# PALEONTOLOGICAL RESOURCE ASSESSMENT FOR THE TORREY PINES U-STOR-IT PROJECT

## 11391 SORRENTO VALLEY ROAD SAN DIEGO, CALIFORNIA

**APN 310-070-29**

**Project No. 697502**

***Prepared for:***

**U-Stor-It**
**501 W. Broadway Suite 2020**
**San Diego, California 92101**

***Submitted to:***

**City of San Diego**
**Development Services Department**
**1222 First Avenue, MS 501**
**San Diego, California 92101**

***Prepared by:***

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*April 7, 2022*

# Paleontological Database Information

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| ***Report Date:*** | April 7, 2022 |
| ***Report Title:*** | Paleontological Resource Assessment for the Torrey Pines U-Stor-It Project, 11391 Sorrento Valley Road, San Diego, California (APN 310-070-29) |
| ***Prepared for:*** | U-Stor-It<br>501 W. Broadway Suite 2020<br>San Diego, California 92101 |
| ***Submitted to:*** | City of San Diego<br>Development Services Department<br>1222 First Avenue, MS 501<br>San Diego, California 92101 |
| ***Lead Agency Identifier:*** | Project No. 697502 |
| ***USGS Quadrangle:*** | Section 31, Township 14 South, Range 3 West of the USGS *Del Mar, California* (7.5 minute) Quadrangle. |
| ***Study Area:*** | 1.46 acres |
| ***Key Words****:* | High paleontological resource sensitivity; City of San Diego; Eocene; Torrey Sandstone; Pleistocene; Bay Point Formation; Nestor terrace; old paralic deposits. |

# Table of Contents



# Appendices



# List of Figures

# I. INTRODUCTION AND LOCATION

This paleontological assessment report has been completed for the Torrey Pines U-Stor-It Project, located at 11391 Sorrento Valley Road in the city of San Diego, San Diego County, California (Figures 1 to 3). On the U.S. Geological Survey, 7.5-minute, 1:24,000-scale *Del Mar, California* topographic quadrangle map, the project is located in Section 31, Township 14 South, Range 3 West, of the San Bernardino Baseline and Meridian (Figure 2) and occupies Assessor's Parcel Number 310-070-29 (Figure 3). The project consists of demolishing the existing two-story building at the project for the construction of a three-story self-storage building totaling 168,655 square feet. The structure will also include two underground basement levels. To accomplish the improvements, approximately 30,164 cubic yards of cut is proposed, to a depth as much as 24 feet (Love et al. 2022).

The existing property is relatively flat and ranges in elevation from about 60 to 65 feet. Currently, a 10- to 15-foot fill slope exists on the western portion of the site that descends to Sorrento Valley Road. A retaining wall, about 30 feet high, is present on the east side of the property that supports the adjacent Interstate 5 bypass (Love et al. 2022).

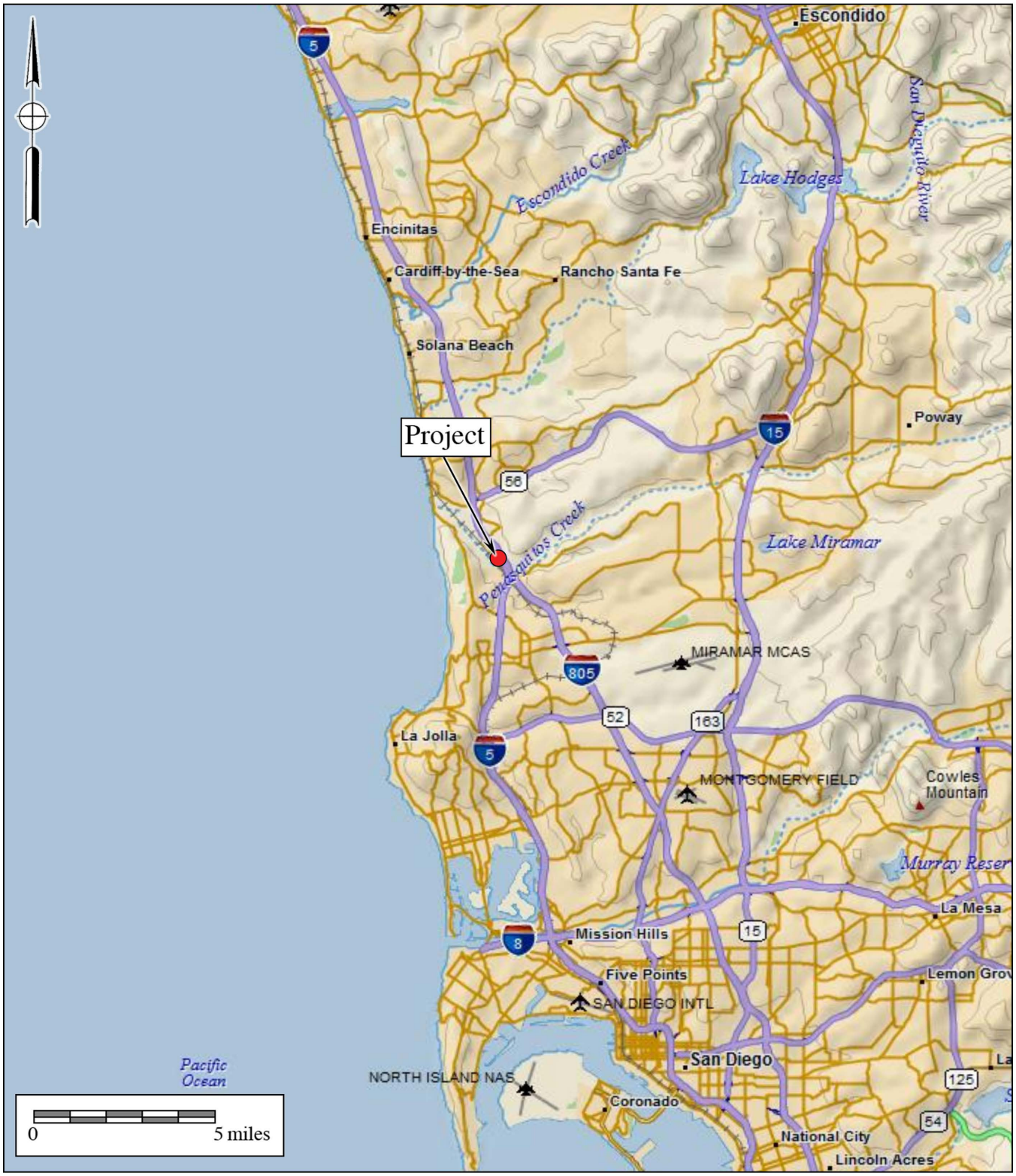
As the lead agency, the City of San Diego has required the preparation of a paleontological assessment to evaluate the project's potential to yield paleontological resources (Project No. 697502). The paleontological assessment of the project included a review of paleontological literature and fossil locality records in the area; a review of the underlying geology; and recommendations to mitigate impacts to potential paleontological resources, if necessary.

