

RESOLUTION NUMBER R- _____

ADOPTED ON _____

DRAFT

WHEREAS, on March 15, 2011, the Plaza de Panama Committee and the City of San Diego submitted an application to the Development Services Department for an Amendment to the Balboa Park Master Plan, an Amendment to the Central Mesa Precise Plan, and a Site Development Permit for the proposed Balboa Park - Plaza de Panama; and

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

WHEREAS, the issue was heard by the City Council on _____ 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 is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 233958 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA 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 City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that THE CITY CLERK is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN GOLDSMITH, CITY ATTORNEY

By: _____
Shannon Thomas
Deputy City Attorney

ATTACHMENTS: Exhibit A, Findings
Exhibit B, Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting Program

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

**BALBOA PARK MASTER PLAN AMENDMENT, CENTRAL MESA PRECISE PLAN
AMENDMENT, SITE DEVELOPMENT PERMIT
PROJECT NO. 233958**

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 Environmental Impact Report No.233958 shall be made conditions of **Balboa Park Master Plan Amendment and Central Mesa Precise Plan Amendment No. 837847 and Site Development Permit No. 837848**, as may be further described below.

General MMRP Requirements

The following are general MMRP requirements that would apply to the proposed project.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **qualified archaeological monitor and a Native American monitor, qualified biologist, and qualified paleontologist.**

NOTE: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 233958 and/or Environmental Document Number 233958, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

NOTE: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder

obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:
Not Applicable

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology/Land Use	Biology Reports	Biology Site Observation and Preconstruction Survey Reports
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Traffic	Traffic Reports	2025 Traffic Site Observation (Presidents Way at Centennial Road)

Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter
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Land Use (MSCP)

I. **Prior to Permit Issuance**

A. Prior to issuance of any construction permit, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project’s design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit “A”, and also the City’s Multi-Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multiple Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:

1. **Land Development / Grading / Boundaries** –MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. The ED shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.
2. **Drainage / Toxins** –All new and proposed parking lots and developed area in and 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, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
3. **Staging/storage, equipment maintenance, and trash** –All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the plans that states: *“All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.”*
4. **Barriers** –All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
5. **Lighting** – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.

6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: *“The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.”*
7. **Brush Management** –All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2 may be located within the MHPA and the BMZ 2 management shall be the responsibility of a HOA or other private entity.
8. **Noise**- Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons for protected avian species such as: *California Gnatcatcher (3/1-8/15)*. If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit 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. 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 coastal California gnatcatcher. Surveys for the 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 coastal California gnatcatchers are present, then the following conditions must be met:
 - I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California 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 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 level 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 the 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 noise 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 gnatcatchers are not 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.

II. Prior to Start of Construction

A. Preconstruction Meeting

The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements, into the project's Biological Monitoring Exhibit (BME).

The Qualified Biologist/Owners Representative is responsible to arrange and perform a focused pre-con with all contractors, subcontractors, and all workers involved in grading or other construction activities that discusses the sensitive nature of the adjacent sensitive biological resources.

III. During Construction

A. The Qualified Biologist/Owners Representative, shall verify that all construction related activities taking place within or adjacent to the MHPA are consistent with the CDs, the MSCP Land Use Adjacency Guidelines. The Qualified Biologist/Owners Representative shall monitor and ensure that:

1. **Land Development /Grading Boundaries** - The MHPA boundary and the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing, or grading. Limits shall be defined with orange construction fence and a siltation fence (can be combined) under the supervision of the Qualified Biologist/Owners Representative who shall provide a letter of verification to RE/MMC that all limits were marked as required. Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
2. **Drainage/Toxics** - No Direct drainage into the MHPA shall occur during or after construction and that filtration devices, swales and/or detention/desiltation basins that drain into the MHPA are functioning properly during construction, and that permanent maintenance after construction is addressed. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g. clay compounds) when necessary and appropriate.
3. **Staging/storage, equipment maintenance, and trash** - Identify all areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities on the monitoring exhibits and verify that they are within the development footprint. Comply with the applicable notes on the plans
- 4 **Barriers** - New development adjacent to the MHPA provides city approved barriers along the MHPA boundaries

5. **Lighting** - Periodic night inspections are performed to verify that all lighting adjacent to the MHPA is directed away from preserve areas and appropriate placement and shielding is used.
6. **Invasives** - No invasive plant species are used in or adjacent (within 100 feet) to the MHPA and that within the MHPA, all plant species must be native.
7. **Brush Management** - BMZ1 is within the development footprint and outside of the MHPA, and that maintenance responsibility for the BMZ 2 located within the MHPA is identified as the responsibility of an HOA or other private entity.
8. **Noise** – For any area of the site that is adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons, for protected avian species such as: *California Gnatcatcher (3/1-8/15)*. If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened):

Prior to the issuance of any grading permit 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. 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 coastal California gnatcatcher. Surveys for the 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 coastal California gnatcatchers are present, then the following conditions must be met:
 - I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California 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 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 level 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 the 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 noise 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 gnatcatchers are not 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.

