

Attachment 9  
Mitigated Negative Declaration  
[Behind this Page]



## Mitigated Negative Declaration

Land Development  
Review Division  
(619) 446-5460

Project No. 106926  
SCH No. Pending 2007041131

**SUBJECT:** El Pedregal Apartments: Site Development Permit (SDP) for Affordable Housing Density Bonus for construction of 44 for rent residential units with one manager's unit for a total living area of approximately 56,800-square-feet; a subterranean parking garage, and a 1,206-square-foot community center on a 2.26-acre site. The project site is located at 104 Averil Road in the RM-1-1 Zone within the San Ysidro Community Planning Area of the City of San Diego, County of San Diego, State of California (APN 638-080-47 and 49). Applicant: Global Premier Development

- I. **PROJECT DESCRIPTION:** See attached Initial Study.
- II. **ENVIRONMENTAL SETTING:** See attached Initial Study.
- III. **DETERMINATION:**

The City of San Diego has conducted an Initial Study and determined that the proposed project could have a significant environmental effect in the following area: Biological Resources, Historical Resources (Archaeology), and Paleontology. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

- IV. **DOCUMENTATION:**

The attached Initial Study documents the reasons to support the above Determination.

- V. **MITIGATION, MONITORING AND REPORTING PROGRAM:**

### General

#### **GENERAL MEASURES MUST BE COMPLETED PRIOR TO AUTHORIZATION TO PROCEED:**

1. Prior to issuance of the grading permit or commencement of any construction related activity on-site, the Assistant Deputy Director (ADD) (a.k.a. Environmental Review Manager (ERM)) of the City's Land Development Review Division (LDR) shall review and approve contract documents, plans, and specifications to insure that Mitigation, Monitoring and Reporting Program (MMRPs) Requirements are included verbatim on the above documents under the heading, "Environmental Requirements". If a coversheet and index are provided, the index shall include "Environmental Requirements" and the sheet/page they are found on verbatim.

2. Project No. 106926 is subject to a Mitigation Monitoring and Reporting Program. The following requirement shall also appear with the "Environmental Requirements". "Project grading (and construction where applicable) is conditioned to include the monitoring of a qualified biologist and qualified archaeologist. The project shall conform to the mitigation conditions as contained in the environmental document (PTS No. 106926 and as included in this Section VI. The measures may not be reduced or changed but may be annotated (i.e. to explain when and how compliance was met and location of verifying proof, etc). Additional clarifying information may also be added to other relevant plan sheets as appropriate (i.e. specific locations/times of monitoring, etc.).
3. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist, Archaeologist and Paleontologist, and a City's Mitigation Monitoring Coordination (MMC) Section Representative.

### **BIOLOGICAL RESOURCES**

4. Additional Mitigation for Potential Impacts to Sensitive Birds other than CA Gnatcatchers (i.e. Burrowing Owls)

#### **Prior to the Issuance of Grading Permits**

A. Prior to issuance of grading permits a qualified biologist shall determine the presence or absence of occupied burrows within the project site or area adjacent which could be impacted, with written results submitted to the Assistant Deputy Director (ADD) of Land Development Review Division (LDR). If active nests of sensitive species are detected, the report shall include mitigation to the satisfaction of EAS and/or the USFWS and CDFG as described below.

#### **Prior to Start of Construction**

5. If active sensitive bird burrows/nests are identified during the pre-grading survey, or are otherwise noted during the week grading is to commence (see Item 6 below), and project construction has the potential to impact the burrows/nests, the biologist in consultation with USFWS/CDFG and EAS staff shall determine an appropriate mitigation program (i.e. translocation, buffer, or other). If buffer areas are used, they must be identified and flagged and be free from grading or construction activity.

6. These restrictions, as required, shall be noted on all grading and construction plans. If burrows/nests to be protected rather than translocated are located on, or adjacent to the site, weekly biological monitoring of these burrows/nests shall be conducted by the project biologist during construction with written results submitted to the ADD of LDR. If no nests are discovered on, or adjacent to the project site, no further mitigation is required.

#### **During Construction**

7. If burrows/nests are discovered during construction activities, the biologist shall notify the Resident Engineer (RE) and Mitigation Monitoring and Coordination Staff (MMC).

8. The RE shall stop work in the vicinity of the burrows/nests. The qualified biologist shall mark all pertinent trees, holes, or shrubs and delineate the appropriate "no construction" buffer area per City ESL and/or the USFWS/CDFG's direction, around any nest sites, satisfactory to the ADD of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of LDR that any young birds have fledged or the birds have been successfully translocated.

