



THE CITY OF SAN DIEGO

## MITIGATED NEGATIVE DECLARATION

Project No. 463835  
SCH No. 2017041015

SUBJECT:        **N. UNIVERSITY FIRE STATION NO. 50 SDP**

**UPDATE: The Mitigated Negative Declaration (MND) and Initial Study have been revised to add Tribal Cultural Resources Initial Study questions, and add references to the City of San Diego MSCP Subarea Plan Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment that is required for the proposed project; however, these revisions are clarifications and amplifications to the analysis and conclusions of the draft MND. The physical scope of the project, project environmental impacts, proposed mitigation measures, and conclusions of the draft Mitigated Negative Declaration are not substantially affected by the revisions. Therefore, recirculation of the draft MND is not required pursuant to Section 15073.5 of CEQA Guidelines. Double underline has been used to denote additions to the MND and Initial Study and strikethrough has been used to denote deletions from the MND and initial study.**

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

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **HISTORICAL RESOURCES (ARCHAEOLOGY), PALEONTOLOGICAL RESOURCES, BIOLOGICAL RESOURCES AND LAND USE.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. 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:

**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 Biologist or Biological Monitor, Qualified Archaeologist, Native American Monitor, 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, it is also required to call **RE and MMC at 858-627-3360**

**2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) # 463835 and /or Environmental Document # 463835, 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.

**None**

**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:

Table 1 - Document Submittal/Inspection Checklist		
Issue Area	Document Submittal/Task	Associated Inspection/Approvals/Notes

General	Contribution to the City of San Diego Habitat Acquisition Fund (HAF) plus a ten percent (10%) administrative fee.	Prior to the issuance of any Construction Permits
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Archaeology	Archeological Reports	Archeology Site Observation
Paleontology	Paleontology Reports	Paleontology Site Observation
Biological Resources	Biological Construction Mitigation/Monitoring Exhibit (BCME)	Approval by MMC
Biological Resources	Avian Protection - Pre-construction survey	Within 10 Calendar Days prior to the start of construction activities (including removal of vegetation)
Biological Resources	Limit of Work Verification Letter	Prior to Construction Activities
Biological Resources	Resource Delineation	Prior to Construction Activities
Biological Resources	Education	Prior to commencement of Construction Activities
Biological Resources	Consultant Site Visit Record (CSVr)	Monitoring During Construction
Biological Resources	Final BCME/Report	Within 30 days of Construction Completion
Restoration	Est. - MMC inspection	Prior to starting work
Restoration	Est. - Qualitative Inspection - MMC	Bi-weekly for first month; monthly thereafter
Restoration	Year 1 - Qualitative Inspection - MMC	Monthly for first 3 Months; quarterly thereafter
Restoration	Year 2 - Qualitative Inspection - MMC	Quarterly
Restoration	Year 3 - Qualitative Inspection - MMC	Quarterly
Restoration	Year 4 - Qualitative Inspection - MMC	Quarterly
Restoration	Year 5 - Qualitative Inspection - MMC	Quarterly
Restoration	Year 1 - Quantitative Inspection - MMC	Once During Spring Season



Restoration	Year 2 - Quantitative Inspection – MMC	Once During Spring Season
Restoration	Year 3 - Quantitative Inspection – MMC	Once During Spring Season
Restoration	Year 4 - Quantitative Inspection – MMC	Once During Spring Season
Restoration	Year 5 - Quantitative Inspection – MMC	Once During Spring Season
Restoration	Est. - Weed Control	Monthly or as Needed
Restoration	Year 1 - Weed Control	Quarterly or as Needed
Restoration	Year 2 - Weed Control	Quarterly
Restoration	Year 3 - Weed Control	Quarterly
Restoration	Year 4 - Weed Control	Quarterly
Restoration	Year 5 - Weed Control	Once
Restoration	Est. – Horticulture Treatment	As Needed
Restoration	Year 1 - Horticulture Treatment	As Needed
Restoration	Year 2 - Horticulture Treatment	As Needed
Restoration	Year 3 - Horticulture Treatment	As Needed
Restoration	Est. – Erosion Control	As Needed
Restoration	Est. – Trash Removal	Monthly or as Needed
Restoration	Year 1 - Trash Removal	Quarterly or as Needed
Restoration	Year 2 - Trash Removal	Quarterly
Restoration	Year 3 - Trash Removal	Quarterly
Restoration	Year 4 - Trash Removal	Quarterly
Restoration	Year 5 - Trash Removal	Quarterly
Restoration	Est. – Replacement Planting and Seeding	As Needed
Restoration	Year 1 – Replacement Planting and Seeding	Fall
Restoration	Year 2 – Replacement Planting and Seeding	Fall
Restoration	Est. - Site Protection and Signage	As Needed
Restoration	Year 1 - Site Protection and Signage	As Needed
Restoration	Year 2 - Site Protection and Signage	As Needed
Restoration	Year 3 - Site Protection and Signage	As Needed
Restoration	Year 4 - Site Protection and Signage	As Needed
Restoration	Year 5 - Site Protection and Signage	As Needed
Restoration	Est. - Vandalism	As Needed
Restoration	Year 1 - Vandalism	As Needed
Restoration	Year 2 - Vandalism	As Needed