IV. Post Construction

A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the RE/MMC within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of RE/MMC.

Historical Resources

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, 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 have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to the Mitigation Monitoring Coordinator (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 meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written 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 (¼-mile radius) has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from South Coastal 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 ¼-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, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor 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) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) 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.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/ Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall

stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

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 that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSRs 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.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered 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) which has been reviewed by the Native American consultant/monitor, 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. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the 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.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), 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 EAS of the Development Services Department to assist with the discovery notification process.
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 provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will 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 will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 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, THEN,

- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

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 San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. **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 8 AM of the next business day.

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. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8:00 A.M. of 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 and/or weekend 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 Historical Resources Guidelines (Appendix B/C) 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. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - 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.
 - 3. The cost for curation is the responsibility of the property owner.

- 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.
 - 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- 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 and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Transportation/Circulation and Parking

Starting in 2026, the Presidents Way/Centennial Road intersection shall be monitored for intersection failure (i.e., LOS E or F) at two-year increments. If the monitoring efforts reveal that the Presidents Way/Centennial Road intersection fails, it shall be reconfigured to make the eastbound Presidents Way approach stop-controlled instead of the Centennial Road approach. The intersection monitoring shall continue until the Palisades area is converted to parkland per the Central Mesa Precise Plan, or the reconfiguration is completed.

Biological Resources

- I. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of the Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through D):
 - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the biological resources mitigation program.
 - B. At least 30 days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.

- C. At least 30 days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
- D. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
- II. If project grading is proposed during the raptor breeding season (February 1–September 15), the project biologist shall conduct a pre-grading survey for active raptor nests within 300 feet of the development area and submit a letter report to MMC prior to the preconstruction meeting
- A. If active raptor nests are detected, the report shall include mitigation in conformance with the City’s Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the ADD of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD of Entitlements shall be incorporated into the project’s Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
- B. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.
- III. Prior to the issuance of any grading permit, the project biologist shall verify that the following project requirements regarding the MBTA are shown on the construction plans:
No direct impacts shall occur to nesting birds, their eggs, chicks, or nests during the breeding season. If construction activities are to occur during the bird breeding season, pre-construction surveys will be necessary to confirm the presence or absence of breeding birds. If nests or breeding activities are located on-site, an appropriate buffer area around the nesting site shall be maintained until the young have fledged.

Noise

- I. The following mitigation shall be implemented during all phases of construction. All noise-producing equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification.
- Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
 - Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
 - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
 - Construction site and access road speed limits shall be established and enforced during the construction period.

- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
 - No project-related public address or music system shall be audible at any adjacent receptor.
- II. The construction contractor shall establish a noise disturbance coordinator. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early in the day, bad muffler, etc.) and shall be required to implement measures such that the complaint is resolved to the satisfaction of the City Engineering Department. Signs posted at the construction site shall list the telephone number for the disturbance coordinator.

Paleontological Resources

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the 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 MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City 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.

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 Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, 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 CM 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.

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 such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the PME.

2. 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, does 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.

3. The monitor shall document field activity via the 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.

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 e-mail 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 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 the 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.

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 Preconstruction 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 CSV and submit to MMC via fax by 8 a.m. on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Section 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 8 a.m. 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 CM 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.
- V. 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 cataloged.
 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 Monitoring 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.

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.

ATTACHMENT 12

PLEASE SEE SEPARATE ATTACHMENT FOR ATTACHMENT 12.

ATTACHMENT 13

PLEASE SEE SEPARATE ATTACHMENT FOR ATTACHMENT 13.



