

RESOLUTION NUMBER R- 305629

DATE OF FINAL PASSAGE FEB 23 2010

APPROVE THE RESOLUTION STATING FOR THE RECORD THAT THE CITY OF SAN DIEGO AS THE RESPONSIBLE AGENCY UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT HAS REVIEWED AND CONSIDERED THE ADDENDUM TO A MITIGATED NEGATIVE DECLARATION PREPARED AND CERTIFIED ON OCTOBER 2, 2009, BY PALOMAR POMERADO HEALTH, AND ADOPT THE MITIGATION, MONITORING AND REPORTING PROGRAM.

WHEREAS, on June 21, 2007, Palomar Pomerado Health submitted an application to the Development Services Department for a general/community plan amendment, rezone, easement vacation, site development permit and planned development permit; and

WHEREAS, the permit was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on FEB 23 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

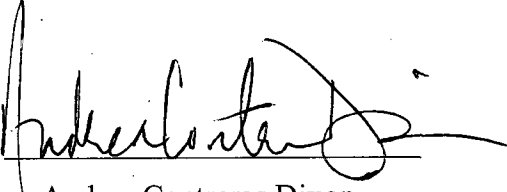
BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby reviewed and considered that the Addendum to the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (California

Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.).

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 said Addendum to the Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, section 21081.6, the City Council hereby 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw  
01/27/10  
Or.Dept:DSD  
JO: 42-7821  
Drawing No. 20719-B  
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MMS: #11411

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM COMMUNITY WELLNESS CAMPUS SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT AND NEIGHBORHOOD USE PERMIT PROJECT NO. 129854

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 129854) shall be made conditions of the Site Development Permit and Planned Development Permit as may be further described below.

#### AIR QUALITY

**Air-1** The following Best Management Practices shall be implemented to reduce fugitive dust during all ground-disturbing activities and when soils are exposed:

- Multiple applications of water during grading between dozer/scrapper passes;
- Paving, chip sealing or chemical stabilization of internal roadways after completion of grading;
- Use of sweepers or water trucks to remove "track-out" at any point of public street access;
- Termination of grading if winds exceed 25 mph; and
- Stabilization of dirt storage piles by chemical binders, tarps, fencing or other erosion controls.

#### BIOLOGICAL RESOURCES

**Bio-1** If clearing or grading would occur during the breeding season for raptors (February 1 through mid-August), the following mitigation measures shall apply:

Prior to issuance of any grading permit, a pre-construction survey to determine the presence or absence of nesting raptors shall be conducted by a qualified biologist. The qualified biologist shall have experience working with raptors of western San Diego County and locating and monitoring their nests in vegetation communities similar to the areas being surveyed on the project site. If no active nests are found during the surveys, no additional measures would be required and approval to commence grading/clearing

can occur within that season. If active nests are found, no construction may occur within 300 to 500 feet (depending on species) of these nests until all young have fledged.

**Bio-2** Prior to the issuance of any grading permits, a plastic orange barrier fence shall be placed along the boundary between brush management Zone 2 and the remaining Diegan coastal sage scrub habitat to reduce illegal trespassing and clearing. The fence shall be removed when the clearing is completed and replaced by metal stakes to designate the limits of the brush management Zone 2 for future clearing.

## PALEONTOLOGICAL RESOURCES

### **I. Prior to Permit Issuance**

#### **A. Land Development Review (LDR) Plan Check**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

#### **B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC would provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

### **II. Prior to Start of Construction**

#### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum,

other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Would Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring would occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor Shall be Present during Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

#### B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

#### C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery would be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources would be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  - 1. When night and/or weekend 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 no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
    - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- 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, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## **VI. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum - The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.



B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

**NOISE**

**Noi-1** All construction staging areas should be as far away as possible from the nearest residences to the south and east.

**Noi-2** All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday and should utilize the quietest equipment available.

**Noi-3** Heavy construction equipment operations occurring within 280 feet from the nearest residences to the east and south shall be limited to 4-6 hours of operation per day in order to meet the City's Noise Ordinance and provide a margin of safety.

**Noi-4** All on-site construction equipment should have properly operating mufflers.

**Noi-5** The proposed medical office and clinic building shall incorporate standard structural attenuation consisting of fixed sash windows with a noise attenuation of 25-30 dB to achieve the 18 dB reduction that is needed to comply with 50 dB interior noise standard for commercial uses identified in the City's General Plan. Prior to the issuance of building occupancy permits, PPH shall verify that appropriate noise attenuation to achieve the City's General Plan 50 dB interior noise standard has been met. If the 50 dB interior noise level cannot be achieved with structural attenuation, PPH shall work with the City of San Diego to identify other appropriate measures to achieve the required standards.