# II. REGULATORY SETTING

The California Environmental Quality Act (CEQA), which is patterned after the National Environmental Policy Act, is the overriding environmental regulation that sets the requirement for protecting California's paleontological resources. CEQA mandates that governing permitting agencies (lead agencies) set their own guidelines for the protection of nonrenewable paleontological resources under their jurisdiction.

## ***State of California***

Under "Guidelines for Implementation of the California Environmental Quality Act," as amended in December 2018 (California Code of Regulations [CCR] Title 14, Division 6, Chapter 3, Sections 15000 et seq.), procedures define the types of activities, persons, and public agencies required to comply with CEQA. Section 15063 of the CCR provides a process by which a lead agency may review a project's potential impact to the environment, whether the impacts are significant, and provide recommendations, if necessary.

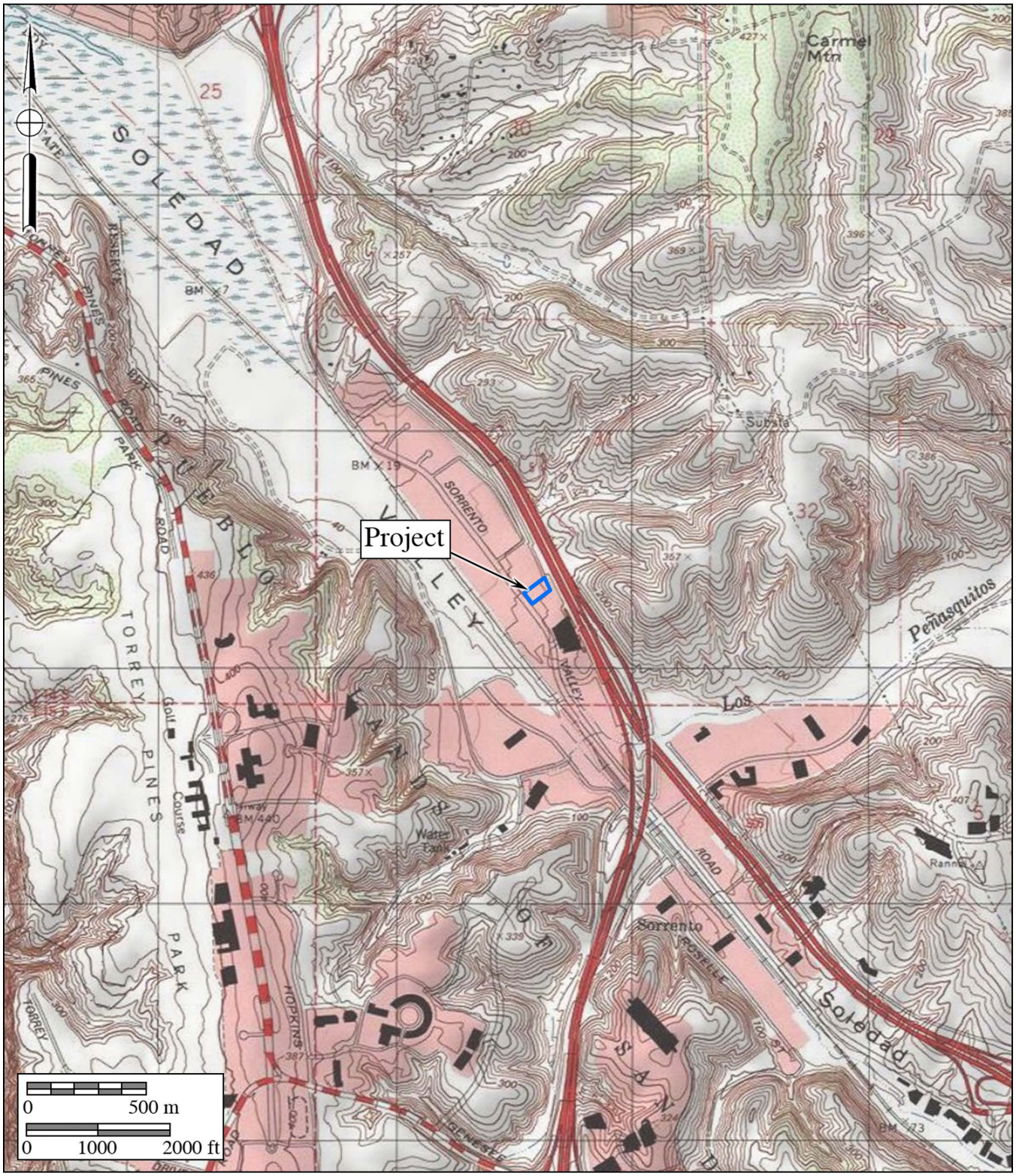



# Figure 1

## General Location Map

The Torrey Pines U-Stor-It Project

DeLorme (1:250,000)