Restoration	Year 3 - Vandalism	As Needed
Restoration	Year 4 - Vandalism	As Needed
Restoration	Year 5 - Vandalism	As Needed
Restoration	Est. Irrigation Maintenance	As Needed – Directed by Project Biologist/Maint. By City
Restoration	Year 1 - Irrigation Maintenance	As Needed – Directed by Project Biologist/Maint. By City
Restoration	Year 2 - Irrigation Maintenance	As Needed – Directed by Project Biologist/Maint. By City
Final inspection	Request for Final inspection	1 week after request
Bond Release	Request for a Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

### **C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

#### **HISTORICAL RESOURCES (ARCHAEOLOGY)**

##### **I. Prior to Permit Issuance or Bid Opening/Bid Award**

###### **A. Entitlements Plan Check**

1. Prior to permit issuance or Bid Opening/Bid Award, 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. Prior to Bid Award, 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 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 (1/4 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. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

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.

The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

MMC shall notify the PI that the AME has been approved.

4. 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 age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor 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 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 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 (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.
- 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) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM 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 Section 15064.5, 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.**

- (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
- 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.
  - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
  - (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way
 

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

  1. Procedures for documentation, curation and reporting
    - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
    - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
    - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
    - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

#### **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 Environmental Analysis Section (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 provenience of the remains.
  2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
  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. 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; or
      - (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 items associated 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 CSV and submit to MMC via fax by 8AM 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 the RE and MMC, or by 8AM 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. 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 C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE 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 as a result of 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 or Pipeline Trenching Discovery Process 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 via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE 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. 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 C.
  3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
  4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
  5. 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 of the approved report.
  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**

### **I. Prior to Permit Issuance or Bid Opening/Bid Award**

- A. Entitlements Plan Check
  - 1. Prior to permit issuance or Bid Opening/Bid Award, 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. Prior to Bid Award, 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.

### **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, 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. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)  
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
  - 3. Identify Areas to be Monitored
    - a. 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 for approval identifying the areas to be monitored including the delineation of grading/excavation limits. Monitoring



- shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records search data which supports monitoring at depths less than ten feet.
- b. 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).
- c. MMC shall notify the PI that the PME has been approved.
- 4. 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.
- 5. Approval of PME and Construction Schedule
 

After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

### 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 including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or 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 OSHA 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 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.
  - 3. 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.
- 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 of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
  - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
- 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.
  - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
  - (2). Note, for Pipeline Trenching Projects Only: If significance cannot be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

1. Procedures for documentation, curation and reporting

- a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological



Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.

- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

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

- A. If night and/or weekend work is included in the contract
  1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via the RE via fax by 8AM on the next business day.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night 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.

#### **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 via the RE for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process 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 via the RE for revision or, for preparation of the Final Report.



3. The PI shall submit revised Draft Monitoring Report to MMC via the RE 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.
- C. Curation of artifacts: 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 submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
  3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
  4. 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 of the approved report.
  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.

## **BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION**

### **I. Prior to Construction**

- A. **Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or restoration, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** - The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include:

restoration/restoration plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

- E. **Avian Protection Requirements** - To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
- F. **Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** -Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring**- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown



on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

### III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

### MITIGATION FOR IMPACTS TO VEGETATION/ LAND COVER TYPES

Table 2 Mitigation For Impacts to Vegetation Communities/Land Cover Types						
Vegetation Community	City of San Diego Tier	Impacts			Mitigation	Total Mitigation
		Impact Location	Impacts	Mitigation Ratio <sup>1</sup>		
Valley needlegrass grassland	I	Inside MHPA, Outside Mit. Parcel	0.12	3:1 <sup>2</sup>	0.36	0.367
		Inside MHPA, Inside Mit. Parcel	<0.01 (76 sf)	4:1 <sup>3</sup>	0.007 (304 sf)	
Diegan coastal sage scrub	II	Inside MHPA, Outside Mit. Parcel	0.16	1:1	0.16	0.21
		Inside MHPA,	0.01	2:1 <sup>3</sup>	0.02	

