qualified biologist to be approved by the Environmental Review Manager of the City of San Diego. The biologist selected to implement this mitigation plan will have previous experience in transplanting this species. In addition, a biological monitor to be approved by the City also will be present during the transplantation activities.

B. Site Preparation

Prior to planting, mitigation areas will be staked or flagged to delineate the boundary of the transplantation site. This area will also be cleared of any non-native weed species in order to prevent interference with the establishment of the San Diego goldenstar

C. Timing and Transplantation

San Diego goldenstar corms will be salvaged prior to construction. The ground will be roto-tilled in portions of the development footprint where this species has been observed and potentially impacted by project construction. Corms will be retrieved from these areas and stored until conditions are suitable for replanting. In order to retain any soil mycorrhizae associated with the naturally occurring corms, native soil will be salvaged along with each corm and transferred with the plant to the relocation site. No additional mycorrhizae will be introduced from outside sources. The tilled area shall be stabilized with yellow straw wattles prevent erosion into the adjacent development footprint.

D. Plant Installation Specifications

The number of corms retrieved from the original site will determine the final planting plan. It is anticipated that the number of individuals salvaged may be more than double or triple the number of above-ground goldenstar identified as being impacted by the project.

Planting will occur in ten proposed plots on the property which have suitable conditions for the San Diego goldenstar. These plots will be staked and mapped using a Global Positioning System (GPS). In order to mimic the average populations size observed in nature, salvaged corms will be planted on 6-inch centers in 5-foot by 5-foot plots. Each plot would accommodate approximately 100 plants. Three reference areas of naturally occurring San Diego goldenstar will be staked and mapped with GPS. Following plant installation, locations of planting plots and reference areas will be mapped more precisely in as-built

R - 299653

drawings.

The soil of the transplant site will be hand-tilled with shovels and other hand tools to a depth of approximately 3 inches. Salvaged corms will be planted and the soil lightly compacted. Erosion control measures such as straw wattles will be placed around the perimeter of the planted area until the soil has been stabilized.

E. Irrigation.

Planting should be timed to coincide with the winter rainy season (between October and mid-February) to take advantage of natural precipitation. No additional irrigation would be provided.

F. Maintenance Program.

Due to the sensitive nature of vernal pool habitat, however, this program recommends bi-annual maintenance of the planted site. Maintenance will involve weed eradication, erosion control and any other issues identified by the biological monitor. Such periodic maintenance activities will continue until the 5-year performance/success standards have been satisfied. Success criteria are discussed further below.

Replacement planting, if necessary, will occur following analysis of data collected during the first monitoring survey.

G. Biological Monitoring.

Annual monitoring visits will be conducted in the spring to collect qualitative and quantitative data on both the planted plots and unplanted (reference) plots. The first monitoring survey will be conducted in May of 2004, during the San Diego goldenstar blooming period.

Quantitative monitoring will involve a direct count of individuals exhibiting vegetative growth or in bloom within the planted plots. Periodic photographs will be taken from permanently established points within the transplantation area. Similar data will be collected in the reference plots. Results from both planted and reference plots will be compared. Specific methodology for data collection and analysis will be determined at the time of monitoring.

H. Reporting Program.


Monitoring reports will be prepared following each maintenance and monitoring survey. Thus, reports will be prepared on a bi-annual basis. Reports will be submitted to the City of San Diego, Engineering and Capital Projects Department and the Environmental Review Manager.

I. Success Criteria.

In order to accommodate the autecology of this species, the following performance standards have been developed. These standards are based on the condition of San Diego goldenstar in adjacent reference plots that reflect the natural fluctuation of belowground soil and water conditions on-site.

At the end of Years 1 and 2, given adequate rainfall and evidence of vegetative growth and flowering goldenstar on reference plots, the proposed mitigation will be considered successful if the planted plots are maintained free of invasive weed species and vegetative growth is observed.

At the end of the 5-year monitoring period, the proposed mitigation will be considered successful if 80% of the vegetative growth and flowering observed on

 299653

the reference plots also has been observed on planted plots during at least two of the monitoring surveys. Such results would indicate that San Diego goldenstar have established satisfactorily on the planted plots.

Although 1:1 replacement is required by the City and is, therefore, the goal of this mitigation effort, the greater objective of the proposed mitigation is to create a population similar to those observed in nature. At least 109 and up to several hundred San Diego goldenstar corms will be planted as mitigation. Therefore, it is likely that 1:1 replacement will be accomplished if 80% of the growth and flowering observed on reference plots is achieved. It is possible that San Diego goldenstar exists underground in proposed mitigation plots but has not yet emerged. However, this is not likely as the goldenstar has not been observed in proposed mitigation areas during repeated surveys conducted over a five year period by City of San Diego and Tierra biologists.

The length of the monitoring period may vary depending on the results of the initial monitoring surveys. If 80% of vegetative growth and flowering observed on reference plots is achieved before the end of five years, monitoring may be discontinued at that time upon approval of the City, Environmental Review Manager.

J. Remediation Measures.

In order to ensure success of the San Diego goldenstar transplantation, a portion of the corms salvaged on the property will be propagated in pots at a local nursery.

If necessary, these individuals will be used to replace transplanted individuals that do not survive.

K. Completion of Mitigation Notification.

When it has been determined by the project manager and project biologist that the revegetation is complete, the Environmental Review Manager and the MSCP staff will be notified. A site visit will be conducted to verify that the revegetation has been successfully completed.


