

RESOLUTION NUMBER R- 311615

DATE OF FINAL PASSAGE APR 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, AS RESPONSIBLE AGENCY, STATING THAT IT HAS CONSIDERED THE ENVIRONMENTAL EFFECTS OF THE CUBBERLEY AND ENCANTO ELEMENTARY SCHOOLS JOINT USE AGREEMENTS PROJECT AS SHOWN IN THE MITIGATED NEGATIVE DECLARATION PREPARED BY THE SAN DIEGO UNIFIED SCHOOL DISTRICT, AND ADOPTING A MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE PROJECT.

WHEREAS, the City of San Diego and the San Diego Unified School District (District) have been cooperating in the use of numerous recreational facilities and desire to enter into Joint Use Agreements for the use of the Cubberley and Encanto Elementary Schools; and

WHEREAS, the matter was heard at public hearing on MAR 20 2018, by the City Council of the City of San Diego; and

WHEREAS, the District, as lead agency, prepared a Mitigated Negative Declaration Report (SCH No. 2017061032/February 2018) (MND), which assessed the environmental impacts potentially resulting from the Project; and

WHEREAS, on February 13, 2018, the District adopted the MND and a Mitigation, Monitoring, and Reporting Program (MMRP) with respect to the Project, NOW, THEREFORE;

BE IT RESOLVED, by the City Council of the City of San Diego, that as a responsible agency under the California Environmental Quality Act (CEQA), it has reviewed and considered the MND prepared by the District as lead agency, considered the environmental effects of the project as shown in the MND, and that the information contained therein reflects the independent judgment of the City of San Diego.

BE IT FURTHER RESOLVED, that the Council, pursuant to California Public Resource Code Section 21081.6 and CEQA Guidelines Section 15097, hereby adopts the MMRP for the Project, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to cause the filing of a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego with respect to the MND, stating that the City Council, as responsible agency, considered the MND as prepared by the District in its capacity as lead agency.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/06/2018
Or.Dept:Planning
Doc. No.: 1703459

Attachment: Exhibit A – Mitigation, Monitoring, and Reporting Program

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 20 2018.

ELIZABETH S. MALAND
City Clerk

By Linda Bruin
Deputy City Clerk

Approved: 4/2/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

CUBBERLEY AND ENCANTO ELEMENTARY SCHOOLS JOINT-USE FIELDS PROJECT

STATE CLEARINGHOUSE NO. 2017061032

MITIGATION MONITORING AND REPORTING PROGRAM

PREPARED FOR THE:



**San Diego Unified
SCHOOL DISTRICT**

San Diego Unified School District
4860 Ruffner Street, Annex Room 5
San Diego, CA 92111
Contact: Paul Garcia
(858) 573-5882

PREPARED BY:

ICF
525 B Street, Suite 1700
San Diego, CA 92101
Contact: Kathie Washington
(858) 444-3565

February 2018



ICF. 2017. Cubberley and Encanto Elementary Schools Joint-Use Fields
Project Mitigation Monitoring and Reporting Program. August. (ICF Project
333.16/358.16.) San Diego, CA. Prepared for San Diego Unified School
District, San Diego, CA.

The San Diego Unified School District would adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Cubberley and Encanto Elementary Schools Joint-Use Fields Project, which is the subject of the Mitigated Negative Declaration (MND), complies with all applicable environmental mitigation requirements. The mitigation measures for the project would be adopted by the San Diego Unified School District, in conjunction with the certification of the MND. The mitigation measures have been integrated into this MMRP. Within this document, the approved mitigation measures are organized and referenced by subject category. The mitigation measures are provided in Attachment A. The specific mitigation measures are identified, as well as the method and timing of verification and the responsible party that would ensure that each action is implemented.

The mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action.

Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The San Diego Unified School District is the designated lead agency for the MMRP. The San Diego Unified School District is responsible for review of all monitoring reports, enforcement actions, and document disposition. The San Diego Unified School District would rely on information provided by the monitor as accurate and up to date and would field check mitigation measure status as required.

A record of the MMRP would be maintained at San Diego Unified School District, 4860 Ruffner Street, San Diego, CA 92111 (Physical Plant Operations Annex). All mitigation measures contained in the MND shall be made conditions of the project as may be further described below.

Attachment A

**San Diego Unified School District Cubberley and Encanto
Elementary Schools Joint-Use Fields Project Final MND
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
IV. Biological Resources				
<p>Mitigation Measure MM-BIO-1 Prior to issuance of any construction permit or notice to proceed, District staff shall verify the contractor has accurately represented the project's design in construction documents and/or contract specifications are in conformance with the associated mitigation conditions as well as the City's MHPA Land Use Adjacency Guidelines. In addition, a Qualified Biologist shall be retained to implement the project's biological monitoring program and shall provide/verify the following:</p> <ul style="list-style-type: none"> ● Grading/Land Development/MHPA Boundaries: MHPA boundaries shall be delineated in the construction documents. District staff shall ensure that all grading is included within the development footprint, specifically development adjacent to the MHPA. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage. ● Drainage: All newly developed areas adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, and exotic plant materials prior to release by incorporating the use of filtration devices or other approved permanent methods that are designed to minimize negative impacts, such as deposition of excessive water and toxins into the ecosystems of the MHPA. ● Toxics/Project Staging Areas/Equipment Storage: No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. In addition, construction activity shall be monitored by the Qualified Biologist to ensure there is no impact on the MHPA. ● Lighting: There is no permanent lighting associated with construction or operation of the proposed project. ● Invasive Plants: No invasive nonnative plant species shall be introduced into areas within or adjacent to the MHPA. ● Noise: Due to the Cubberley site's adjacency to the MHPA where potential nesting habitat for listed avian species has been determined to be present, construction noise that exceeds the maximum allowable levels shall be avoided during the breeding season for the coastal California gnatcatcher (February 15–August 31). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol 	<p>Prior to construction</p>	<p>A Qualified Biologist shall be retained to implement the project's biological monitoring program</p>	<p>San Diego Unified School District with Construction Contractor</p>	<p>San Diego Unified School District</p>