# Figure 2

## Project Location Map

The Torrey Pines U-Stor-It Project

USGS *Del Mar* Quadrangle (7.5-minute series)


# Figure 3

## Project Location Map

The Torrey Pines U-Stor-It Project

Shown on The City of San Diego 1" to 800' Scale Engineering Map

In CEQA's Environmental Checklist Form, one of the questions to answer is, "Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?" (Appendix G, Section VII, Part f). This is to ensure compliance with California Public Resources Code Section 5097.5, the law that protects nonrenewable resources including fossils, which is paraphrased below:

a) A person shall not knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands.
b) As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.
c) A violation of this section is a misdemeanor.

***City of San Diego***

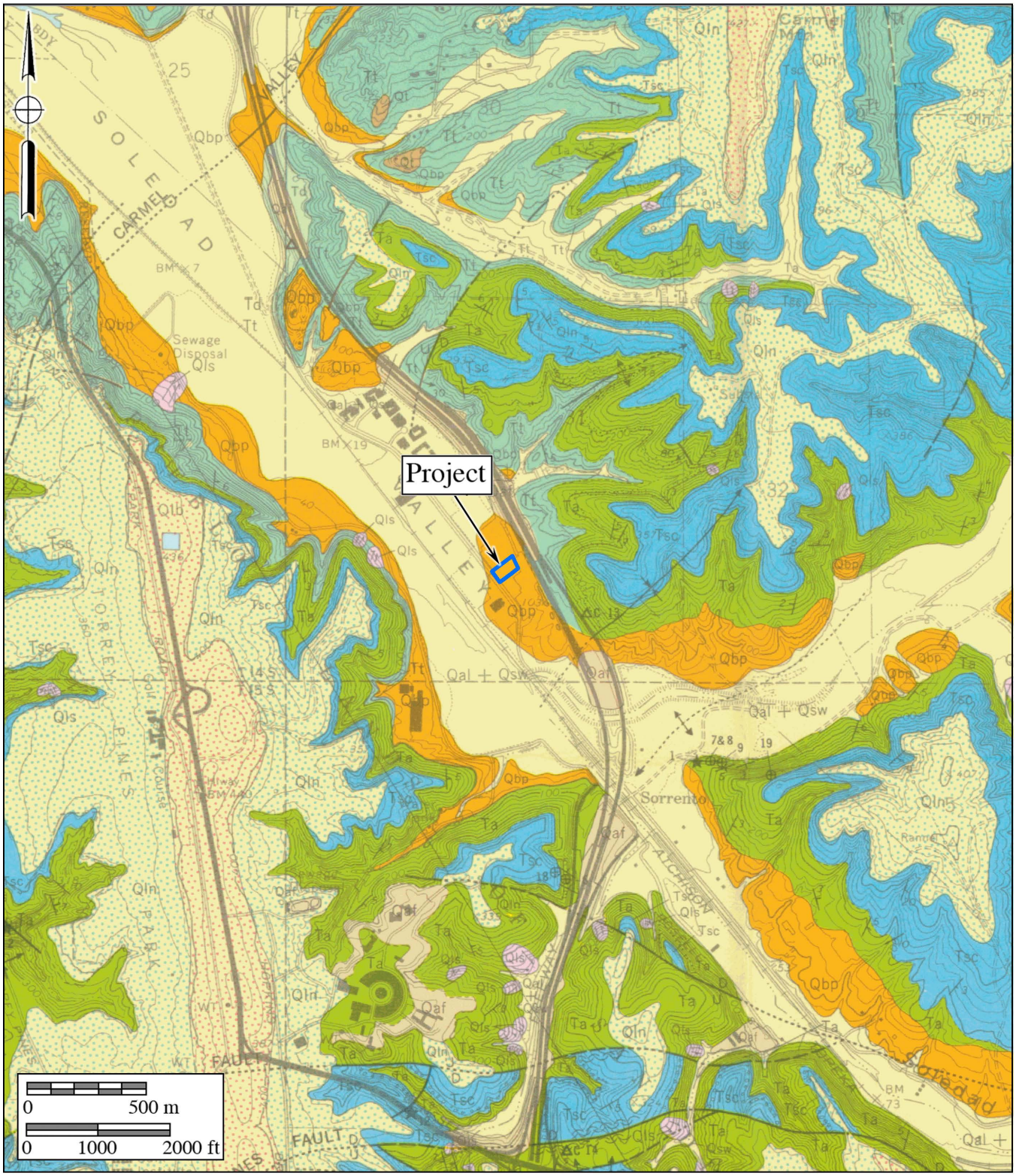
In accordance with CEQA, the City of San Diego established guidelines for potential impacts to paleontological resources (City of San Diego 2016). In this document, significance thresholds for ground disturbances and paleontological significance ratings for various geologic formations occurring within the city limits are established. In a final Public Environmental Impact Report (PEIR; City of San Diego 2007), the City provided detailed analyses and guidelines for geologic formations, the treatment and handling of fossils, and a framework for the mitigation process. This is an updated version of an earlier, stand-alone document (City of San Diego 2002).