		Inside Mit. Parcel				
		Outside MHPA	0.03	1:1	0.03	
Disturbed Diegan coastal sage scrub	II	Inside MHPA, Outside Mit. Parcel	0.02	1:1	0.02	0.04
		Outside MHPA	0.02	1:1	0.02	
Non-native grassland	IIIB	Inside MHPA, Outside Mit. Parcel	0.11	1:1	0.11	
		Outside MHPA	0.03	0.5:1	0.015	
Total			<b>0.42</b>			<b>0.742</b>
<p>1 Mitigation ratios assume all mitigation will occur within the MHPA.</p> <p>2 Includes 2:1 mitigation ratio for direct impacts, plus 1:1 ratio for cumulative impacts. Cumulative impacts would require mitigation via native grassland creation.</p> <p>3 Includes an additional 1:1 mitigation ratio for impacts to mitigation area. Cumulative impacts require mitigation via native grassland creation.</p>						

### Required Mitigation

Mitigation to offset impacts to sensitive vegetation communities **shall** occur, per **Table 2**, through a combination of the following three options, prior to the issuance of Construction Permits:

- (1) Acquisition and Preservation of Existing Habitat**
- (2) Restoration and Preservation of Degraded Habitat in the Project Vicinity**
- (3) Contribution to The City's Habitat Acquisition Fund, plus a ten percent (10%) administrative fee.**

Mitigation will be required to comply with the City's Biological Impacts and Monitoring MMRP Conditions.

The mitigation ratios used to offset impacts to sensitive vegetation communities in this report assume mitigation will occur within the MHPA (Table 2). Impacts within the Mitigation Parcel would need to be replaced as part of the mitigation program for the proposed project. Thus, these impacted areas would require an additional 1:1 mitigation ratio, on top of that required per the City's Biology Guidelines (City of San Diego 2012).

### Valley Needlegrass Grassland

Direct impacts to 0.12 acre of valley needlegrass grassland would be considered a significant direct impact as well as a cumulatively significant impact. In addition, all direct impacts to valley



needlegrass grassland would occur within the MHPA, less than 0.01 acre (76 square feet) of which would occur within the Mitigation Parcel. The impact would require mitigation (see Table 2), as follows:

- 3:1 mitigation ratio for direct impacts within the MHPA (outside the Mitigation Parcel), to be met with native grassland creation or restoration in the project vicinity,
- 4:1 mitigation ratio for impacts to the Mitigation Parcel, to be met with native grassland creation or restoration in the project vicinity.

Thus, impacts within the Mitigation Parcel would require mitigation at a total 4:1 ratio, while impacts outside the Mitigation Parcel (but still inside the MHPA) would require mitigation at a total 3:1 ratio. In total, the mitigation program will include a total of 0.367 acre of native grassland restoration. These measures would be implemented as described in the native grassland restoration plan (RECON 2016). The restoration areas would be located within areas of non-native vegetation communities (non-native grassland, ornamental plantings, and disturbed land) just east of the proposed fire station (See Project Restoration Plan).

### **Diegan Coastal Sage Scrub**

Impacts to 0.20 acre of Diegan coastal sage scrub, including disturbed Diegan coastal sage scrub, within the MHPA would require mitigation as follows:

- 1:1 mitigation ratio for direct impacts within the MHPA (outside the Mitigation Parcel).
- 2:1 mitigation ratio for direct impacts within the Mitigation Parcel.
- 1:1 mitigation ratio for impacts outside the MHPA.

Thus, the mitigation program would require a total of 0.25 acre of in-kind preservation (see Table 4).

### **Non-native Grassland**

Impacts to 0.11 acre of non-native grassland within the MHPA would require mitigation as follows:

- 1:1 mitigation ratio for direct impacts within the MHPA (outside the Mitigation Parcel),
- 0.5:1 mitigation ratio for impacts outside the MHPA.

Therefore, the mitigation program would require a total of 0.125 acre of in-kind preservation.

To the degree feasible, areas of cryptogamic soils should be carefully excavated prior to project grading. Care should be taken to keep the crust intact during excavation, and the salvaged soil should be stored off-site to be used in the native grassland creation and restoration areas.

### **MITIGATION FOR IMPACTS TO WILDLIFE SPECIES**

Mitigation for potential impacts to sensitive wildlife species would include the general mitigation measures during construction. Additionally mitigation for impacted sensitive species would include the following specific measures:

**Belding's Orange-Throated Whiptail:** Direct impacts to Belding's Orange-Throated Whiptail would be offset through the proposed 0.742 acre of habitat-based mitigation.

