

MINUTE ITEM

This Calendar Item No. C08 was approved as Minute Item No. 08 by the California State Lands Commission by a vote of 2 to 0 at its 7-11-97 meeting.

**CALENDAR ITEM
C08**

A 17
S 5

07/11/97
PRC 7632 WP 7632.9
L. Burks

AMENDMENT OF LEASE

LESSEE:

City of Stockton
Public Works Department
425 North El Dorado Street
Stockton, California 95202

AREA, LAND TYPE, AND LOCATION:

.68 acres, more or less, of tide and submerged lands in Twelve Mile Slough, Ten Mile Slough, Five Mile Slough, Mosher Slough, San Joaquin River and Stockton Deep Water Channel, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Installation, use and maintenance of sewer lines.

LEASE TERM:

30 years, beginning April 1, 1992.

CONSIDERATION:

Public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENTS:

1. Delete the Mosher Slough and Five Mile Slough crossings from the authorized locations.
2. Downsize the force main crossings at the San Joaquin River and the Stockton Deep Water Channel from a dual 42-inch force main to a dual 36-inch force main.
3. Downsize the force main crossings at Ten Mile Slough and Twelve Mile Slough from a single 39-inch pipe to a single 30-inch pipe.

CALENDAR ITEM NO. C08 (CONT'D)

4. Vertically realign the force main crossing the Stockton Deep Water Channel to follow below the actual dredging limits of the channel.
5. Redesign the pipe changes to the San Joaquin River and Stockton Deep Water Channel crossings as follows:
 - a. Class 56 ductile iron ball joint pipe has been replaced with C303 concrete cylinder pipe through all of the levee sections. The C303 is to be encased in concrete one foot minimum around the diameter of the pipe.
 - b. A flange encased in concrete serves as the connection between the C303 and the ductile iron ball joint pipe on the water side of each of the levees. The C303 will be welded to the C200 pipe on the landward side of the levee.
 - c. C200 cement-lined mortar-coated steel pipe now runs through and is on 20 feet of either side of the valve box structures.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. A Negative Declaration, an Addendum and a Mitigation Monitoring Program were prepared and adopted for this project by the city of Stockton. The California State Lands Commission's staff has reviewed such document.
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Army Corps of Engineers, California Department of Fish and Game, California State Reclamation Board, and City of Stockton.

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CALENDAR ITEM C08 (CONT'D)

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Determination
- D. Resolution
- E. Mitigation Monitoring and Reporting Program

PERMIT STREAMLINING ACT DEADLINE:

December 24, 1997

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT A NEGATIVE DECLARATION, AN ADDENDUM AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF STOCKTON AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT E, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7632.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JUNE 25, 1997, TO DELETE THE MOSHER SLOUGH AND FIVE MILE SLOUGH CROSSINGS FROM THE AUTHORIZED LOCATIONS AND TO DOWNSIZE AND MAKE DESIGN CHANGES TO THE PIPELINES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

Exhibit A

W 24619

LAND DESCRIPTION

Parcel 1 San Joaquin River

An easement for the Construction, Operation and Maintenance of two Sanitary Sewer Force Mains over and across a strip of land thirty (30) feet in width, in the bed of the San Joaquin River, and being a portion of projected Section 8, T1N, R6E, MDM, City of Stockton, San Joaquin County, California, more particularly described as follows:

COMMENCING at a chiseled cross on the concrete bridge deck at the intersection of the center line of Navy Drive and the left bank of the San Joaquin River as shown on the parcel map filed in Book 15 of Parcel Maps, page 142, San Joaquin Records; thence S 72° 01' 50" W, 289.53 feet thence S 24° 07' 45" E, 10.00 feet to the TRUE POINT OF BEGINNING; thence along the centerline of said 30 foot wide easement, N 24° 07' 45" W, 202.00 feet to end of the herein described easement.

TOGETHER WITH a temporary construction easement over and across two strips of land thirty-five (35) feet wide and lying adjacent to and on each side of the above described thirty (30) foot wide permanent easement.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water marks of the San Joaquin River.

