

RESOLUTION NUMBER R- 300614

ADOPTED ON JUN 28 2005

WHEREAS, on October 12, 2004, Petco, c/o Smith Consulting Architects submitted an application to the City of San Diego for an easement abandonment and site development permit; 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 JUN 28 2005; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 47630; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 47630, 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 an easement abandonment and site development permit for the Petco Headquarters Project.

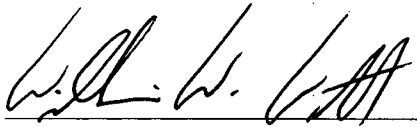
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial

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, as Exhibit A, 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: MICHAEL J. AGUIRRE, City Attorney

By 
William W. Witt
Deputy City Attorney

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R-2005-1296
MMS #:2102

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM EASEMENT ABANDONMENT AND SITE DEVELOPMENT PERMIT, PROJECT NO. 47630

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 47630 shall be made conditions of the Site Development Permit as may be further described below.

Prior to issuance of any grading permits, the Assistant Deputy Director (ADD) (aka Environmental Review Manager (ERM)) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading, Environmental Requirements: "The Petco Headquarters Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the environmental document (LDR No. 42-3271). The project is conditioned to include the monitoring of grading operations by a biologist, a qualified expert (in erosion control), and a paleontologist, as outlined in said document."

General Measures

1. Prior to issuance of any grading permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the City Field Resident Engineer (RE), the monitoring biologist, and paleontologist, and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

Biological Resources

- 2a. The proposed project area includes a total of 12.16 acres. Prior to recordation of the first final map and/or issuance of grading permits (which ever comes first), impacts to 1.46 acres of Diegan coastal sage scrub and 2.20 acres of southern maritime chaparral shall be mitigated to the satisfaction of the City Manager through off-site preservation of upland habitats in conformance with the City's Environmentally Sensitive Lands Ordinance (ESL).

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TABLE 1
ANALYSIS OF IMPACTS TO VEGETATION COMMUNITIES
ON THE PETCO HEADQUARTERS SITE

Vegetation Community	Acres Removed	<u>Mitigation</u> <u>Ratio*</u>	<u>Mitigation</u> <u>Acres</u> <u>Required</u>	<u>Mitigation</u> <u>Total</u>
Disturbed Coastal Sage Scrub (Tier II)	1.46	<u>1:1*</u> <u>2:1**</u>	<u>1.46*</u> <u>2.92**</u>	<u>1.46 or</u> <u>2.92</u>
Southern Maritime Chaparral (Tier I)	2.20	<u>1:1*</u> <u>2:1**</u>	<u>2.20*</u> <u>4.40</u>	<u>2.20 or</u> <u>4.40</u>
Eucalyptus Woodland	0.59	<u>0</u>	<u>0</u>	<u>0</u>
Non-Native Vegetation (landscaped)	2.49	<u>0</u>	<u>0</u>	<u>0</u>
Urban/Disturbed Lands	5.16	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	12.16	=	<u>3.66*</u> <u>6.32**</u>	<u>3.66*</u> <u>6.32**</u>

*Impact outside MHPA and mitigation inside MHPA.

**Impact outside MHPA and mitigation outside MHPA.

2b. The owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego for a total of 3.66 acres within the MHPA in tier I-III; or 2.92 acres of coastal sage scrub and 4.40 acres of southern maritime chaparral outside the MHPA.

3. Prior to the preconstruction meeting, a letter must be submitted to EAS verifying retention of the qualified biological consultant who shall monitor initial grading operations to ensure that all sensitive fauna and land to be conserved are not impacted.

4. Mitigation for Indirect Impacts

Prior to issuance of grading permits, the City shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:

A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans.

B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.

C. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but may not be limited to the

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following: the use of materials such as gravel bags, fiber rolls, sediment fencing, and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.

- D. All construction activities shall take place only inside the fenced area. Grading materials shall be stored either inside the fenced development area.
- E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Zoning Code Update Biology Guidelines, to the satisfaction of the City Manager.
- F. All drainage from proposed roads and structures associated with the Petco Headquarters project would flow into an existing storm drain system. Filter devices would be installed at the appropriate points to ensure that runoff into basins is cleansed. Graded slopes will be revegetated per the City's Landscape Manual.
- G. All lighting associated with the project will be shielded and directed away from the urban/natural edge.