#### Post Construction

9. The biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that focused surveys are completed, as appropriate.

10. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted to Mitigation Monitoring Coordination (MMC) for approval by the ADD of LDR.

11. For any unforeseen additional biological resources impacted during construction, the rehabilitation, revegetation, translocation, or other such follow up action plan(s) shall be included as part of the Final Biological Monitoring Report in accordance with the City of San Diego's Land Development Code, Biological Resources Guidelines (July 2002). Additional mitigation measures may also be required.

12. This report shall address findings of active/inactive burrows/nests and any recommendations for retention of active burrows/nests, removal of inactive nests and mitigation for offsetting loss of burrowing/breeding habitat.

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

#### HISTORICAL RESOURCES (ARCHAEOLOGY)

##### 14. 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 Archaeological Monitoring and Native American monitoring, if applicable, 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 archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

**15. Prior to Start of Construction**

**A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, 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.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

**B. PI Shall Attend Precon 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 Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological 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
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME 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 Will 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 will 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

## 16. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **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 modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

### B. Discovery Notification Process

1. In the event of a discovery, the Archaeological 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 and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - 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.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities

in the area of discovery will be allowed to resume.

- c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

## 17. **Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

### A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

### B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

### C. If Human Remains ARE determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

### D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

**18. 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 no discoveries were encountered during night work, The PI shall record the information on the CSV R and submit to MMC via fax by 9am the following morning, if possible.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
    - 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 the following morning 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.

**19. Post Construction**

- A. Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any

significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center 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 Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  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 one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy 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.

## **PALEONTOLOGICAL RESOURCES**

### **20. 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 will 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.

## 21. 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 Precon 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 Will 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 will 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.

## 22. 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 (CSVR). The CSVR'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 will 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 will be

collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

**23. 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 pre-con meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to MMC via fax by 9am the following morning, if possible.
    - 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 the following morning 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.

**24. Post Construction**

- A. Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) 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.

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.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

Federal Government

U.S. Fish and Wildlife Service (19)

State of California

California Department of Fish and Game (32)

Department of Toxic Substances Control (39)

State Clearinghouse (46)

City of San Diego

Councilmember, Ben Hueso, District 8.

Planning Department (MS 4A)

City Attorney, Shirley Edwards (MS 59)

Central Library (81A)

MMC (MS 1102B)

San Ysidro Community Service Center

San Ysidro Community Service Center (81EE)

Other

Historical Resources Board (87)

Environmental Law Society (164)

Sierra Club (165)

San Diego Audubon Society (167)

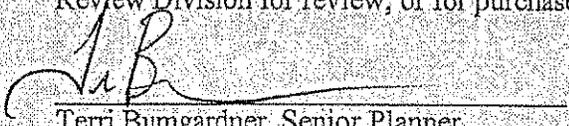
Mr. Jim Peugh (167A)

California Native Plant Society (170)  
Center for Biological Diversity (176)  
Endangered Habitats League (182A)  
Carmen Lucas (206)  
Jerry Schaefer, PHD (209)  
South Coastal Information Center (210)  
San Diego Archaeological Center (212)  
Save Our Heritage Organisation (214)  
Ron Christman (215)  
Louie Guassac (215A)  
Clint Linton (215B)  
San Diego County Archaeological Society, Inc. (218)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution (225 A-R) (Public Notice Only)  
Native American Heritage Commission (222)  
San Ysidro Planning and Development Group (433)  
United Border Community Town Council (434)  
San Ysidro Community Service Center (435)  
Global Premier Development (Applicant)  
Rick Montoya

#### VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (x) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

  
Terri Bumgardner, Senior Planner  
Development Services Department

April 27, 2007  
Date of Draft Report

May 29, 2007  
Date of Final Report

Analyst: Rhonda Benally

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO CERTIFYING ENVIRONMENTAL REVIEW FOR THE  
EL PEDREGAL FAMILY APARTMENTS PROJECT  
LOCATED IN THE SAN YSIDRO REDEVELOPMENT  
PROJECT AREA.

WHEREAS, the Council of the City of San Diego is considering a proposed Disposition and Development Agreement [DDA] for the development of the El Pedregal Family Apartments Project [Project] located in the San Ysidro Redevelopment Project Area; and

WHEREAS, a Mitigated Negative Declaration Number [MND] No. 106926 has been prepared for the proposed Project; and

WHEREAS, a Mitigation, Monitoring and Reporting Program has been prepared for the proposed Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the City Council hereby certifies that the information contained in MND No. 106926 has been completed in compliance with the California Environmental Quality Act [CEQA] and the State CEQA Guidelines and that said report reflects the independent judgment of the City of San Diego as Lead Agency.

