

S/8/06

RESOLUTION NUMBER R- 301423

DATE OF FINAL PASSAGE MAY 11 2006

WHEREAS, on October 14, 2004, City of San Diego Park & Recreation Department submitted an application to the City of San Diego for Torrey Del Mar Neighborhood Park [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 MAY 08 2006; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 54402; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 54402, 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 Torrey Del Mar Neighborhood Park.

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 Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
04/14/06
Or.Dept:Park&Rec.
Aud.Cert: 2600731
R-2006-832
MMS#2017

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAY 08 2006.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2600731
DEPT. _____
NO. 446

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$1,653,442.00 Fund: 79015/39069

Purpose: Authorizing the appropriation and expenditure of funds for Torrey Del Mar Neighborhood Park, CIP 295460.

Date: April 10, 2006

By: Yeshi Bezuneh *Yeshi Bezuneh*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	79015			9544					\$1,394,658.00
002	0	30244	30244	105	4279	294270				258,784.00
TOTAL AMOUNT										\$1,653,442.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

AC-361 (REV 2-92)

2600731

*Original Aud.
Cert. Filed
w/R-301422*

R-301423

MAY 08 2006

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
TORREY DEL MAR NEIGHBORHOOD PARK

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.54402) shall be made conditions as may be further described below.

GENERAL

1. Prior to the preconstruction meeting, the Assistant Deputy Director [ADD] of the Land Development Review Division [LDR] shall verify the following mitigation measures are noted on a separate sheet of the construction/grading plans submitted and included in the specifications under the heading Environmental Mitigation Requirements.
2. The owner/permittee shall make arrangement to schedule a preconstruction meeting to ensure implementation of the Mitigation, Monitoring and Reporting Program [MMRP]. The meeting shall include the City's Mitigation Monitoring Coordination Section [MMC]. If construction is to occur during the breeding season of the California Gnatcatcher, the project biologist shall also attend the meeting.

BIOLOGICAL RESOURCES

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

1. Prior to the preconstruction meeting, 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, until the following requirements have been met to the satisfaction of the City Manager:

- A. Prior to the bid award, the applicant shall submit a letter of verification to MMC identifying the qualified biologist for the project. 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 Coast California Gnatcatcher. Surveys for the Coast 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

- II. 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 the 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 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 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 biologist, then the associated construction activities shall cease until such time that adequate 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 Gnatcatcher are 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.

MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on MAY 08 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 11 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R-301423