The City's online Land Development Manual, designed to assist in the processing and review of applications and establish requirements for the submittal of applications, additionally provides an appendix for paleontological resource grading guidelines (City of San Diego n.d. [Appendix B]), which are generally similar to the guidelines presented in the PEIR (City of San Diego 2007). City Ordinance O-20919 (City of San Diego 2018 [Appendix B]) updated the Land Development Manual's paleontology appendix to include grading thresholds for paleontological resources, which were already available in other prior City documents (*e.g.,* City of San Diego 2002, 2007, 2016).

# III. GEOLOGY

Geologic mapping of the area by Kennedy (1975) indicates the project is mapped as being underlain by the late Pleistocene-aged Bay Point Formation (orange areas labeled "Qbp" on Figure 4). Later research by Kennedy and Tan (2008) reinterpreted the Bay Point Formation as a series of older paralic terrace deposits, assigning the formation at the project to the deposits of the 120,000-year-old Nestor Terrace, described as poorly sorted, reddish-brown, interfingered strandline, beach, estuarine, and colluvial deposits composed of siltstone, sandstone, and conglomerate. The mesas overlooking the project are primarily composed of Eocene-aged marine formations, namely in ascending order, the Torrey Sandstone, Ardath Shale, and Scripps Formation. The Scripps Formation is capped by middle to early Pleistocene-aged paralic terrace deposits in the area. Outcrops of the middle Eocene Torrey Sandstone are the closest to the project, located under the Interstate 5-805 merge (teal areas labeled "Tt" on Figure 4). The 47 to 50-million-year-old Torrey Sandstone likely underlies the Bay Point Formation/Nestor Terrace deposits at the project. Love et al. (2022) speculate a depth greater than 30 feet deep for the Torrey Sandstone. Holocene and late Pleistocene alluvial deposits mantle the valley west of the project (yellow areas labeled "Qal+Qsw" on Figure 4). The Bay Point Formation/Nestor Terrace deposits and the Torrey Sandstone are fossiliferous, yielding marine invertebrate faunas (Sections IV and V).

In a geotechnical investigation performed for the project, Love et al. (2022) identified the presence of undocumented fill soils covering much the project, from zero to perhaps 15 feet thick. The thickest fill areas are located at the western portion of the project where an existing fill slope was built. Pleistocene old paralic deposits underlie the fill soils, described as very dense, yellowish brown to reddish brown, silty to clayey, fine-grained sand and sandy clay. The deposits were also characterized by interbedded silts and sandy silts, as well as gravel and cobble horizons. Notably, refusal of progress due to abundant gravel/cobbles occurred in all four borings, B-1 through B-4, during drilling operations, at depths of 23, 20, 16, and 13 feet, respectively. The Torrey Sandstone was not encountered. Love et al. (2022) recommended removal of all undocumented fill soils; undisturbed old paralic deposits were deemed suitable to be left in place at grade, with a final evaluation by the geologic/engineering consultant at the time of completed grading.




# Figure 4

## Geologic Map

The Torrey Pines U-Stor-It Project

Geology after Kennedy (1975)

# IV. PALEONTOLOGICAL RESOURCES

***Definition***

Paleontological resources are the remains of prehistoric life that have been preserved in geologic strata. These remains are called fossils and include bones, shells, teeth, and plant remains (including their impressions, casts, and molds) in the sedimentary matrix, as well as trace fossils such as footprints and burrows. Fossils are considered older than 5,000 years of age (Society of Vertebrate Paleontology 2010) but may include younger remains (subfossils) when viewed in the context of local extinction of the organism or habitat, for example. Fossils are considered a nonrenewable resource under state and local guidelines (Section II of this report).

***Fossil Records Search***

A paleontological records search was performed within a half-mile of the project boundaries using resources and prior fossil record searches listing San Diego Society of Natural History (SDSNH) fossil localities recorded and curated at the San Diego Natural History Museum (SDNHM; SDNHM n.d.). The results of the records search indicate at least 12 SDSNH fossil localities exist within a half-mile of the project, all from the Eocene-aged marine formations, with the exception of one locality. The exception is SDSNH locality (loc.) 4210, located approximately a half-mile north of the project, mostly consisting of Pleistocene marine mollusk shells (clams and snails). Notably, the deposits yielding SDSNH loc. 4210 are assigned to the paralic deposits of the Parry Grove terrace, with an age of approximately 413,000 years (Kennedy and Tan 2008). Similar assignments are provided for the Pleistocene shells at SDSNH loc. 5935, located just north of loc. 4210. The remaining nearby fossil localities are east and north of the project, all from the richly fossiliferous Ardath Shale and Scripps Formation, both units of which are higher in elevation than the project. The nearest localities from the Torrey Sandstone are located about three-quarters-of-a-mile to the northwest, consisting of impressions of mollusk and plant fossils in sandstone (SDSNH locs. 3968, 7273, and 7274).

***Field Survey***

A field survey of the Torrey Pines U-Stor-It Project was conducted on March 25, 2022, under the supervision of Todd A. Wirths, a qualified City of San Diego paleontologist and Principal Investigator. The property was observed as developed, with buildings, paving, and landscaping. No outcrops or undisturbed formation was viewed. No fossils were observed during the field survey.

# V. PALEONTOLOGICAL SENSITIVITY

***Overview***

The degree of paleontological sensitivity of any particular area is based on a number of

factors, including the documented presence of fossiliferous resources on a site or in nearby areas, the presence of documented fossils within a particular geologic formation or lithostratigraphic unit, and whether or not the original depositional environment of the sediments is one that might have been conducive to the accumulation of organic remains that might have become fossilized over time. The Torrey Sandstone is fossiliferous and is known to yield a variety of plant and leaf impressions with associated marine to brackish water invertebrate fossils, such as bivalve and gastropod mollusks (Givens and Kennedy 1979; Myers 1991). The Torrey Sandstone is assigned a moderate to high paleontological sensitivity (City of San Diego 2002, 2007, 2016).