ATTACHMENT 14

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 8, 2010 **REPORT NO. PC-10-099**

ATTENTION: Planning Commission
Agenda of October 21, 2010

SUBJECT: INITIATION OF AMENDMENTS TO THE BALBOA PARK MASTER PLAN AND CENTRAL MESA PRECISE PLAN

**OWNER/
APPLICANT:** Plaza de Panama Committee

SUMMARY

Issues – Should the Planning Commission:

1. Find the Supplemental Criteria identified in the General Plan's Land Use and Community Planning Element have been met; and
2. INITIATE amendments to the Balboa Park Master Plan and the Central Mesa Precise Plan? The amendment has been requested to analyze vehicular and pedestrian circulation in the central area of Balboa Park.

Staff Recommendations

1. Find the Supplemental Criteria identified in the General Plan's Land Use and Community Planning Element have been met; and
2. INITIATE the plan amendment process.

Other Recommendations – A workshop with the Balboa Park Committee was held on September 23, 2010. If initiated, the project will be thoroughly reviewed, and action taken on the design, by the Balboa Park Committee.

Fiscal Statement – There is no fiscal impact associated with this action.

Environmental Review – Initiation of a community plan and general plan amendment by the Planning Commission is not a "project" pursuant to CEQA Section 15060(c) (2) and as defined in State CEQA Guidelines Section §15378(c). Once initiated, the project will be submitted to the Development Services Department and will require preparation

of an environmental document in accordance with the State CEQA Guidelines. This determination is predicated on Section 15004 of the guidelines, which provides direction to lead agencies on the appropriate timing for meaningful environmental review.

Code Enforcement Impact – None

Housing Impact - None

The initiation of a plan amendment in no way confers adoption of a plan amendment, that neither staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment, and that the City Council is not committed to adopt or deny the proposed amendment.

BACKGROUND

Balboa Park is located immediately north of downtown San Diego. The Park is surrounded by the communities of Golden Hill, North Park, Uptown and Centre City. Balboa Park is one of the City's largest developed parks at 1,172 acres and is host to numerous passive and active recreational activities, cultural and educational institutions, and special events. Over 12 million visitors come to Balboa Park each year to enjoy the diversity of activities the Park has to offer.

Development, maintenance and management of Balboa Park are governed by the Balboa Park Master Plan, the Central Mesa Precise Plan, the East Mesa Precise Plan and subsequent amendments to those documents. The Balboa Park Master Plan is a part of the City's General Plan, and implements land use policies for Balboa Park. Therefore, amendments to the Master Plan and its Precise Plans must follow the Land Use and Community Planning Element of the General Plan.

The Balboa Park Master Plan was adopted by City Council on July 25, 1989 (Resolution No. R-274090). The Master Plan addresses the entirety of Balboa Park and provides general guidelines for development, maintenance and management. The Central Mesa Precise Plan was adopted by City Council on October 20, 1992 (Resolution R-280920) and addresses the central portion of the Park in greater detail.

In 2004 the City of San Diego Park and Recreation Department concluded the Land Use, Circulation and Parking Study (Study). The Study reaffirmed many of the recommendations of the current Master Plan and Precise Plans. The Study provided recommendations for short, medium and long term implementation.

In his January 2010 State of the City Address, Mayor Jerry Sanders identified the restoration of the Plaza de Panama as a signature project for the City to complete in advance of the centennial celebration of Balboa Park beginning in December 2014. In an effort to achieve this goal, Mayor Sanders has solicited the guidance and support of the community under the leadership of Dr. Irwin Jacobs. The Plaza de Panama Committee, a 501 (c) (3) non-profit entity, has been established to raise funds and coordinate efforts necessary to meet the December 2014 deadline. The Plaza de Panama Committee has retained a consultant team to work with community groups and Park stakeholders, and prepare designs and documentation required to implement the project.

On September 23, 2010 the Plaza de Panama Committee's Consultant Team (Consultants) held a publicly noticed workshop with the Balboa Park Committee to share preliminary designs for the reclamation of the Plaza de Panama, the West Prado streetscape and the Mall (between the Plaza de Panama and the Organ Pavilion) which is officially being called the *Balboa Park Plaza de Panama, Circulation and Parking Structure Project*. Each of these areas is currently heavily impacted by vehicular use. The Balboa Park Committee and the public in attendance provided the Consultants with feedback on the preliminary proposal. The Balboa Park Committee serves as the 'planning group' for Balboa Park.