Parcel 2 Stockton Deep Water Channel

An easement for the Construction, Operation and Maintenance of two Sanitary Sewer Force Mains over and across a strip of land thirty (30) feet in width, in the bed of the Stockton Deep Water Channel, and being a portion of projected Section 1, T1N, R5E, MDM, City of Stockton, San Joaquin County, California, more particularly described as follows:

COMMENCING at a 3/4" iron pin marking a corner of that certain 9.187 acre parcel shown in Book 30 of Surveys, page 179, San Joaquin Records, which corner is on the southeasterly right-of-way of the East Bay Utility District; thence along said southeasterly right-of-way S 57° 28' 20" W, 46.01 feet; thence S 42° 28' 46" E, 565.21 feet; thence N 37° 17' 30" E, 10.00 feet to the TRUE POINT OF BEGINNING; thence along the centerline of said 30 foot wide easement, S 37° 17' 30" W, 616.00 feet to the end of the herein described easement.

TOGETHER WITH a temporary construction easement over and across two strips of land thirty-five (35) feet wide and lying adjacent to and on each side of the above described thirty (30) foot wide permanent easement.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water marks of the Stockton Deep Water Channel.

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Parcel 3 Ten Mile Slough

An easement for the Construction, Operation and Maintenance of two Sanitary Sewer Force Mains over and across a strip of land thirty (30) feet in width, in the bed of Ten Mile Slough, and being a portion of projected Section 36, T2N, R5E, MDM, San Joaquin County, California, more particularly described as follows:

COMMENCING at a 2 inch iron pipe designated point #1 of "Elmwood Tract" shown in Book 2 of Surveys, page 67; thence N 46° 38' 43" E, 342.12 feet thence S 43° 54' 58" E, 10.00 feet to the TRUE POINT OF BEGINNING; thence along the center line of said 30 foot easement N 43° 54' 58" W, 66.00 feet to the end of the herein described easement.

TOGETHER WITH a temporary construction easement over and across a strip of land seventy (70) feet wide and lying westerly and adjacent to the above described thirty (30) foot wide permanent easement.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water marks of the Ten Mile Slough.

Parcel 4 Twelve Mile Slough

An easement for the Construction, Operation and Maintenance of two Sanitary Sewer Force Mains over and across a strip of land thirty (30) feet in width, in the bed of Twelve Mile Slough, and being a portion of projected Section 25, T2N, R5E, MDM, San Joaquin County, California, more particularly described as follows:

COMMENCING at a 2 inch iron pipe marking a point designated "Monument 8E" on the southeasterly line of that certain 364.00 acre parcel shown on a map in Book 10 of Surveys, page 173 San Joaquin County records; thence S 70° 54' 33" W, 149.38 feet thence S 11° 30' 22" E, 10.00 feet to the TRUE POINT OF BEGINNING; thence along the center line of the thirty (30) foot wide easement, N 11° 30' 22" W, 27.00 feet; thence N 20° 46' 56" E, 76.00 feet to the end of the herein described easement.

TOGETHER WITH a temporary construction easement over and across a strip of land seventy (70) feet wide and lying westerly and adjacent to the above described thirty (30) foot wide permanent easement.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water marks of the Twelve Mile Slough.

Bearings used in the above parcels are based on the California State Coordinate System Zone 3, 1927 N.A.D.

END OF DESCRIPTION

PREPARED JANUARY 1992, BY LLB.