Holocene alluvium is generally considered to be geologically too young to contain significant nonrenewable paleontological resources (*i.e.,* fossils) and is thus typically assigned a low paleontological sensitivity. Pleistocene (more than 11,700 years old) terrace and fluvial deposits in San Diego County, however, often yield important Ice Age terrestrial vertebrate fossils, such as extinct mammoths, mastodons, giant ground sloths, extinct species of horse, bison, camel, and others, as well as many invertebrate fossils (Stephens 1929; Valentine 1960; Deméré 1980; City of San Diego 2002, 2007; Kern 1977; Kennedy and Browne 2007; Deméré et al. 2013; White et al. 2022). The Bay Point Formation and affiliated late Pleistocene terrace deposits are assigned a high paleontological sensitivity (City of San Diego 2002, 2007, 2016).

***Professional Standard***

The Society of Vertebrate Paleontology (2010) has drafted guidelines that include four categories of paleontological sensitivity for geologic units (formations) that might be impacted by a proposed project, as listed below:

- *High Potential:* Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered.
- *Undetermined Potential:* Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment, and that further study is needed to determine the potential of the rock unit.
- *Low Potential:* Rock units that are poorly represented by fossil specimens in institutional collections or based on a general scientific consensus that only preserve fossils in rare circumstances.
- *No Potential:* Rock units that have no potential to contain significant paleontological resources, such as high-grade metamorphic rocks and plutonic igneous rocks.

Using these criteria, based on the presence of nearby significant fossil localities and the strong likelihood that the nearby fossil localities originated from the same geologic formation as that which is mapped at the project, the Pleistocene-aged Bay Point Formation and Eocene-aged Torrey Sandstone can be considered to have a high potential to yield significant paleontological resources.

***City of San Diego Assessment***

The City of San Diego has applied a paleontological sensitivity rating system for all the rock formations within the city limits (City of San Diego 2002, 2007, 2016, 2018). Ratings of "high," "moderate," and "low" sensitivity are based on a formation's past proclivity to yield fossils and potential for grading activities to significantly impact paleontological resources that a formation may contain. In some cases, formations may have two sensitivity ratings depending on specific neighborhoods. The Bay Point Formation (late Pleistocene Nester terrace/old paralic deposits) are assigned a high paleontological sensitivity, whereas the Torrey Sandstone is assigned a moderate sensitivity. In the Carmel Valley area of San Diego, just to the north of the project, the Torrey Sandstone is assigned a high paleontological sensitivity (City of San Diego 2002, 2007, 2016, 2018).

The City requires paleontological mitigation monitoring when formations are assigned high or moderate paleontological sensitivity ratings, but implementation of monitoring depends on the amount of grading proposed (City of San Diego n.d., 2002, 2007, 2016, 2018). Paleontological monitoring is not required for grading in formations with a low sensitivity rating. Thresholds triggering the monitoring requirement for grading in formations with a high or moderate sensitivity are established as follows:

- For formations with a high sensitivity rating, monitoring is required when grading disturbs more than 1,000 cubic yards and is 10 feet or greater in depth;
- For formations with a moderate sensitivity rating, monitoring is required when grading disturbs more than 2,000 cubic yards and is 10 feet or greater in depth;
- When a fossil locality is mapped ("Kennedy maps") on or nearby the project (City of San Diego 2002, 2007, 2016) or when grading occurs within 100 feet of a mapped fossil locality (City of San Diego 2018), full-time monitoring is required; and
- Monitoring may be required when shallow grading (less than 10 feet deep) occurs at sites that were previously graded and unweathered formations are present at the surface (City of San Diego 2002).

# VI. CONCLUSIONS AND RECOMMENDATIONS

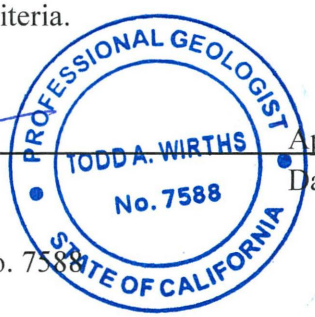
Grading at the proposed Torrey Pines U-Stor-It Project will likely significantly impact the underlying Bay Point Formation (late Pleistocene Nester terrace/old paralic deposits). The Torrey Sandstone may be impacted as well if grading activities go deep enough. In general accordance with geological conditions observed in the field at other projects, the gravel/cobble beds(s) encountered during drilling activities may represent a relatively thin basal conglomerate horizon that overlies bedrock; the bedrock in this case would be the Torrey Sandstone. Based on its potential to yield significant paleontological resources, the Bay Point Formation is assigned a high paleontological sensitivity, while the Torrey Sandstone is assigned a moderate to high

paleontological sensitivity by the City of San Diego, in agreement with Society of Vertebrate Paleontology (2010) guidelines. For this project, a high paleontological sensitivity is assigned to the underlying Torrey Sandstone based on significant nearby fossil localities. Therefore, grading activities at the project have the potential to significantly impact paleontological resources. On this basis, a paleontological Mitigation Monitoring and Reporting Program (MMRP) is recommended for implementation at the project prior to issuance of applicable grading and demolition permits. Full-time monitoring for paleontological resources in undisturbed formations is recommended at the project starting at the surface.