**Red Diamond Rattlesnake:** Potential impacts to Red Diamond Rattlesnake would be offset with the restoration and preservation of 0.742 acre of suitable valley needlegrass grassland, Diegan coastal sage scrub, and non-native grassland inside the MHPA.

**Coast Horned Lizard:** The project would be required to include measures to maintain native ant species, discourage the Argentine ant, and protect against detrimental edge effects to this species. To accomplish this, during initial landscaping, container plant stock should be inspected by the project biologist (preferably off-site prior to shipment to the site). The biologist shall reject any plants that show evidence of non-native ants.

**Coastal California Gnatcatcher:** If construction activities are to occur during the breeding season of the coastal California gnatcatcher (March 1 – August 15), the project shall be conditioned to comply with the City's standard Land Use Adjacency Guidelines mitigation monitoring and reporting measures as described below, in order to avoid or reduce potential indirect and construction impacts to this species.

**Southern California Rufous-Crowned Sparrow:** Direct impacts to Southern California Rufous-Crowned Sparrow would be offset with the restoration and preservation of 0.742 acre of suitable valley needlegrass grassland, Diegan coastal sage scrub, and non-native grassland inside the MHPA.

**San Diego Black-Tailed Jackrabbit:** Potential impacts to San Diego Black-Tailed Jackrabbit would be offset with restoration and preservation of 0.742 acre of suitable valley needlegrass grassland, Diegan coastal sage scrub, and non-native grassland inside the MHPA.

**San Diego Desert Woodrat:** Potential impacts to San Diego Desert Woodrat would be offset with restoration and preservation of 0.742 acre of suitable valley needlegrass grassland, Diegan coastal sage scrub, and non-native grassland inside the MHPA.

**Nesting Raptors and Birds:** To avoid impacts to raptors, including Cooper's Hawk, no grading activities shall occur during the raptor breeding season of February 1 through September 15. If construction activities are anticipated to occur during the breeding season, then pre-grading nest surveys should be conducted to determine if raptors are nesting in trees on the site. If active nests are present, appropriate construction setbacks of a minimum of 300 feet would be required until young are completely independent of the nest. If no nesting raptors are detected during the pre-construction survey, no mitigation is required.

#### **MSCP SUBAREA PLAN -LAND USE ADJACENCY GUIDELINES**

Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

- A. **Grading/Land Development/MHPA Boundaries** - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that



all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.

- B. **Drainage** - All new and proposed parking lots and developed areas 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.
- C. **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- D. **Lighting** - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Barriers** - New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- F. **Invasives** - No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.

The planting palette for project landscaping will not include any invasive plant species adjacent to the MHPA area that are identified on the Cal-IPC Invasive Plant Inventory Database (Cal-IPC 2016). A list of non-native invasive species observed within the survey area is included below. This list includes species on the Cal-IPC list as well as other species recommended for inclusion by City staff (City of San Diego 2016). Should these or other Cal-IPC listed species occur within the development and landscaped areas within or adjacent to the MHPA, they would be removed or controlled to the degree feasible:

<b>Table 3</b>
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Invasive Plant Species	
Species	Cal-IPC Rating
western coastal wattle ( <i>Acacia cyclops</i> )	Not listed
vanilla scented wattle ( <i>Acacia redolens</i> )	Not listed
Australian saltbush ( <i>Atriplex semibaccata</i> )	Moderate
wild oat ( <i>Avena sp.</i> )	Limited
purple falsebrome ( <i>Brachypodium distachyon</i> )	Moderate
black mustard ( <i>Brassica nigra</i> )	Moderate
ripgut grass ( <i>Bromus diandrus</i> )	Moderate
soft chess ( <i>Bromus hordeaceus</i> )	Limited
red brome ( <i>Bromus madritensis ssp. rubens</i> )	High
Italian thistle ( <i>Carduus pycnocephalus</i> )	Moderate
tocalote ( <i>Centaurea melitensis</i> )	Moderate
iceplant ( <i>Delosperma sp.</i> )	Not listed
stinkwort ( <i>Dittrichia graveolens</i> )	Moderate
rattail sixweeks grass ( <i>Festuca myuros</i> )	Moderate
fennel ( <i>Foeniculum vulgare</i> )	High
garland daisy ( <i>Glebionis coronaria</i> )	Moderate
bristly ox-tongue ( <i>Helminthotheca echioides</i> )	Limited
short-pod mustard ( <i>Hirschfeldia incana</i> )	Moderate
horehound ( <i>Marrubium vulgare</i> )	Limited
slender-leaved iceplant ( <i>Mesembryanthemum nodiflorum</i> )	Moderate
radish ( <i>Raphanus sativus</i> )	Limited
curly dock ( <i>Rumex crispus</i> )	Limited
Russian thistle ( <i>Salsola tragus</i> )	Limited
Brazilian pepper tree ( <i>Schinus terebinthifolius</i> )	Limited
Mediterranean schismus ( <i>Schismus barbatus</i> )	Limited
London rocket ( <i>Sisymbrium irio</i> )	Moderate
smilo grass ( <i>Stipa miliacea</i> )	Limited