7. In order to avoid impacts to red-tailed hawk, raptors, or any species protected under the federal Migratory Bird Treaty Act, a qualified biologist will conduct a survey of the project area prior to construction. Pre-construction surveys would be conducted to identify nest sites. If no active nest is found no further mitigation shall be required. If an active nest is found, monitoring shall be conducted by a qualified biologist to ensure that impacts to sensitive species will be avoided. If necessary, measures also would be taken to minimize noise impacts from project construction to nests of all sensitive species.
8. Prior to the issuance of any construction permits the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction 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,

R- 299653

UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE 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 WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
- I. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) 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 CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
- III. 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 CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) 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(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR

 - 299653


BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may 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 PROTOCOL 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.III 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.
9. Prior to the issuance of any construction permits, the CITY MANAGER shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:


- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THE THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF SURVEYS ARE NOT PERFORMED THEN IT WILL BE ASSUMED THAT THE LEAST BELL'S VIREO IS PRESENT ON-SITE. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

 299653

- I. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
- II. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) 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 CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
- III. 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 CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. 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(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) 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 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL

 299653

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 15 AND SEPTEMBER 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III 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.
10. Prior to any grading on the property the limits of construction shall be fenced with construction fence and silt fence. A biological monitor shall oversee the installation of the fencing around the limits of construction. The biological monitor should verify and maintain the limits of construction and the integrity of the construction and silt fencing throughout construction. The biologist shall submit a letter to the Environmental Review Manager after the fence installation is complete to disclose if any unanticipated impacts occurred and if any mitigation measures are necessary.

Land Use

1. The project is within the MHPA and therefore must be in accordance with Section 1.4.3 Land Use Adjacency Guidelines of the City of San Diego Multiple Species Conservation Program. The following measures shall be taken to ensure the project is in accordance with the MSCP:
 - A. Drainage and Toxins

The proposed project design includes two screened debris basins at the northern edge of the parking lot that will collect run-off from the developed portion of the site. These basins will capture trash and debris from parking lot run-off and will convey all potential pollutants from the parking lot to post-construction BMPs placed on-site. These BMPs will filter out pollutants before surface flows drain into a storm drain located to the northeast of the site. Thus, no untreated toxins or exotic plant materials will be allowed to drain into the City's stormwater system or into the MHPA located to the south of the proposed development. All BMPs will be incorporated into the project design within the proposed development footprint.
 - B. Lighting

All lighting associated with the proposed library project will be directed down and away from the MHPA. In addition, the lighting system will be shielded from species occurring in the MHPA by landscaping, as well as a wall to be constructed along the southwestern and eastern sides of the development footprint.
 - C. Noise

The library will be located at an elevation higher than the adjacent MHPA, it is anticipated that noise generated from the proposed library will not interfere with wildlife use of the MHPA
 - D. Barriers

Walls will be constructed along the southwestern and eastern edge of the proposed library in order to prevent public access into the MHPA. Public access also will be



299653

discouraged by the presence of planted native trees and shrubs as well as a grade differential between pedestrian walkways and the MHPA. Additional fencing will be provided within the MHPA, around the vernal pool complexes, to provide further protection to sensitive biological resources.

E. Invasives

All landscaping associated with the proposed library will utilize native plant species. No non-native or invasive species will be introduced onto the parcel.

F. Brush Management

Brush Management Zones 1 and 2 will occur on-site and will be in compliance with the City of San Diego Landscape Regulations

G. Grading/Land Development

All manufactured slopes associated with the proposed library and parking lot have been included in the development footprint.

Paleontological Resources

Prior to preconstruction (precon) meeting

1. Land Development Review (LDR) Plan Check

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 Paleontological Monitoring have been noted on the appropriate construction documents.

2. Letters of Qualification have been Submitted to ERM

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 Paleontological Guidelines, has been retained to implement the monitoring program.

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 Paleontological 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

At least thirty days prior to the Precon meeting, the qualified Paleontologist 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 the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

R - 299653

Precon Meeting

1. Monitor Shall Attend Precon Meetings

- a. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological 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 as appropriate, will schedule a focused Precon Meeting for MMC, 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

At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.

3. When Monitoring Will Occur

Prior to the start of work, the Paleontologist also shall 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 Paleontologist 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 (form). This record shall be faxed to the RE, or BI as appropriate, and MMC each month.

2. Discoveries

a. Minor Paleontological Discovery

In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.

b. Significant Paleontological Discovery

In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and shall divert, direct, or temporarily halt construction activities in the area of discovery to allow

R- 299653

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 coordinate with appropriate LDR staff.

3. 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 precon 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. Minor Discoveries

All Minor Discoveries will be processed and documented using the existing procedures under 2. a., with the exception that the RE will contact MMC by 9 A.M. the following morning.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures under 2.b., will be followed, with the exception that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.

d. 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.

e. All other procedures described above will apply, as appropriate.

5. Notification of Completion


The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

Post Construction

The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

1. Submit Letter of Acceptance from Local Qualified Curation Facility.

The Paleontologist shall be responsible for submittal of a letter of acceptance to ERM of LDR from a local qualified curation facility. A copy of this letter shall be

 - 299653

forwarded to MMC.

2. If Fossil Collection is not Accepted, Contact LDR for Alternatives

If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.


3. Recording Sites with San Diego Natural History Museum

The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

4. Final Results Report

a. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.

b. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

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