DISCUSSION

Project Definition

The primary goal of this project is to reclaim spaces currently impacted by vehicles for pedestrian and programmatic uses. The core of the project is the rehabilitation of the Plaza de Panama. The Plaza de Panama was the central gathering space for the 1915 Panama-California International Exposition. It was designed to accommodate large crowds of people, and like the surrounding buildings, was intended to be temporary. Modifications were made to the Plaza and surrounding buildings for the 1935 California Pacific International Exposition. Almost nothing of original construction of the Plaza remains except nine Bougainvillea plants at the House of Hospitality. The fountain in the plaza was added in 1995 pursuant to the Precise Plan.

El Prado from the Plaza de Panama east to park Boulevard has been closed to vehicular traffic for many years. Removal of vehicles from this space has had a positive impact to the usability of this area. Pedestrians are able to move about safely between key venues and to enjoy the architecture, landscaping and water features without concern for vehicles. This project proposes to expand the pedestrian space westward to the Plaza de California at the Museum of Man, and southward along the Mall to the Organ Pavilion.

Plan Amendment Focus

In order to remove vehicles from the Plaza de Panama, West El Prado area and the Mall, vehicular traffic would need to be rerouted. The following elements would be further studied in the plan amendment process:

1. Plaza de Panama, El Prado, and Mall Improvements: The Plaza de Panama, El Prado (between the Plaza and the Museum of Man) and the Mall (between the Plaza and the Organ Pavilion) would be improved to emphasize pedestrian uses.
2. Bypass Road and Bridge: Study the feasibility of a new two way bypass road and bridge connecting to El Prado near the eastern end of the Cabrillo Bridge and linking to the Alcazar parking lot. Pedestrian and bicycle traffic would remain on El Prado.

Plan Amendment Initiation Requirements

The Balboa Park Master Plan and Precise Plans serve as community plans for Balboa Park. Deviations from these adopted policy documents require plan amendments. The Land Use & Community Planning Element of the General Plan identifies criteria for initiation of plan amendments.

The proposed amendments do not meet the requirements for a Technical Amendment Initiation. However, the Land Use & Community Planning Element of the General Plan identifies three criteria to be met for initiation of plan amendments by the Planning Commission (LU-D.10). The criteria are as follows:

- a. *The amendment request appears to be consistent with the goals and policies of the General Plan and community plan and any community plan specific amendment criteria; and*
- b. *The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design; and*
- c. *Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.*

The following identifies how the proposed amendments would meet the criteria identified in the Land Use & Community Planning Element of the General Plan.

Criterion a: *The amendment request appears to be consistent with the goals and policies of the General Plan and community plan and any community plan specific amendment criteria.*

The Balboa Park Master Plan implements the General Plan land use policies for Balboa Park. The Balboa Park Master Plan identifies six major goals. These goals are identified below, including staff analysis of how the Project Definition meets the goals of the Master Plan.

- ❖ ***“Create within the Park a more pedestrian oriented environment. Reduce automobile and pedestrian conflicts. Minimize through traffic.”***

The proposed amendments would remove daily vehicular traffic from the Plaza de Panama, West El Prado and the Mall by rerouting traffic from El Prado west of the Museum of Man, through the Alcazar parking lot and out to Pan American Road south of the Mall. The current Master Plan and Precise Plan allow traffic to continue in these areas.

- ❖ ***“Improve public access to the Park through an improved integrated circulation system, convenient drop-off points, better parking management, improved signage and increased security. The improved circulation system shall de-emphasize the automobile while increasing public access to the Park and Park facilities.”***

Removal of traffic from the Plaza de Panama would reduce recirculation of vehicles looping around searching for limited parking in the plaza. Separation of pedestrian, tram and vehicular traffic would improve traffic flow and pedestrian safety. New signage would better direct Park visitors. Ease of safe public access to Park facilities would be enhanced through these improvements.

- ❖ ***“Preserve, enhance and increase free and open parkland and establish a program of ongoing landscape design, maintenance and replacement.”***

Vehicles would be removed from the Plaza de Panama, West El Prado and the Mall, freeing that space for park visitors.

- ❖ ***“Restore or improve existing building and landscape areas within the Park.”***

The reclamation of the Plaza de Panama, West El Prado and the Mall would improve and restore the landscape and hardscape, and add much needed pedestrian park area.

- ❖ ***“Preserve and enhance the mix of cultural, and active and passive recreational uses within Balboa Park that serve national, regional, community and neighborhood populations.”***

The proposed amendments would enhance the experience of all Park visitors through improved access, safety, increased useable park land and programmable facilities.