Any individuals of these species would be removed from the premises during the construction process and would not be included in the landscaping plant palette. Additionally, according to City standards for brush management, Zone 2 will include only native plants.

- G. **Brush Management** - New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consist with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.



- H. **Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: 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. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

#### **COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)**

1. 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 GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
  - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
  - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY 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.

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.

VI. PUBLIC REVIEW DISTRIBUTION:

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

FEDERAL GOVERNMENT

US Fish & Wildlife Service (23)

MCAS Miramar Air Station (13)

STATE OF CALIFORNIA

State Clearinghouse (46)

California Dept. of Fish & Wildlife (32)

CITY OF SAN DIEGO

Mayor's Office

Councilmember Lightner - District 1

City Attorney's Office (93C)

Development Services:

Development Project Manager

LDR - Engineering Review

LDR - EAS

LDR - Geology

LDR - Landscaping

LDR - Planning Review

LDR - Transportation

Misc. Departments:

Parks & Recreation (89)

Planning - Long Range

MSCP Reviewer, MS-5A

MMC, MS-1102B (77A)

P. Works:

Rowaida Jadan

Delon Jopa

Peter Fogec

Jasiah Neff

Real Estate Assets Dept. (85)

Environmental Services (93A)

Facilities Financing (93B)  
Water Review (86A)  
Wastewater Review (86B)  
San Diego Central Library (81A)  
University Community Branch Library (81JJ)  
SANDAG (108)  
SD County Regional Airport Authority (110)  
LAFCO (111)  
MTS – Planning (112)  
San Diego Gas & Electric Co. (114)  
MTS - Environmental (115)

#### OTHER ORGANIZATIONS AND INTERESTED PARTIES

Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego History Center (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organization (214)  
Ron Christman (215)  
Clint Linton (215B)  
Frank Brown, Inter-Tribal Cultural Resources Council (216)  
Campo Band of Mission Indians (217)  
San Diego County Archaeological Society, Inc. (218)  
Native American Heritage Commission  
Kumeyaay Cultural Heritage Preservation (223)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution - Public Notice and Location Map Only (225A-S)  
The San Diego River Coalition (164)  
Sierra Club (165)  
Neighborhood Canyon Creek & Park Groups (165A)  
San Diego Natural History Museum (166)  
San Diego Audubon Society (167)  
Mr. Jim Peugh (167A)  
Environmental Health Coalition EHC (169)  
Calif. Native Plant Society (170)  
Wetland Advisory Board (171)  
AECOM Environmental Inc (178)  
EC Allison Research Center (181)  
Endangered Habitats League (182A)  
Vernal Pool Society (185)  
Torrey Pines Association (186)  
San Diego Tracking Team (187)  
Citizens Coordinate For Century 3 (189)  
League of Women Voters (192)  
Chicano Federation (193)  
Community Planners Committee (194)  
Town Council Presidents Assoc. (197)



University City Community Planning Group (480)  
The Guardian, UCSD (481)  
UCSD Physical & Community Planning (482)  
MCAS Miramar Air Station (484)  
Marian Bear Natural Park Recreation Council (485)  
University City Community Association (486)  
Debby Knight, Friends of Rose Canyon (487)  
Chamber Of Commerce (492)  
Louis Rodolico  
Steve Bullard  
Sal Noto

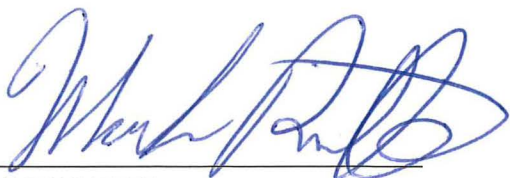
Agent/City Consultants:

Scott Maas  
Hann Mao

VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

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 Entitlements Division for review, or for purchase at the cost of reproduction.