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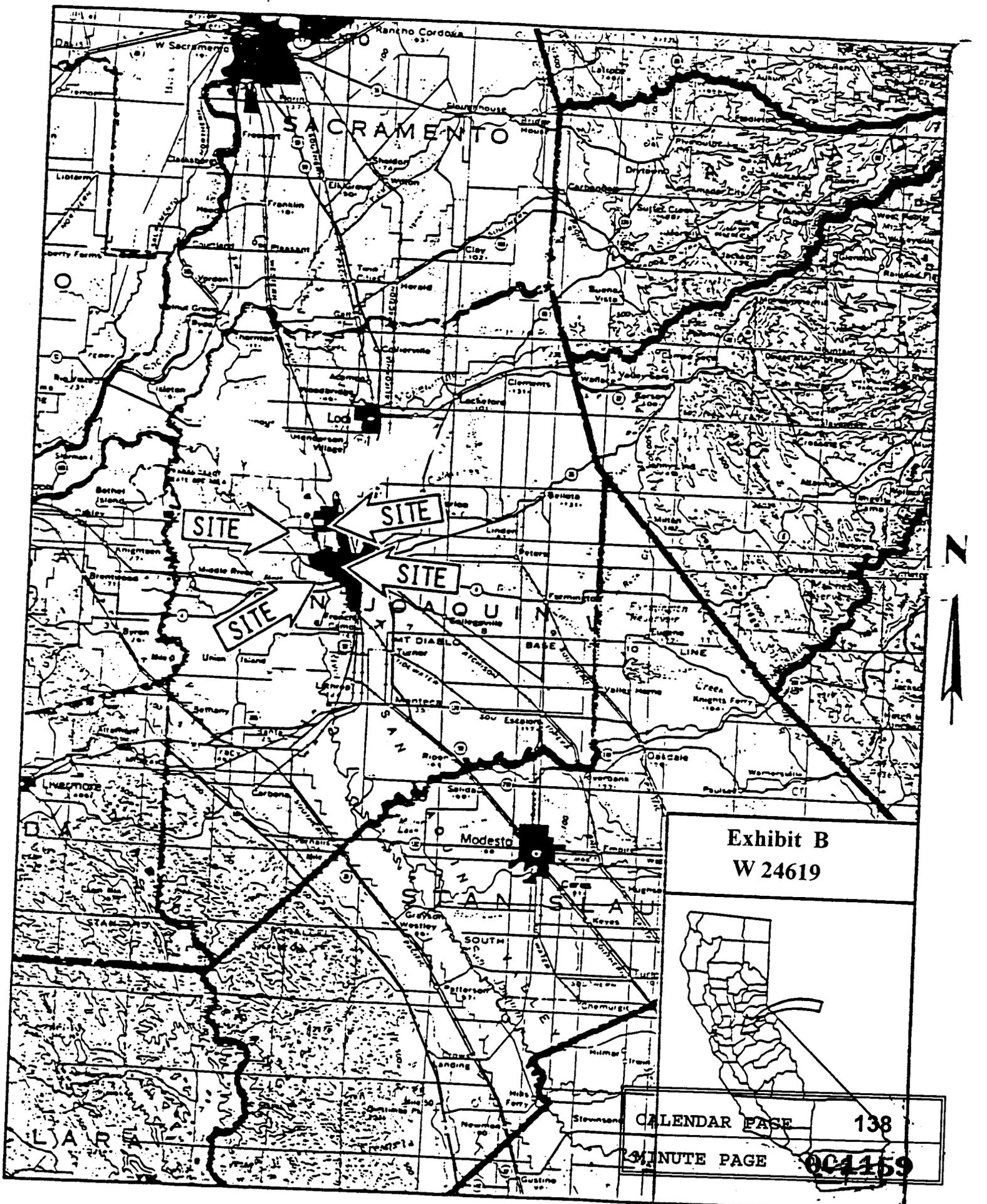


Exhibit B
W 24619



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EXHIBIT C
CITY OF STOCKTON
NOTICE OF DETERMINATION

TO: County Clerk
San Joaquin County

 Office of Planning and
Research
1400 10th Street, #121
Sacramento, CA 95814

FROM: Lead Agency
City of Stockton
c/o Community Development Department
Planning Division
6 East Lindsay Street
Stockton, CA 95202
Contact Person: Assoc. Planner Mike Niblock
Phone: (209) 944-8266

FILED
JAN -8 PM 3:00
ANTONIA GONZALES
CITY CLERK

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the
Public Resources Code

Project Title: Westside Sewer Interceptor Improvements (Phase I) Project
Initial Study File No.: IS49-90 (or) EIR File No.: EIR
State Clearinghouse No.: SCH# 90021088 (If submitted to Clearinghouse)
Discretionary Application(s) File No.(s): Public Works Dept. File
Project Applicant: City of Stockton c/o Public Works Department
Project Description/Location: Proposed approval of the design and subsequent imple-
mentation of the Westside Sewer Interceptor Improvements (Phase I) Project, including
construction of sewer lines and pumping plants, on the west side of I-5 Freeway, from
the City's sewer treatment facility on Navy Drive to the vicinity of Hammer Lane.