- ❖ ***“Preserve Balboa Park as an affordable park experience for all citizens of San Diego.”***

Balboa Park is a public facility free to all City residents and visitors. While not all attractions in Balboa Park are free, the majority of the Park and its recreational resources will remain so. The reclamation of the Plaza de Panama, West El Prado and the Mall will add space for free active and passive recreational uses.

Criterion b: *The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design.*

Removal of vehicles from West El Prado and the west side of the Mall would increase pedestrian access and free and open park land, and would provide improved safety over the existing Master Plan and Precise Plan.

The bypass road and bridge are necessary to maintain vehicular access through the park yet remove the vehicles from the Plaza de Panama, West El Prado and the Mall. Separation of vehicles and pedestrians would improve safety and flow, and allow reclamation of park land.

Criterion c: *Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.*

Balboa Park is currently adequately served by major public services such as water, sewer, electrical, telephone and other utilities. Any increased demand on these utilities would be addressed in the plan amendments and environmental document.

Police service currently serving the Park is adequate, and no increase in this service is anticipated. The Park Ranger staff also provides an additional level of security to the Park.

The Park is currently well served by freeways and roads, and no additional roads are anticipated at this time. Public transit improvements in the form of Bus Rapid Transit (BRT) are currently being planned by SANDAG, and are anticipated to be in place in the near future. BRT lines are proposed for Park Boulevard, 4th Avenue and 5th Avenue.

Balboa Park itself can be considered a public service, providing recreational opportunities to adjacent communities, visitors from the region, and to tourists. The proposed increase in park land and Park services will be increased as a result of implementation of the land use plans.

The following issues have been identified with the initiation request. If initiated, these issues, as well as others that may be identified, will be analyzed and evaluated through the plan amendment review process:

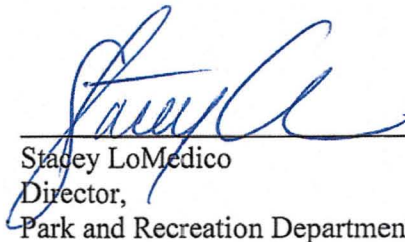
- Historic resources protection
- Universal accessibility
- Availability and accessibility of parking
- Traffic circulation and pedestrian safety
- Accessibility of public and park transit

As outlined above, the proposed plan amendments meet all of the above criteria as described; therefore, staff recommends amendments to the Balboa Park Master Plan and the Balboa Park Central Mesa Precise Plan be initiated.

Respectfully submitted,



Charles Daniels
Park Designer,
Park and Recreation Department



Stacey LoMedico
Director,
Park and Recreation Department

SL/cd

PLANNING COMMISSION RESOLUTION NO. 4640-PC

INITIATING AMENDMENTS TO THE BALBOA PARK MASTER PLAN AND CENTRAL MESA PRECISE PLAN

WHEREAS, on October 21, 2010, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering a request to initiate amendments to the Balboa Park Master Plan and Central Mesa Precise Plan; and

WHEREAS, the proposed amendments would change vehicular circulation in the central area of Balboa Park, increasing the amount of available park land for pedestrian use; and

WHEREAS, the Planning Commission of the City of San Diego considered all maps, exhibits, and written documents presented for this project, and had considered the oral presentations given at the public hearing; NOW, THEREFORE:

BE IT RESOLVED that the Planning Commission of the City of San Diego determines that the proposed plan amendments meet the three criteria for initiation as described in Section LU-D.10 of the Land Use and Community Planning Element of the General Plan:

- a) **The amendment request appears to be consistent with the goals and policies of the General Plan and community plan and any community plan specific amendment criteria**
- b) **The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design**
- c) **Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process**

The following land use issues have been identified with the initiation request. These standard plan amendment issues, as well as others that have been and/or may be identified, will be analyzed and evaluated through the community plan amendment review process:

1. Historic resource protection
2. Universal accessibility
3. Availability and accessibility of parking
4. Traffic circulation and pedestrian safety
5. Accessibility of public and park transit
6. Consider all alternatives
7. Consider aesthetics
8. Provide parking below grade
9. Consider future phasing
10. Explore opportunities for future transit stations, particularly along Park Blvd.