MARK BRUNETTE,  
SENIOR PLANNER  
Development Services Department

April 5, 2017  
Date of Draft Report

October 4, 2017  
Date of Final Report

Analyst: CHRIS TRACY, AICP SENIOR PLANNER

Attachments: Figure 1 – Vicinity Map  
Figure 2 – Site Plan

[Figure 3 – MHPA Boundary Adjustment Parcel Summary](#)

[Figure 4 – MHPA Boundary Adjustment MSCP Conserved Lands Data](#)

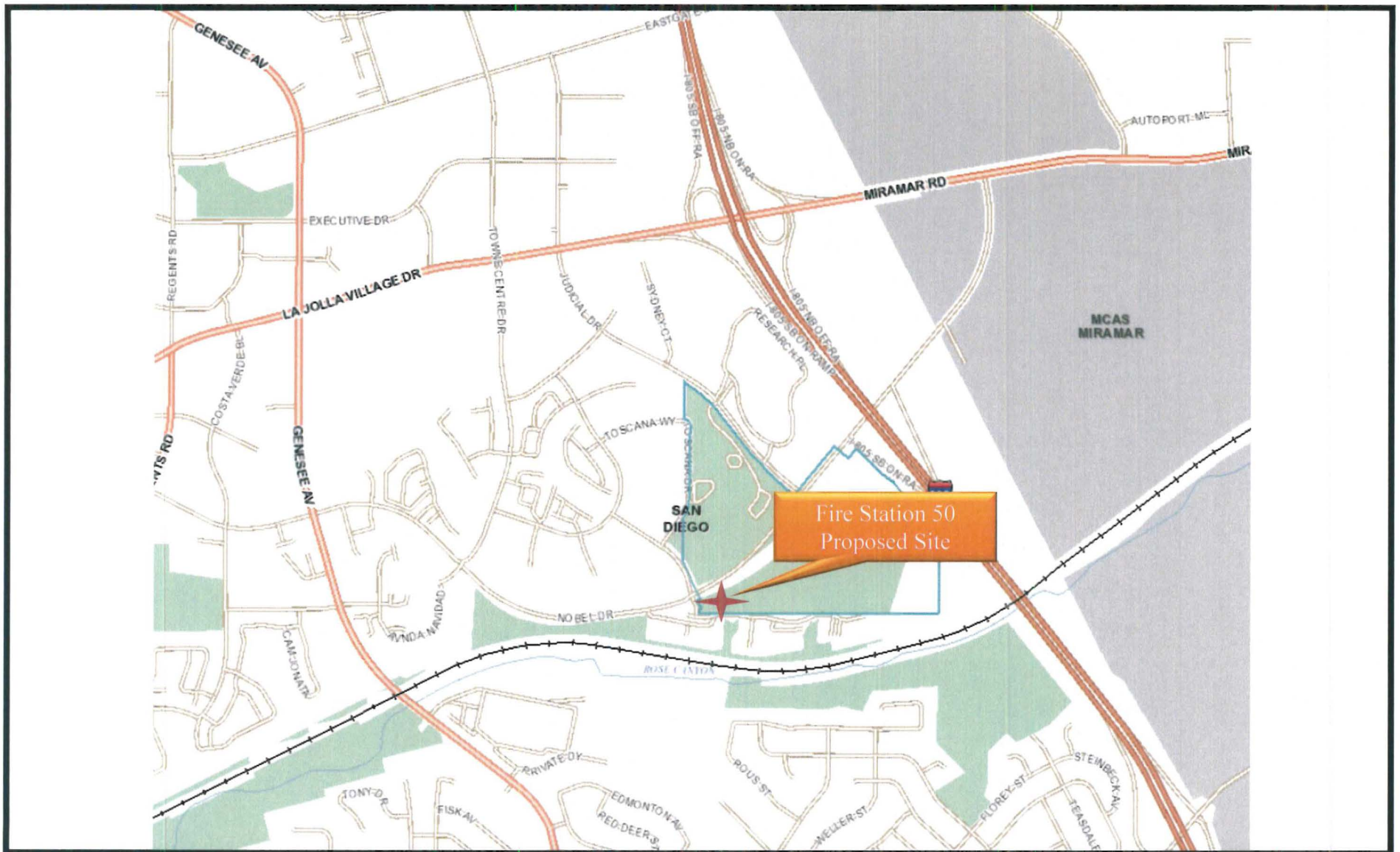
Initial Study Checklist

Biological Survey Report

Native Grassland Restoration Plan

Archaeological Resources Report





## Vicinity Map

N. University Fire Station No. 50 SDP/Project No. 463835 Address: 7544 ½ Toscana Dr (Temp. Add.), SE Cnr. of Noble Dr. & Shoreline Dr. (APN: 345-011-24-00), San Diego, CA 92122  
 City of San Diego – Development Services Department