Determinations: This is to advise that the City of Stockton approved the above
described project on January 7, 1991 and has made the following determinations
regarding the project:

1. The Project will, will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the
provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the
provisions of CEQA.
3. Mitigation measures were, _____ were not incorporated as part of the approval of
the project.
4. A Statement of Overriding Considerations _____ was, was not adopted for this
project.
5. Findings _____ were, were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration or Final EIR and any adopted
mitigation measures, findings, statements of overriding consideration, and record of
project approval may be examined at the above noted Lead Agency address.

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By Michael M. Niblock
MICHAEL M. NIBLOCK
ASSOCIATE PLANNER

Date January 8, 1991

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice as required
by California Public Resources Code Section 21152(c). Said notice will remain posted
for 30 days from the filing date.

Signature Antonia Gonzales

JEANNE MILLSAPS, CLERK
Deputy Clerk
Title

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CITY OF STOCKTON
NOTICE OF DETERMINATION

TO: County Clerk
San Joaquin County

FROM: Lead Agency
City of Stockton
c/o Community Development Department
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997

RECORDER
COUNTY CLERK
JAMES M. JOHNSTONE
95 APR -3 PM 3:44
SANTO DOMINGO COUNTY

Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

Contact Person: Senior Planner Michael Niblock
Phone: (209) 937-8266
BY Patricia Paulsen

SUBJECT: NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE, SECTION 21152 AND CAL. CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15094, AND/OR 15096(I)

Project Title: WESTSIDE SEWER INTERCEPTOR IMPROVEMENTS (PHASE I) PROJECT (AMENDED)
Initial Study File No.: Addendum to IS49-90 State Clearinghouse No.: SCH# 90021088
Discretionary Application(s) File No.(s): Public Works Department Files
Project Applicant: City of Stockton c/o Public Works Department
Project Description/Location: Authorization to revise the plans and specifications for the proposed design and subsequent implementation of the Westside Sewer Interceptor Improvements (Phase I) Project, including construction of sewer lines and pumping plants, on the west side of I-5 Freeway, from the City's sewer treatment facility on Navy Drive to the vicinity of Hammer Lane.

Determinations: This is to advise that the City of Stockton approved the above described project on April 1, 1996 and has made the following determinations regarding the project:

1. The project (will) (will not) have a significant effect on the environment.
2. An environmental impact report was prepared and certified for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared and adopted for this project pursuant to the provisions of CEQA.
 An addendum to a previously adopted Negative Declaration/Initial Study was prepared and adopted pursuant to the provisions of CEQA.
3. Mitigation measures (were) (were not) incorporated as part of the approval of the project.
4. A Mitigation Monitoring and Reporting Program (was) (was not) adopted for this project.
5. A Statement of Overriding Considerations (was) (was not) adopted for this project.
6. Findings (were) (were not) made pursuant to the provisions of CEQA (see attached Determination/Findings).
7. Pursuant to Cal. Code of Regulations, Title 14, Sections 753.5(a) or 753.5(c):
 California Department of Fish and Game (CDFG) fees are required, as-applicable, and will be filed with this Notice of Determination (NOD); or
 This project is exempt from the CDFG fees and a Certificate of Fee Exemption has been prepared and will be filed with this NOD.
 CDFG Fees were filed with a prior NOD for this project/proposal (see attached receipt).

This is to certify that the environmental document and any adopted mitigation measures, findings, statements of overriding consideration, and record of project approval may be examined at the above-noted Lead Agency address.

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

Michael M. Niblock
MICHAEL NIBLOCK, SENIOR PLANNER

Date April 3, 1996

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.
Patricia Paulsen
Signature Title
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CITY OF STOCKTON

NOTICE OF DETERMINATION

(Attachment)

Continuation of Item No. 6 (above) regarding the Addendum to IS49-90 for the Westside Sewer Interceptor Improvements (Phase I) Project (Amended).

Determination/Findings:

"Since the approval of the Negative Declaration/Expanded Initial Study (IS49-90) (which concluded that the project would not have a significant impact on the environment), there have been no changes to the project, the circumstances under which the project has been taken, or other new information which will result in any new or more severe significant environmental effects or which otherwise trigger the need for a subsequent or supplemental EIR or Negative Declaration pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164, and only minor technical changes and additions to the previously approved Negative Declaration/Expanded Initial Study (IS49-90) are necessary to address minor project changes and other new information."