The recommended MMRP shall follow the guidelines established by the City of San Diego (n.d., 2002, 2007, 2018). Guidelines for paleontology by the City are quite comprehensive; therefore, "General Grading Guidelines for Paleontological Resources" (City of San Diego n.d.) and the subsequent ordinance (Ordinance No. O-20919; City of San Diego 2018) is provided in Appendix B.

## VII. CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this paleontological report, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief, and have been compiled in accordance with CEQA criteria.




April 7, 2022

Todd A. Wirths
Senior Paleontologist
California Professional Geologist No. 7588

Date

## VIII. REFERENCES

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# APPENDIX A

## Qualifications of Key Personnel

# Todd A. Wirths, MS, PG No. 7588

## Senior Paleontologist

Brian F. Smith and Associates, Inc.
14010 Poway Road • Suite A •
Phone: (858) 679-8218 • Fax: (858) 679-9896 • E-Mail: twirths@bfsa-ca.com

## Education

**Master of Science, Geological Sciences, San Diego State University, California** **1995**

**Bachelor of Arts, Earth Sciences, University of California, Santa Cruz** **1992**

## Professional Certifications

California Professional Geologist #7588, 2003
Riverside County Approved Paleontologist
San Diego County Qualified Paleontologist
Orange County Certified Paleontologist
OSHA HAZWOPER 40-hour trained; current 8-hour annual refresher

## Professional Memberships

Board member, San Diego Geological Society
San Diego Association of Geologists; past President (2012) and Vice President (2011)
South Coast Geological Society
Southern California Paleontological Society

## Experience

Mr. Wirths has more than a dozen years of professional experience as a senior-level paleontologist throughout southern California. He is also a certified California Professional Geologist. At BFSA, Mr. Wirths conducts on-site paleontological monitoring, trains and supervises junior staff, and performs all research and reporting duties for locations throughout Los Angeles, Ventura, San Bernardino, Riverside, Orange, San Diego, and Imperial Counties. Mr. Wirths was formerly a senior project manager conducting environmental investigations and remediation projects for petroleum hydrocarbon-impacted sites across southern California.

## Selected Recent Reports

2019 *Paleontological Assessment for the 10575 Foothill Boulevard Project, City of Rancho Cucamonga, San Bernardino County, California*. Prepared for T&B Planning, Inc. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2019 *Paleontological Assessment for the MorningStar Marguerite Project, Mission Viejo, Orange County, California.* Prepared for T&B Planning. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2019 *Paleontological Monitoring Report for the Nimitz Crossing Project, City of San Diego.* Prepared for Voltaire 24, LP. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2019 *Paleontological Resource Impact Mitigation Program (PRIMP) for the Jack Rabbit Trail Logistics Center Project, City of Beaumont, Riverside County, California.* Prepared for JRT BP 1, LLC. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Monitoring Report for the Oceanside Beachfront Resort Project, Oceanside, San California.* Prepared for S.D. Malkin Properties. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Resource Impact Mitigation Program for the Nakase Project, Lake Forest, Orange County, San California.* Prepared for Glenn Lukos Associates, Inc. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Resource Impact Mitigation Program for the Sunset Crossroads Project, Banning, Riverside County*. Prepared for NP Banning Industrial, LLC. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Assessment for the Ortega Plaza Project, Lake Elsinore, Riverside County*. Prepared for Empire Design Group. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Resource Record Search Update for the Green River Ranch III Project, Green River Ranch Specific Plan SP00-001, City of Corona, California*. Prepared for Western Realco. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Assessment for the Cypress/Slover Industrial Center Project, City of Fontana, San Bernardino County, California*. Prepared for T&B Planning, Inc. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2020 *Paleontological Monitoring Report for the Imperial Landfill Expansion Project (Phase VI, Segment C-2), Imperial County, California*. Prepared for Republic Services, Inc. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2021 *Paleontological Assessment for the Manitou Court Logistics Center Project, City of Jurupa Valley, Riverside County, California*. Prepared for Link Industrial. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2021 *Paleontological Resource Impact Mitigation Program for the Del Oro (Tract 36852) Project, Menifee, Riverside County*. Prepared for D.R. Horton. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2021 *Paleontological Assessment for the Alessandro Corporate Center Project (Planning Case PR-2020-000519), City of Riverside, Riverside County, California*. Prepared for OZI Alessandro, LLC. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

2021 *Paleontological Monitoring Report for the Boardwalk Project, La Jolla, City of San Diego*. Prepared for Project Management Advisors, Inc. Report on file at Brian F. Smith and Associates, Inc., Poway, California.

# APPENDIX B

**City of San Diego Guidelines for Paleontology**
**- Appendix P, City of San Diego Land Development Manual: General Grading Guidelines for Paleontological Resources**
**- City Ordinance O-20919**

# LAND DEVELOPMENT MANUAL
# APPENDIX P

# GENERAL GRADING GUIDELINES FOR PALEONTOLOGICAL RESOURCES

Paleontological resources (i.e., fossils) are the buried remains and/or traces of prehistoric organisms (i.e., animals, plants, and microbes). Body fossils such as bonesor teeth, shells, leaves, and wood, as well as trace fossils such as tracks, trails, burrows, and footprints, are found in the geologic deposits (formations) within which they were originally buried. Fossil remains are considered important if they are: 1) well preserved; 2) taxonomically identifiable; 3) type/topotypic specimens; 4) age diagnostic; 5) useful in environmental reconstruction; or 6) represent new, rare, and/or endemic taxa.

Fossils are typically found buried in geologic deposits of sedimentary rock layers. They are exposed by natural weathering as well as by manmade earthmoving operations. Paleontological resources may be encountered during grading/excavation activities associated with project construction (e.g., residential subdivision projects, new roadway projects, urban redevelopment projects, or utility installation/improvement projects) where such work would be performed in previously undisturbed geologic deposits/formations/rock units (i.e., not in artificial fill materials).