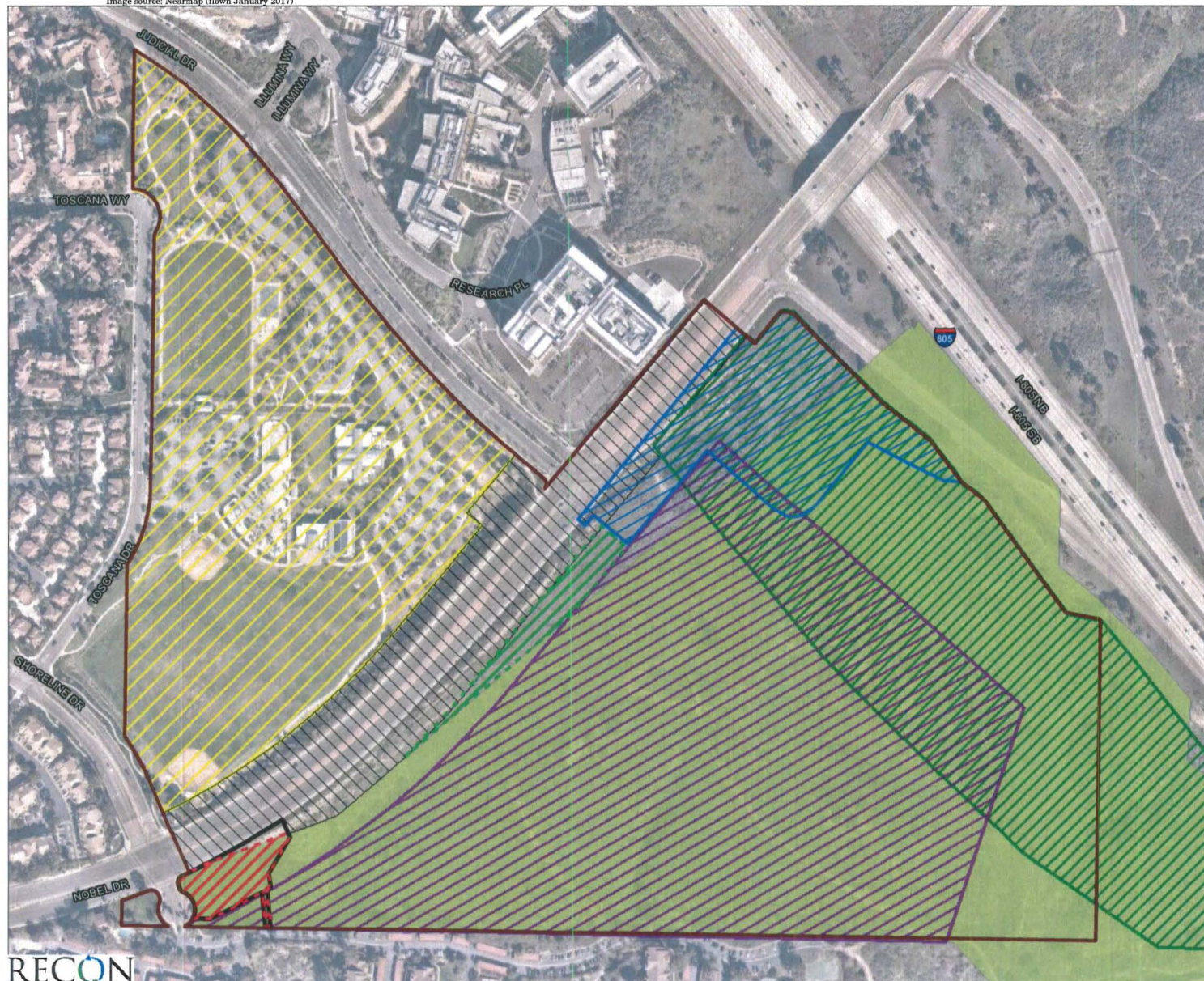
**FIGURE**  
**No. 1**







Image source: Nearmap (flown January 2017)



#### MHPA Boundary Assessment

- Existing MHPA Boundary
- Proposed MHPA Addition (1.011 ac)
- Proposed MHPA Encroachment (0.816 ac)

#### Conserved Areas

- Eastgate Technology Park Mitigation Site (City Reso. 287317; City DWG. 28181-D)
- Open Space Easement (Doc. No. 2003-1520499; Rec. 12-30-2003)