PLANNING COMMISSION RESOLUTION NO. 4640-PC

INITIATING AMENDMENTS TO THE BALBOA PARK MASTER PLAN AND
CENTRAL MESA PRECISE PLAN

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WHEREAS, the proposed amendments would change vehicular circulation in the central area of Balboa Park, increasing the amount of available park land for pedestrian use; and

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ATTACHMENT 15

BE IT FURTHER RESOLVED by the Planning Commission of the City of San Diego that it hereby initiates the requested Community Plan amendments; and

BE IT FURTHER RESOLVED by the Planning Commission of the City of San Diego, that the initiation of plan amendments in no way confers adoption of plan amendments, that neither staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendments, and the City Council is not committed to adopt or deny the proposed amendments.



Charles Daniels
Park Designer, Park and Recreation Department



Brenda Clark
Legislative Recorder

Initiated: October 21, 2010
By a vote of: 6-0-0

RESPONSE TO COMMUNITY PLAN AMENDMENT INITIATION ISSUES

The following are issues the Planning Commission put forward at Community Plan Amendment initiation with responses on how these issues have been addressed by the project.

1. *Historic resource protection*

The design has been guided by substantial new historic research developed by Heritage Architecture and the EIR consultant Christopher VerPlanck. This research has influenced the design of virtually every element of the project and further has provided a factual basis for the historic condition of park elements and landscapes during the 1915 Exposition.

2. *Universal accessibility*

The design team met three times with the disabled community and sought input on accessibility and universal design features from the project outset. On April 12, 2012, the Mayors Committee on Disability representing the disabled community voted unanimously to support the project, and commended the Plaza de Panama Project design team for going above and beyond the minimum required by law.

3. *Availability and accessibility of parking*

The 800 stall parking structure, centrally located south of the organ pavilion increases parking capacity in the core of the park by approximately 270 spaces. The proposed centralized parking facility provides a reliable reservoir of parking and curtails traffic circulation within the park as vehicles search for parking in multiple lots under the current condition. The new parking and remote parking lots, such as the Federal Lot and Inspiration Point, are made more accessible to pedestrians and the disabled via a free accessible tram connecting the Palisades to the Plaza de Panama.. Increased ADA parking within the parking structure and dedicated in the Alcazar lot provides increased capacity for Disabled visitors.

4. *Traffic circulation and pedestrian safety*

By separating pedestrian circulation and access from vehicles, the project reduces the number of pedestrian/vehicle conflicts in the core of the park from 20 to 6 total locations. In addition, the volume of traffic at each of these crossings is reduced from existing of approximately 5000 vehicles at the peak hour to approximately 2500.

5. *Accessibility of public and park transit*

The proposed underground garage will be connected to the Plaza de Panama by a free, accessible tram. The route of the tram is designed to expand as needed. Public transit will remain accessible on 6th Avenue and Park Boulevard; however the configuration of the project roadways would also

support the potential for public transit to pass through the park, with minimum pedestrian conflict, along the Centennial Bridge and Road.

6. Consider all alternatives

The project team has held over 180 outreach meetings including all nearby community planning groups and 17 meetings of the Balboa Park Committee. More than 20 alternatives were brought forward through this process, most of which were submitted by members of the public. Thirteen of these alternatives were fully evaluated in the DEIR.

7. Consider aesthetics

Aesthetic values have been a primary focus of the project team. Vicki Estrada of Estrada Land Planning joined the design team specifically to enhance the team's understanding and design of the aesthetic traditions of the park. Her input has resulted in modifications to the design of the rooftop park and adjacent pedestrian promenade. Numerous other design modifications have been implemented to the Centennial Bridge, Alcazar Lot, and plazas over the course of the project in response to public input.

8. Provide parking below grade

The entire parking garage is underground and fully covered with nearly two acres of usable public park space which is at grade with surrounding public areas. Consistent with the Central Mesa Precise Plan, the naturally ventilated, below grade parking structure offers maximum capacity given the site constraints and utilizes sustainable design concepts. In addition to the increased parkland, roof top amenities include picnic areas and shade structures, restroom facilities, and a visitor's center.

9. Consider future phasing

The configuration of the project purposefully establishes the opportunity for future expansion of park spaces, including removal of parking from the Palisades to reclaim that plaza for pedestrian use. By aligning Centennial road consistent with the Central Mesa Precise Plan, pedestrian areas and traffic circulation created by the project are coordinated with the future reclamation of the Palisades.

10. Explore opportunities for future transit stations, particularly along Park Boulevard

The project supports connections to regional transit in two ways. First, the free accessible tram that is proposed is capable of crossing Park Boulevard to connect directly with public transit. Second, the configuration of the project roadways also supports the potential for public transit to pass through the park with minimum pedestrian conflict, along the Centennial Bridge and Road.