

RESOLUTION NUMBER R- 294082

ADOPTED ON OCT 30 2000

WHEREAS, on November 17, 1997, Old Town Trolley Tours of San Diego submitted an application to the City of San Diego for an Old San Diego Planned District Permit/Resource Protection Ordinance Permit/Conditional Use Permit [OSD/RPO/CUP] to reconstruct the Casa de Aguirre adobe, to relocate and rehabilitate the existing St. Joseph's Rectory/Convent building, to demolish an existing garage and construct a carriage house, and to install sales/food carts and a ticket booth/stand at 2610 San Diego Avenue in the Old Town community; and

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

WHEREAS, the issue was heard by the Council on OCT 30 2000; and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 96-7903, SCH No. 2000061016; NOW, THEREFORE,

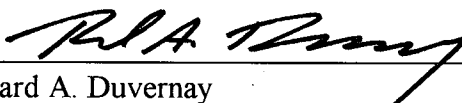
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 96-7903, SCH No. 2000061016, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public

review process, has been reviewed and considered by this Council in connection with the approval of the Old Town Trolley project.

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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10/04/00
Or.Dept:P&DR
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM OLD TOWN TROLLEY LDR NO. 96-7903

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 96-7903) shall be made conditions of the OLD SAN DIEGO PLANNED DISTRICT PERMIT/RESOURCE PROTECTION ORDINANCE PERMIT/CONDITIONAL USE PERMIT as may be further described below.

To ensure that site development would avoid significant environmental impacts, a mitigation monitoring and reporting program will be required. Compliance with the mitigation measures would be the responsibility of the applicant. The basis for the mitigation monitoring and reporting program and the mitigation measures are described below under each issue area:

General

1. The above mitigation monitoring and reporting program will require a deposits of \$2,500.00 to be collected prior to the issuance of grading permits, building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Historical Resources

As a condition of project approval, the applicant is required to conduct a Data Recovery Program to mitigate impacts to historical site CA-SDI-14527H/SDMM-W-6737 as follows:

2. Prior to the issuance of grading permits, the owner/permittee shall provide verification that a qualified historical archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the Archaeological Data Recovery Program (ADRP), the demolition monitoring program, and archaeological monitoring of the historical site (CA-SDI-14527/SDMM-W-6737) described in mitigation measures 4-12. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review (LDR) Division. **ALL PERSONS INVOLVED IN THE ADRP, CONTROLLED DEMOLITION AND MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF THE PROJECT.**

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3. If deemed necessary by the qualified historical archaeologist, a Native American Monitor shall be present during initial excavation/grading of undisturbed ground in the event that cultural features or human remains are found.
4. Prior to the issuance of grading permits, the owner/permittee shall implement the ADRP detailed in the Historical/Archaeological Test Report prepared by Gallegos & Associates (September 1998), satisfactory to the City Manager. The ADRP shall include the following three-phased excavation program in which a minimum of 15% of the area to be impacted shall be excavated:
 - A. The first phase shall include the excavation of 12 randomly-placed 1 x 1-meter units within a grid in the northwestern portion of the project area and three 1 x 1-meter units inside the garage.
 - B. The second phase shall include the excavation of an additional 12, 1 x 1-meter units. Based on the results of the first phase, the units shall be located in the areas with the most potential to yield important information, satisfactory to the City Manager.
 - C. The third phase shall include the excavation of 12 square meters of area to either locate or expose additional features within the project area using mechanical methods (e.g. backhoe), if it cannot be satisfactorily demonstrated to the City Manager after the completion of the second phase that additional excavation would not likely yield significant additional information.
5. Following the data recovery excavations, the areas to be impacted shall be mechanically excavated under the direction of the qualified historical archaeologist to recover any additional cultural features and/or artifact concentrations using standard archaeological procedures.
6. All cultural materials and associated records collected during the initial archaeological survey and evaluation phase, implementation of the ADRP and as a result of controlled destruction shall be cleaned, catalogued and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area and to allow a comparison with previous nearby studies on CA-SDI-14527H/SDMM-W-6737 site areas. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate, including obsidian hydration and sourcing analysis, protein residue studies and radiocarbon dating.
7. On completion of the field portion of the ADRP and issuance of grading permits, the qualified historic archaeologist shall attend preconstruction