#### Other Data/Land Uses

- Project Parcel
- Nobel Athletic Area
- Nobel Drive ROW
- Caltrans ROW
- North UC Fire Station 50 Project Site



**FIGURE 3**

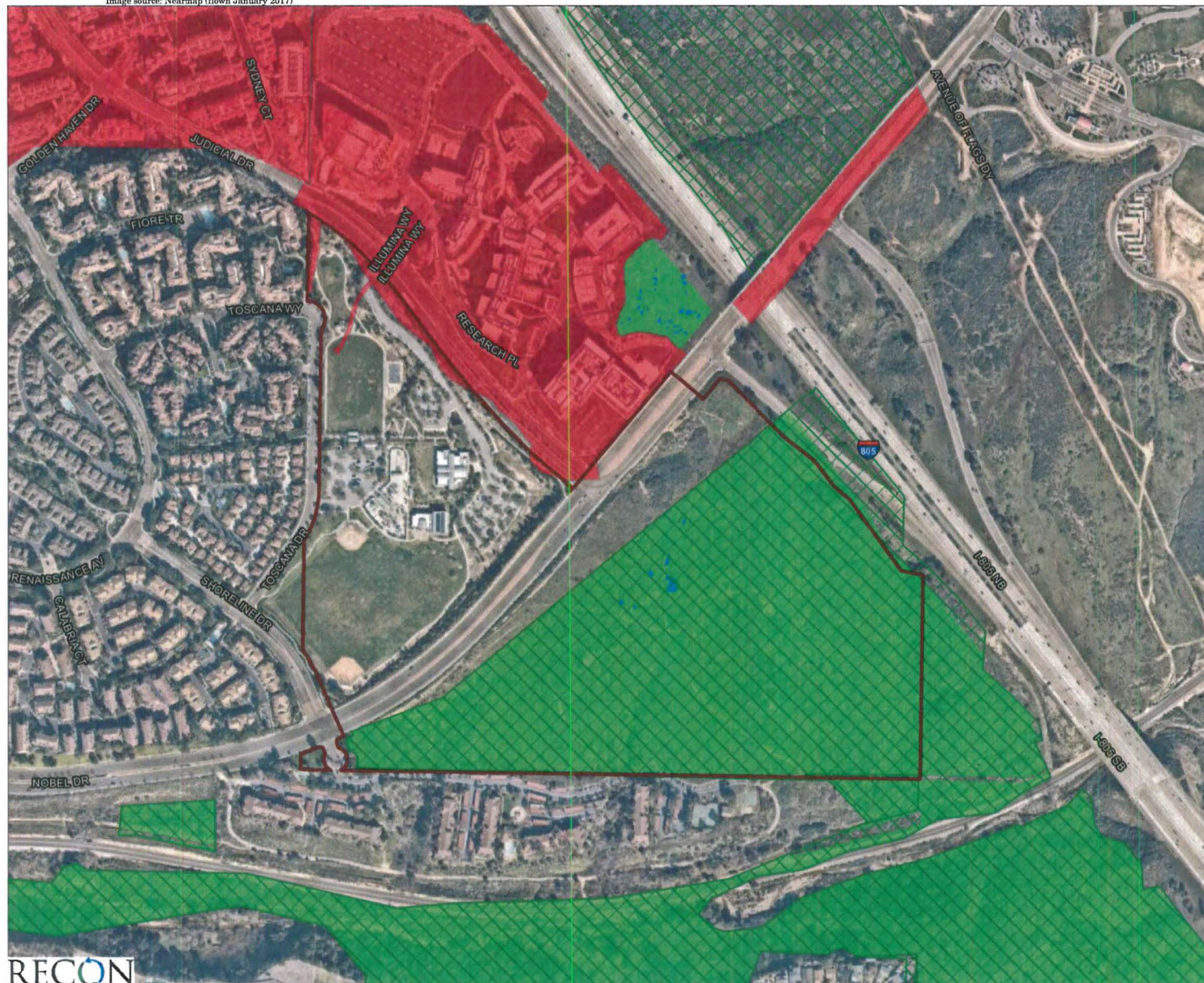
Parcel Summary for the North University City Fire Station 50 Project

RECON

M:\J069417617\common\_gis\fig1\_MHPA.mxd 8/4/2017 fmm



Image source: Nearmap ( flown January 2017)



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#### Habitrak Data

- Gain Areas/Conserved Areas
- Loss Areas

#### Other Data

- Parcel Boundary
- MHPA Boundary
- Vernal Pools



**FIGURE 4**  
MSCP Conserved Lands Data  
for the North University City  
Fire Station 50 Project