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
<p>surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring, as detailed below:</p> <ul style="list-style-type: none"> a. Prior to the commencement of the breeding season, 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 A-weighted decibels (dBA) hourly average for the presence of the coastal California gnatcatcher. Surveys 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: <ul style="list-style-type: none"> o Between February 15 and August 31, 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. Construction activities may result in noise levels exceeding 60 dBA hourly average at the edge of occupied gnatcatcher habitat. The Qualified Biologist, District staff, and a Qualified Noise Specialist shall collaborate to determine suitable measures at the site to ensure the gnatcatcher will not disperse the MHPA. This can include, but not be limited to, the following: limitations on the placement of construction equipment and the simultaneous use of equipment, active monitoring of the gnatcatcher by the Qualified Biologist, or noise attenuation measures. If these implemented measures are determined to be inadequate by the Qualified 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 31). b. If coastal California gnatcatcher is not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to District staff that demonstrates whether or not mitigation measures (described above) are necessary between February 15 and August 31 as follows: <ul style="list-style-type: none"> o If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records 				

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
<p>or site conditions, then conditions shall be adhered to as specified above.</p> <ul style="list-style-type: none"> o If this evidence concludes that no impacts on this species are anticipated, no mitigation measures will be necessary. 				
<p>Mitigation Measure MM-BIO-2 To avoid any direct impacts on raptors and/or any migratory birds, removal of vegetation, including ornamental trees, that has potential to support active nests in the proposed area of disturbance should occur outside of the general nesting bird breeding season for these species (typically January 15–August 31). If removal of vegetation in the proposed area of disturbance must occur during the breeding season, the District shall retain an approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction survey must be conducted within 7 to 10 calendar days prior to the start of construction activities (including removal of vegetation). If nesting birds are detected, a letter report or mitigation plan as deemed appropriate by the biologist shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities is avoided. Construction may be delayed until the end of the breeding season or until a Qualified Biologist can confirm that fledglings are no longer dependent on the nest.</p>	<p>Prior to construction</p>	<p>A Qualified Biologist shall be retained to implement the project's biological monitoring program</p>	<p>San Diego Unified School District with Construction Contractor</p>	<p>San Diego Unified School District</p>
<p>V. Cultural Resources</p>				
<p>Mitigation Measure MM-CUL-1 A qualified paleontological monitor will be present during construction, depending on the depth and location of grading. The following tasks will be completed by the qualified paleontological monitor:</p> <ul style="list-style-type: none"> • A qualified paleontologist will attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year. • A paleontological monitor will be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations, to inspect exposures for contained fossils. The paleontological monitor will work under the direction of the qualified paleontologist. A 	<p>Prior to and during construction</p>	<p>Report submittal and on-site construction monitoring by paleontologist</p>	<p>San Diego Unified School District with paleontology contractor and Construction Contractor</p>	<p>San Diego Unified School District</p>

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
<p>paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.</p> <ul style="list-style-type: none"> ● If fossils are discovered, the paleontologist (or paleontological monitor) will recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) will be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site. ● If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site. ● Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued. ● Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. ● A final data recovery report will be completed that outlines the results of the monitoring program. This report will include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. 				

Mitigation Measure	Implementation Time Frame	Monitoring Method	Implementation Responsibility	Verification Responsibility
VIII. Hazards and Hazardous Materials				
<p><u>Mitigation Measure MM-HAZ-1</u> Prior to any grading, shallow soil samples shall be taken on site to determine the location of any contaminated soils on the site with concentrations above established screening levels. Once a soil sampling analysis is complete, a report of the findings shall be provided to the District for review and approval. If contaminated soils are found in concentrations above established thresholds, a Community Health and Safety Program shall be prepared and implemented. The program shall address the chemical constituents of concern for the project site. The guidelines of the program shall be in accordance with CCR Title 23, Division 3, Chapter 16. The program shall include detailed plans on air monitoring and other appropriate construction means and methods to minimize the public's and site workers' exposure to the chemical constituents. The contractor shall use a Certified Industrial Hygienist with significant experience with chemicals of concern on the project site to approve the program and actively monitor compliance with the program during construction activities.</p> <p>Any soil disturbed by construction activities shall be profiled and disposed of in accordance with the requirements of California Administrative Code, Title 22, Division 4.5. If soils are determined to be appropriate for reuse, they may be exported for use as fill material. If soils are determined to be hazardous and not suitable for reuse, they shall be disposed of at a regulated Class I landfill.</p>	<p>Prior to and during construction</p>	<p>Soil sampling report submittal. Preparation and implementation of a Community Health and Safety Program, if necessary.</p>	<p>San Diego Unified School District and Construction Contractor to implement plan</p>	<p>San Diego Unified School District</p>

Source: ICF 2017.

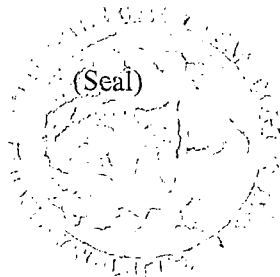
Passed by the Council of The City of San Diego on MAR 20 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 03 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:



KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By Linda Arvin, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311615