2. That the City Council hereby states for the record that the Mitigated Negative Declaration has been reviewed and considered prior to approving the Project and the Disposition

and Development Agreement.

3. That the Mitigation, Monitoring and Reporting Program is hereby adopted.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Kendall D. Berkey  
Deputy City Attorney

KDB:nda  
02/05/08  
Or.Dept.Redev.Agency  
R-2008-655  
MMS#3803  
Comp. R-2008-656  
R-2008-657  
R-2008-658  
RA-2008-74  
RA-2008-75  
RA-2008-76  
RA-2008-77  
RA-2008-78  
RA-2008-79  
RA-2008-80

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO MAKING CERTAIN FINDINGS RELATING TO THE USE OF HOUSING SET-ASIDE FUNDS OUTSIDE OF THE NAVAL TRAINING CENTER REDEVELOPMENT PROJECT AREA FOR THE DEVELOPMENT OF THE EL PEDREGAL FAMILY APARTMENTS PROJECT IN THE SAN YSIDRO REDEVELOPMENT PROJECT.

WHEREAS, in accordance with California Community Redevelopment Law, codified as California Health and Safety Code section 33000 et seq. [CRL], the Redevelopment Agency of the City of San Diego [Agency] has set aside twenty percent (20%) of all tax increment funds [Set-Aside Funds] generated by redevelopment projects areas for the purpose of increasing, improving, and preserving the community's supply of low- and moderate- income housing available at affordable housing cost to persons and families of low or moderate income and very low income households; and

WHEREAS, Section 33334.2 of the CRL provides that Set-Aside Funds shall be used to provide housing for specific income groups, and that findings of benefit to the redevelopment project area from which the funds are derived [Findings of Benefit] must be made by the Agency and the City Council prior to the allocation of the Set-Aside Funds outside of the redevelopment project area; and

WHEREAS, the Agency has also adopted Redevelopment Agency Policy 100-1 which allows for the use of Set-Aside Funds outside of a redevelopment project area provided the Findings of Benefit are made as required by the CRL; and

WHEREAS, the City Council approves a Disposition and Development Agreement for the El Pedregal Family Apartments Project in the San Ysidro Redevelopment Project Area and in connection therewith the Agency will allocate not to exceed \$3,606,000 of housing Set-Aside Funds from the San Ysidro and Naval Training Center Redevelopment Project Areas for the Project; and

WHEREAS, the City Council finds that the expenditure of Naval Training Center Redevelopment Project Area Set-Aside Funds in the amount of \$3,206,000 (the remaining \$400,000 is allocated from San Ysidro Redevelopment Project Area Set-Aside Funds) outside of the Naval Training Center Redevelopment Project Area will be of benefit to the Naval Training Center Redevelopment Project Area; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego makes the Findings of Benefit to the Naval Training Center Redevelopment Project Area as more fully set forth in Attachment "A", attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the 20% Set Aside Funds identified above shall be utilized for the development and implementation of the proposed El Pedregal Family Apartments Project in the San Ysidro Redevelopment Project Area.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

\_\_\_\_\_  
Kendall D. Berkey  
Deputy City Attorney

KDB:nda  
02/05/08  
Or.Dept:Redev.Agency  
R-2008-656  
MMS#3803

Comp. R-2008-655  
R-2008-657  
R-2008-658  
RA-2008-74  
RA-2008-75  
RA-2008-76  
RA-2008-77  
RA-2008-78  
RA-2008-79  
RA-2008-80

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REDEVELOPMENT AGENCY ENTERING INTO A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE EL PEDREGAL FAMILY APARTMENTS PROJECT IN THE SAN YSIDRO REDEVELOPMENT PROJECT AREA; APPROVING THE SALE OF PROPERTY IN THE SAN YSIDRO REDEVELOPMENT PROJECT AREA PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT AND SALE.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the San Ysidro Redevelopment Project Area [Project Area]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Project Area, the Agency has negotiated and proposes to enter into a Disposition and Development Agreement [Agreement] with SYEP Associates, a California limited partnership, [Developer] pursuant to which the Agency will provide financial assistance to the Developer or its assignee and will sell certain property in the Project Area to the Developer or its assignee, if said property is first acquired by the Agency, for the development of a low income residential project known as the El Pedregal Family Apartments Project [Project]; and

WHEREAS, Developer has submitted to the Agency and the Council of the City of San Diego copies of the proposed Agreement in a form desired by Developer; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code sections 33000 *et seq.*), this Agency and the City Council held a joint