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STOCKTON CITY COUNCIL

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. That the Proposed Negative Declaration/Expanded Initial Study for the City of Stockton (IS49-90), including all measures required to be taken in mitigation of any and all negative impacts as identified in IS49-90 and the related "Response to Comments on IS49-90", for the proposed approval of the design and subsequent implementation of the Westside Sewer Interceptor Improvements (Phase I) Project, including construction of sewer lines and pumping plants, on the west side of I-5 Freeway, from the City's sewer treatment facility on Navy Drive to the vicinity of Hammer Lane, has been considered by the City Council and is hereby approved as adequate based on the following finding:

a. The City of Stockton has reviewed and considered the Proposed Negative Declaration/Expanded Initial Study for the proposed project, as well as all related written and oral comments received, and has determined that, subject to any modifications and mitigation measures identified in the Initial Study, the project will not have a significant effect on the environment.

Based on this finding, and with substantial supporting evidence provided in the Expanded Initial Study and the Response to Comments, the City of Stockton, hereby approves this Negative Declaration for the proposed project.

2. That the Public Works Director and Community Development Director and hereby directed to monitor the mitigation measures for the project that are identified in IS49-90 and required in order to mitigate or avoid significant effects on the environment, pursuant to Public Resources Code,

CITY ATTY
REVIEW _____

DATE JAN 23 1991

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91-0028

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Section 21081.6, and report to the City Council regarding compliance with those mitigation measures. The Mitigation Monitoring and Reporting Program for the Westside Sewer Interceptor Improvements (Phase I) Project is hereby adopted in conjunction with, and as a requirement of, the approval of the Negative Declaration (IS49-90) for this project.

PASSED, APPROVED AND ADOPTED this 7th day of JANUARY, 1991.

/s/ JOAN DARRAH

JOAN DARRAH, Mayor
of the City of Stockton

ATTEST:

/s/ FRANCES HONG

FRANCES HONG, City Clerk of
the City of Stockton

Ayes: Councilmembers McCarthy, McGaughey, Minnick, Panizza,
Rust, Vice Mayor Weaver and Mayor Darrah
Noes: None
Absent: None

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88-0159

Resolution No. _____



STOCKTON CITY COUNCIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STOCKTON ADOPTING THE ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION/EXPANDED INITIAL STUDY (IS49-90) FOR THE WESTSIDE SEWER INTERCEPTOR IMPROVEMENTS (PHASE I) PROJECT

WHEREAS, on January 7, 1991, the City Council approved a Negative Declaration/Expanded Initial Study (City File No. IS49-90 and State Clearinghouse No. 90021088) and the related Mitigation Monitoring and Reporting Program (by Resolution No. 91-0028) for the Westside Sewer Interceptor Improvements (Phase I) project; and

WHEREAS, the Negative Declaration/Expanded Initial Study (IS49-90) concluded that the proposed project, with the implementation of mitigation measures, would not have any significant adverse environmental impacts; and

WHEREAS, the proposed project was approved during the same public hearing and a Notice of Determination was filed with the San Joaquin County Clerk and with the Governor's Office of Planning and Research on January 8, 1991; and

WHEREAS, certain changes to the project have been recommended, including: (1) reduction in the number and size of pipelines; (2) a possible change in the design of the Brookside Pump Station; and (3) a change in the sewer line alignment between the Brookside and Fourteen Mile Slough Pump Stations; and

WHEREAS, certain other new information has since become available relating to the existence of hazardous wastes on Rough and Ready Island, as to which the Navy has cleanup responsibility, and for which the City has incorporated into the project a detailed

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CITY ATTY REVIEW _____
DATE MAR 29 1995

Environmental Work Plan (approved by both the Navy and the Regional Water Quality Control Board) which will avoid any adverse impacts relating to same; and

WHEREAS, in order to adequately address the proposed changes to the project the Community Development Department, in coordination with the City Public Works Department, has prepared an "Addendum" to the previously approved Negative Declaration/Expanded Initial Study (IS49-90), in accordance with the California Environmental Quality Act (CEQA) and, specifically, with Sections 15162 (a) and (b) and 15164 (b) and (d) of the State CEQA Guidelines; and