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meetings to make comments and/or suggestions concerning the grading plans with the engineer. **THE REQUIREMENT FOR THE ARCHAEOLOGICAL DATA RECOVERY PROGRAM SHALL BE NOTED ON THE GRADING PLAN.**

8. The applicant shall conduct a full-time historic archaeological monitoring program for the demolition and/or removal of the existing garage and during initial stages of grading within the project site located at 2610 San Diego Avenue in Old Town - San Diego, California to be implemented as follows:
 - a. Prior to the issuance of a demolition and/or grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified historical archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the demolition monitoring program. The requirement for monitoring during demolition shall be noted on the grading plans under the heading "Environmental Requirements". **ALL PERSONS INVOLVED IN THE HISTORICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE FIRST PRECONSTRUCTION MEETING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
 - b. The qualified historical archaeologist shall attend any preconstruction meetings to discuss grading/demolition plans with the grading and excavation contractor.
 - c. The qualified historical archaeologist shall be present on-site, full-time during all demolition activities involving the existing garage and during grading of native soils. A monitoring results letter shall be submitted to LDR for review after completion of the demolition and/or removal of the existing garage. The information contained in the letter report must be included in the full monitoring results report submitted for the entire monitoring program. (See Item 3.f. below).
 - d. **WHEN REQUESTED BY THE HISTORICAL ARCHAEOLOGIST, THE RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE HISTORICAL ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resource(s) shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation

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procedures before grading activities are allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery is allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

- e. All cultural materials collected shall be cleaned, cataloged and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. Additionally, any sites and/or features encountered during the monitoring program shall be recorded on the applicable Department of Parks and Recreation forms (DPR 523A/B, et al.) and submitted to the South Coastal Information Center at San Diego State University and the San Diego Archaeological Center with the final monitoring results report.
- f. Prior to the final inspection, a data recovery and monitoring report which addresses the research questions posed by Gallegos and Associates in the Research Design and Data Recovery Program (Gallegos and Associates, September 1998, Section 5), and describes the results, analysis, and conclusions of the archaeological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR. In addition, the appropriate California Department of Parks and Recreation forms shall be updated and submitted to the South Coastal Information Center at San Diego State University. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.

Historical Resources - St. Joseph's Rectory/Convent Rehabilitation Plan

- 9. As a condition of project approval, the applicant shall conduct a full-time historical monitoring program for the stabilization, removal and relocation of the St. Joseph's Rectory/Convent building. The monitoring program shall include modified Historic American Building Survey (HABS) Level 1 documentation prior to stabilization and relocation, analysis of construction methods and preparation of a results report with photo documentation of the relocation process. The monitoring program shall be implemented as follows:
 - a. Relocation of St. Joseph's Rectory/Convent shall be in conformance with the Secretary of the Interior's Standard for the Treatment of Historic Properties (36 CFR 68, July 12, 1995, *Federal Register*)

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and the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards, 1990.

- b. The St. Joseph's Rectory/Convent building shall be documented according to Historic American Building Survey (HABS) standards prior to stabilization and relocation. Prior to issuance of the first grading permit, the applicant shall provide verification that a qualified historic architect has been retained to prepare HABS level documentation in accordance with the City's Historical Resources Guidelines (January 2000). The modified HABS Level 1 documentation shall include an analysis of its original construction techniques and the process of relocation. The HABS documentation shall be of sufficient detail and content, allowing that the building could be reconstructed in whole or in part should it be damaged during the relocation process. Documentation shall include at a minimum black and white, large format or 35 mm camera photographs, with negatives, of exterior and interior views or where available, historic view, and a written report which includes a discussion of the history and an architectural description of the Rectory/Convent.
- c. Prior to issuance of the first grading permit, the applicant shall provide verification that the St. Joseph's Rectory/Convent building has been prepared for relocation by the attachment of steel beams secured by anchors through the stucco wall surfaces to the wood framework within or by another appropriate mechanism for stabilization, and that the new foundation has been properly engineered to support the building. Once stabilized in place, the building shall be jacked-up to provide for demolition of the existing basement and placement of sterile fill material and then moved approximately 23 feet east and approximately 4 feet north to the relocation site. After relocation, the stucco surfaces shall be repaired with a stucco mixture that duplicates the original as closely as possible in both texture and appearance and repainted. Relocation of three grand palm trees within the project site shall be completed as part of the convent relocation project. Should reconstruction be required as a result of damage during this program, it shall be undertaken in accordance and conformance with the Secretary of the Interior's Standard for the Treatment of Historic Properties.
- d. Prior to issuance of building permits and/or the Certificate of Occupancy, written and photographic documentation of the relocation process, which provides the modified HABS Level 1 documentation results shall be prepared and submitted for approval