The mapping of geologic deposits/formations/rock units can be located in the published geologic maps by Kennedy and Tan, 2008 all areas of the City of San Diego except Otay Mesa; and Todd, 2004 for the Otay Mesa area. The maps use colors to indicate the geographic distribution of individual geologic deposits/formations/rock units, with a map legend for reference of the geologic deposits/formations/rock units that are present in the project area. The geologic maps are available through the California Geological Survey and United State Geological Survey. Online digital versions of 1:100,000 scale maps are available at the following websites: https://ngmdb.usgs.gov/mapview/; http://www.conservation.ca.gov/cgs/rghm/rgm/Pages/preliminary_geologic_maps.aspx; and https://pubs.usgs.gov/of/2004/1361/.

These General Grading Guidelines for Paleontological Resources do not replace the Significance Determination Thresholds set forth in Land Development Manual Appendix A for Paleontological Resources.

The following is the standard monitoring requirement that shall be placed on grading plans and implemented when required pursuant to LDC section 142.0151:

**I. Prior to Permit Issuance**

Entitlements Plan Check

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 City Engineer (CE) and/or Building Inspector (BI) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

1. The applicant shall submit a letter of verification to Resident Engineer (RE) and/or Building Inspector (BI) identifying the qualified Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program. A qualified PI is defined as a person with a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.) with demonstrated knowledge of southern California paleontology and geology, and documented experience in professional paleontological procedures and techniques.

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

A. Verification of Records Search

1. The PI shall provide verification to RE and/or BI that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from the San Diego Natural History Museum, or another relevant institution that maintains paleontological collections recovered from sites within the City of San Diego.

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

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, RE, and BI, as appropriate. The qualified paleontologist (PI) shall attend any grading/excavation related Preconstruction 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 Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with 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 RE and/or BI 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 geologic conditions (e.g., geologic deposits as listed in the Paleontological Monitoring Determination Matrix below).

3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to the RE and/or BI indicating when and where monitoring will occur.

   b. The PI may submit a detailed letter to RE and/or BI 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 and geotechnical reports which indicate conditions such as depth of excavation and/or thickness of artificial fill overlying bedrock, presence or absence of fossils , 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 paleontological 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 PI, RE and/or BI 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 RE and/or BI during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter previously undisturbed and paleontologically sensitive geologic deposits as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for paleontological resources to be present.

3. The paleontological monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be emailed by the CM to the RE and/or BI the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion)**, and in the case of ANY discoveries.

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 notify the RE and/or BI. The contractor shall also process a construction change for administrative purposes to formalize the documentation and recovery program, including modification to Mitigation Monitoring and Compliance (MMC).

2. The paleontological monitor shall notify the PI (unless paleontological monitor is the PI) of the discovery.

3. The PI shall notify MMC of the discovery, and shall submit documentation to MMC within 24 hours by email with photos of the resource in context.

C. Recovery of Fossils

If a paleontological resource is encountered:

1. The paleontological monitor shall salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary as determined by the PI, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.

2. The paleontological monitor shall record stratigraphic and geologic data to provide a context for the recovered fossil remains, including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, and photographic documentation of the geologic setting.

## V. Post Construction

A. Preparation and Submittal of Draft Paleontological Monitoring Report

1. The PI shall submit two copies of the Draft Paleontological Monitoring Report (even if negative), prepared to the satisfaction of the Development Services Department. The Draft Paleontological Monitoring Report shall describe the methods, results, 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 or potentially significant paleontological resources encountered during monitoring, as identified by the PI, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. 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 (revised November 2017), and submittal of such forms to the San Diego Natural History Museum and MMC with the Draft Paleontological Monitoring Report.

2. MMC shall return the Draft Paleontological Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Paleontological Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved Draft Paleontological Monitoring Report.

5. MMC shall notify the RE and/or BI, of receipt of all Draft Paleontological Monitoring Report submittals and approvals.

B. Handling of Recovered Fossils

1. The PI shall ensure that all fossils collected are cleaned to the point of curation (e.g., removal of extraneous sediment, repair of broken specimens, and consolidation of fragile/brittle specimens) and catalogued as part of the Paleontological Monitoring Program.

2. The PI shall ensure that all fossils are analyzed to identify stratigraphic provenance, geochronology, and taphonomic context of the source geologic deposit; that faunal material is taxonomically identified; and that curation has been completed, as appropriate.

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

1. The PI shall be responsible for ensuring that all fossils associated with the paleontological monitoring program for this project are permanently curated with an accredited institution that maintains paleontological collections (such as the San Diego Natural History Museum).

2. The PI shall include an acceptance verification from the curation institution in the Final Paleontological Monitoring Report submitted to the RE and/or BI, and MMC.

D. Final Paleontological Monitoring Report(s)

1. The PI shall submit two copies of the Final Paleontological Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the Final Paleontological Monitoring Report has been approved.