WHEREAS, the Addendum to IS49-90 concludes that the proposed changes to the project and the other new information described above will not result in any new significant impacts and in some cases may reduce the potential environmental effects of the project; and

WHEREAS, the Negative Declaration/Expanded Initial Study (IS49-90), together with the Addendum, thus continue to show that the project will not have any significant environmental effects; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

1. That pursuant to Sections 15162(a) and (b) and 15164(b) of the State CEQA Guidelines, the City Council hereby determines that the above-described changes to the project and other new information will not result in any new or more severe significant environmental effects and do not trigger the need for a subsequent or supplemental EIR or Negative Declaration, and that

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only minor technical changes and additions to the previously approved Negative Declaration/Expanded Initial Study (IS49-90) are necessary to address these project changes and other new information; and

2. That, based on these findings, the City Council of the City of Stockton hereby adopts the Addendum to the previously adopted Negative Declaration/Expanded Initial Study (IS49-90) for the proposed project; and

3. That pursuant to Section 15164(d) of the State CEQA Guidelines, the City Council has considered the previously adopted Negative Declaration/Expanded Initial Study (IS49-90) as modified by the Addendum adopted herein, and shall take such consideration into account prior to making any further decision on the proposed project.

PASSED, APPROVED and ADOPTED APR - 1 1996

/S/ JOAN DARRAH

JOAN DARRAH, Mayor
of the City of Stockton

ATTEST:

/S/ KATHERINE GONG MEISSNER

KATHERINE GONG MEISSNER, City Clerk
of the City of Stockton

T:\WPWIN\96NEWS\IS49-90.RES

ADDENDUM TO NEGATIVE DECLARATION/EXPANDED INITIAL STUDY (IS49-90)MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WESTSIDE SEWER INTERCEPTOR IMPROVEMENTS (PHASE I) PROJECT

Pursuant to California Public Resources Code Section 21081.6 and City requirements, a Mitigation Monitoring and Reporting Program for the project has been adopted by the City. This program consists of the following steps:

- a. The Public Works Director and Community Development Director shall utilize the approved Expanded Initial Study for the Westside Sewer Interceptor Improvements (Phase I) Project (IS49-90), as amended by the "Response to Comments" on IS49-90, as the checklist of mitigation measures to be implemented for the project. Implementation of the applicable measures shall be included as a condition of all applicable discretionary approvals for the proposed project and related projects. If such discretionary approvals are not necessary, then the applicable measures shall be included as conditions of improvement plans and/or construction permits.
- b. The City of Stockton Public Works Director shall file a written report with the Community Development Department approximately once every twelve (12) months following the date of approval of the improvement plans and/or construction permits. The written report shall briefly state the status in implementing each mitigation measure which is adopted as a Condition of Approval or which is incorporated into the project.
- c. The Community Development Department shall review the Public Works Department's report and determine whether there is any unusual and substantial delay in, or obstacle to, implementing the adopted mitigation measures. In reviewing the timeliness of implementation, the Community Development Department shall consider any timetable for the project and the required mitigation measures provided by the Public Works Department. The Community Development Department and Public Works Department may, to the extent deemed necessary, use scheduled inspections to monitor mitigation implementation.
- d. The result of the Community Development Department's review of the annual report will be provided to the Public Works Director in writing within thirty (30) calendar days after receipt of the annual report. If the Community Development Department determines that a required mitigation measure is not being properly implemented, it shall consult with the Public Works Department and, if possible, agree upon additional actions to be taken to implement the mitigation measure.

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The Community Development Director shall be limited to imposing reasonable actions as permitted by law which will implement the required mitigation measures. Any decision of the Community Development Director related to the Public Works Department's annual report may be appealed to the City Council within ten (10) calendar days following said written determination.

- e. Such monitoring and reporting shall continue until the Community Development Director, in consultation with the Public Works Director, determines that compliance has been fully achieved or, for ongoing measures (e.g. maintenance of facilities), determines that existing enforcement procedures relating to conditions of approval will provide adequate verification of compliance.

This Mitigation Monitoring and Reporting Program is hereby adopted in conjunction with, and as a requirement of, the approval of the Negative Declaration for this project (IS49-90).