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by Environmental Review Manager of the Land Development Review Department (LDR). In addition, the historic architect shall prepare all applicable Department of Parks and Recreation forms (DPR 523 A/B) to be recorded with the South Coastal Information Center at San Diego State University (SCIC/SDSU). Copies of the report, forms and associated photographs, negatives and blueline drawings shall be submitted to the City of San Diego's - Historical Resources Board and the Planning and Development Review Department - Historical Resources Library, the California Room of the San Diego Public Library, the San Diego Historical Society, and the South Coastal Information Center at SDSU for inclusion in the California Historical Resources Inventory System (CHRIS). Receipt of such mailing shall be provided to the Environmental Review Manager of LDR, satisfactory to the City Manager.

Historical Resources - Casa de Aguirre Reconstruction Plan

9. As a condition of project approval, the applicant shall conduct a full-time historical monitoring program for the reconstruction of the Casa de Aguirre building. The monitoring program shall include modified Historic American Building Survey (HABS) Level 1 documentation and analysis of the reconstruction methods and preparation of a results report with photo documentation of the process. The monitoring program shall be implemented as follows:
 - a. Reconstruction of the Aguirre Adobe shall be in conformance with the Secretary of the Interior's Standard for the Treatment of Historic Properties (36 CFR 68, July 12, 1995, *Federal Register*) and the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards, 1990.
 - b. Prior to issuance of the first grading permit, the applicant shall provide verification that a qualified historic architect has been retained to prepare HABS level documentation in accordance with the City's Historical Resources Guidelines (January 2000). The modified HABS Level 1 documentation shall include an analysis of the Casa de Aguirre original construction techniques and the reconstruction process. The HABS documentation shall adequately identify the historic significance of the building and shall be conveyed by the drawings, photographs and other materials that comprise the documentation process. Documentation shall be prepared accurately from reliable sources that can be readily reproduced with appropriate scale and location references.
 - c. The Casa de Aguirre shall be reconstructed in a method similar to that for which the original building was constructed. Reconstruction

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shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence. The reconstructed property shall re-create the appearance of the non-surviving historic property in materials, design, color and texture. The structural system shall include a inner core wall composition of 8 inch reinforced concrete masonry units (CMU) with a stabilized adobe exterior veneer. The CMU core shall allow for compliance with seismic codes and shall provide a means for positive anchorage of the roof structure to the CMU wall. The foundation shall be comprised of a continuous concrete perimeter footing with interior concrete footings. Interior floors shall be constructed on a wood joist above a crawl space to accommodate both mechanical and electrical systems. All exposed wood framing shall be from full size lumber. The roof shall be comprised of wood shingles to replicate the original. New windows (including the tall, narrow double-hung windows with narrow muntin bars and replication glass with imperfections) and door treatments shall be replicated to match originals depicted in historical photos of the Casa de Aguirre.

- d. The reconstruction of the Casa de Aguirre shall be clearly identified as a contemporary re-creation through signage consistent with the Secretary of the Interior's Standard for the Treatment of Historic Properties and the Old Town San Diego Planned District Ordinance.
- e. Prior to issuance of the Certificate of Occupancy, a monitoring results report, with appropriate graphics and photo documentation of the reconstruction process, which provides the modified HABS Level 1 documentation results shall be prepared and submitted for approval by Environmental Review Manager of the Land Development Review Department (LDR). In addition, the historic architect shall prepare all applicable Department of Parks and Recreation forms (DPR 523 A/B) to be recorded with the South Coastal Information Center at San Diego State University. Copies of the report, forms and associated photographs, negatives and blueline drawings shall be submitted to the San Diego Historical Society, South Coastal Information Center, the City of San Diego's Historical Resources Board, and the Land Development Review Department for inclusion in the project file.