2. The RE and/or BI shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Paleontological Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

## Paleontological Monitoring Determination Matrix

| Geological Deposit/Formation/Rock Unit | Potential Fossil Localities | Sensitivity Rating |
|---|---|---|
| Alluvium (Qsw, Qal, or Qls) | All communities where this unit occurs | Low |
| Ardath Shale (Ta) | All communities where this unit occurs | High |
| Bay Point/Marine Terrace (Qbp) [1] | All communities where unit occurs | High |
| Cabrillo Formation (Kcs) | All communities where unit occurs | Moderate |
| Delmar Formation (Td) | All communities where unit occurs | High |
| Friars Formation (Tf) | All communities where unit occurs | High |
| Granite/Plutonic (Kg) | All communities where unit occurs | Zero |
| Lindavista Formation (Qln, Qlb) [2] | A. Mira Mesa/Tierrasanta<br>B. All other areas | A. High<br>B. Moderate |
| Lusardi Formation (Kl) | Black Mountain Ranch/Lusardi Canyon Poway/Rancho Santa Fe<br>B. All other areas | A. High<br>B. Moderate |
| Mission Valley Formation (Tmv) | All communities where unit occurs | High |
| Mt. Soledad Formation (Tm, Tmss, Tmsc) | A. Rose Canyon<br>B. All other areas where this unit occurs | A. High<br>B. Moderate |
| Otay Formation (To) | All communities where unit occurs | High |
| Point Loma Formation (Kp) | All communities where unit occurs | High |
| Pomerado Conglomerate (Tp) | A. Scripps Ranch/Tierrasanta<br>B. All other areas | High |
| River /Stream Terrace Deposits (Qt) | A. South Eastern/Chollas Valley/Fairbanks Ranch/Skyline/Paradise Hills/Otay Mesa, Nestor/San Ysidro<br>B. All other areas | A. Moderate<br>B. Low |
| San Diego Formation (Qsd) | All communities where this unit occurs. | High |
| Santiago Peak Volcanics (Jsp)<br>A. Metasedimentary<br>B. Metavolcanic | A. Black Mountain Ranch/La Jolla Valley, Fairbanks Ranch/Mira Mesa/Peñasquitos<br>B. All other areas | A. Moderate<br>B. Zero |
| Scripps Formation (Tsd) | All communities where this unit occurs | High |
| Stadium Conglomerate (Tst) | All communities where this unit occurs | High |
| Sweetwater Formation | All communities where this unit occurs | High |
| Torrey Sandstone (Tf) | A. Black Mountain Ranch/Carmel Valley<br>B. All other areas | A. High<br>B. Low |

ORDINANCE NUMBER O- 20919 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 22 2018

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 142.0101, AMENDING SECTION 142.0130 BY AMENDING THE EDITOR'S NOTE, AND ADDING NEW SECTION 142.0151, RELATING TO PALEONTOLOGICAL RESOURCES AND GRADING PROPOSED AS PART OF THE 11TH UPDATE TO THE LAND DEVELOPMENT CODE.

WHEREAS, paleontological resources may be encountered during grading activities associated with project construction in undisturbed geologic deposits, formations, and rock units; and

WHEREAS, paleontological monitoring requirements have historically been applied on a project-by-project basis during the City's California Environmental Quality Act development review process; and

WHEREAS, to avoid adverse impacts to paleontological resources, consistent regulations related to grading and paleontological monitoring are desired; and

WHEREAS, this Ordinance is being processed with the 11th update to the Land Development Code as a separate ordinance; NOW, THEREFORE,

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

Section 1. That Chapter 14, Article 2, Division 1 of the San Diego Municipal Code is amended by amending section 142.0101, amending section 142.0130 by amending the editor's note, and by adding new section 142.0151, to read as follows:

**§142.0101 Purpose of Grading Regulations**

The purpose of these regulations is to address slope stability, protection of property, erosion control, water quality, landform preservation, and paleontological resources preservation, and to protect the public health, safety, and welfare of persons, property, and the environment.

**§142.0130 Development Standards for Grading**

(a) through (b) [No change in text.]

**EDITORS NOTE: The Land Development Manual includes:**

Coastal Bluffs and Beaches Guidelines

Biology Guidelines

Historical Resources Guidelines

Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

General Grading Guidelines for Paleontological Resources

**§142.0151 Paleontological Resources Requirements for Grading Activities**

(a) Paleontological resources monitoring shall be required in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual for any of the following:

(1) *Grading* that involves 1,000 cubic yards or greater, and 10 feet or greater in depth, in a High Resource Potential Geologic Deposit/Formation/Rock Unit; or

(2) *Grading* that involves 2,000 cubic yards or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geologic Deposit/Formation/Rock Unit; or

(3) *Grading* on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.

(b) If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during *grading*, notwithstanding Section 142.0151(a), all *grading* in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force no sooner than the thirtieth day from

and after the finding of consistency, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

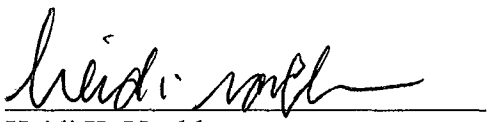
That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by

the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
01/08/18
Or.Dept: Planning
Doc. No.: 1661906

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

ELIZABETH S. MALAND
City Clerk

By Linda Irvin
Deputy City Clerk

Approved: 3/22/18
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

_____
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**
**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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HKV:nja
01/05/18
Or.Dept: Planning
Doc. No.: 1661198

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

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---|---|---|---|---|
| Barbara Bry | ☐ | ☐ | ☐ | ☑ |
| Lorie Zapf | ☑ | ☐ | ☐ | ☐ |
| Chris Ward | ☑ | ☐ | ☐ | ☐ |
| Myrtle Cole | ☑ | ☐ | ☐ | ☐ |
| Mark Kersey | ☑ | ☐ | ☐ | ☐ |
| Chris Cate | ☑ | ☐ | ☐ | ☐ |
| Scott Sherman | ☑ | ☐ | ☐ | ☐ |
| David Alvarez | ☐ | ☑ | ☐ | ☐ |
| Georgette Gomez | ☑ | ☐ | ☐ | ☐ |

Date of final passage MAR 22 2018.

AUTHENTICATED BY:

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

(Seal)

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

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 06 2018, and on MAR 22 2018.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20919