5. Mitigation for Impacts to Sensitive Wildlife

- A. Prior to issuance of any grading permit, a directed survey shall be conducted to locate active raptor or other sensitive bird nests (if any). If active raptor or other sensitive bird species nests are present, no grading or removal of habitat will take place within the specified distance in the City's Biology Guidelines of active nesting sites during the nesting/breeding season (in general mid-February through mid-September, will vary per City's Guidelines depending on species).

Noise


- 6. Prior to issuance of the building permit, the applicant shall submit grading plans which show the specified wall and glass assemblies shown on Table 3 of the Acoustical Report (Investigative Science and Engineering Inc, January 28, 2005) as having STC rating of 46 of the Wall Assembly and 25 for All Glass Assemblies.

Paleontological Resources

7. Prior to Preconstruction Meeting

A. Land Development Review 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 Assistant Deputy Director (ADD) of Land Development Review shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents.

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B. Letters of Qualification

Prior to the recordation of the first final map, NTP, or any permits, including but not limited to, issuance of the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.

C. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)

- 1) At least 30 days prior to the preconstruction (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.
- 2) MMC will provide plan check with a copy of both the first and second letter.

D. Records Search Prior to Precon Meeting


At least 30 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 principal investigator stating that the search was completed.

8. Preconstruction Meeting

A. Monitor Shall Attend Precon Meetings

- a.
- b.
 - 1) 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.

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

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meet and review the job on-site prior to start of any work that requires monitoring.

B. 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.

C. 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.

9. During Construction

A. Monitor Shall be Present During Grading/Excavation

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.

B. Discoveries

1) 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.

2) 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 recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principal investigator 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.

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C. Night Work

1) If night work is included in the contract:

- a) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- b) The following procedures shall be followed:

(1) 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.

(2) Minor Discoveries

All minor discoveries will be processed and documented using the existing procedures under During Construction (see Section 10.b., Discoveries, Subsection 1), with the exception that the RE will contact MMC by 9 A.M. the following morning.

(3) Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures under During Construction (see Section 10.b., Discoveries, Subsection 1), will be followed, with the exception that the RE will contact MMC by 9 A.M. the following morning to report and discuss the findings.

2) If night work becomes necessary during the course of construction:

- a) The construction manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- b) The RE, or BI as appropriate, will notify MMC immediately.

3) All other procedures described above will apply, as appropriate.

D. Notification of Completion

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

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10. Post Construction

A. 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 the ADD of LDR from a local qualified curation facility. A copy of this letter shall be 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

c.

d. (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 ADD of LDR.

e.

f. (b) MMC shall notify the RE, or BI as appropriate, of receipt of the final results report.

Traffic/Circulation

11. Prior to the issuance of any building permit for the project, the applicant shall assure the following mitigation measures to the satisfaction of the City Engineer:

A At Miramar Road / Camino Santa Fe, provide for three left turn lanes, two through lanes and one through/right turn lane for eastbound traffic on Miramar Road, and provide for one left turn lane, one left/through and three right turn lanes on southbound Camino Santa Fe.

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- B. At Camino Santa Fe / Carroll Road, provide two left turn lanes, two through lanes and one through/right turn lane for northbound Camino Santa Fe; provide one left turn lane, one through lane and one right turn lane for eastbound Carroll Road.
- C. At Carroll Road / Recho Road, provide two left turn lanes and one through/right turn lane for southbound Recho Road.
- D. On Carroll Road between Recho Road and Camino Santa Fe, widen to provide a modified four lane Collector Road with a center turn lane with a curb to curb width of 64 feet within 84 feet of right- of-way. The street will be stripped as follows: 16 foot curb lanes, 11 foot through lanes and a 10 foot center turn lane.
- E. On Recho Road, restripe to provide a center turn lane from Carroll Road to the most northerly project driveway with parking prohibited.
- F. Pay a fair share of \$1,050,000 towards improvements on Carroll Canyon Road, Mira Sorrento Place and their connection to I-805.
- G. Provide and maintain a Transportation Demand Management Plan.

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