

RESOLUTION NUMBER R- 296776

ADOPTED ON JUL 09 2002

WHEREAS, on December 3, 2001, San Diego Revitalization Corporation submitted an application to the Development Services Department of the City of San Diego for a site development permit, a planned development permit, a street and alley vacation and a variance; and

WHEREAS, the matter 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 City Council on JUL 09 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 41-1089; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 41-1089, 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 a site development permit, a planned development permit, a street and alley vacation and a variance for the Metro Career Center project.

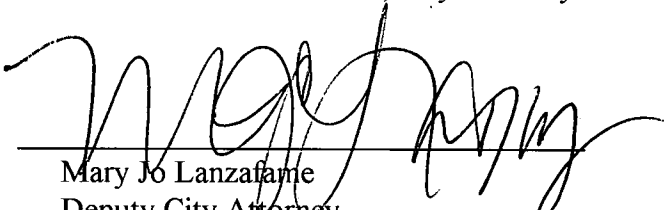
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and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

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council 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.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:pev  
6/24/02  
6/26/02 Cor.Copy  
Or.Dept:Plan.  
R-2003-30  
Form=mndr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

METRO CAREER CENTER

SITE DEVELOPMENT PERMIT NO. 6573, PLANNED DEVELOPMENT PERMIT NO. 6572, STREET AND ALLEY VACATION NO. 6663, AND VARIANCE NO. 6574

PROJECT NO. 2425

LDR NO. 41-1089

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration LDR No. 41-1089 shall be made conditions of SITE DEVELOPMENT PERMIT NO. 6573, PLANNED DEVELOPMENT PERMIT NO. 6572, STREET AND ALLEY VACATION NO. 6663, AND VARIANCE NO. 6574 as may be further described below.

General

The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$7,000.00 to be collected after project approval and prior to the issuance of any permits to cover the City's costs associated with implementation of the MMRP.

Noise

1. Prior to issuance of the first building permit, the owner/permittee shall ensure that the proposed six-foot-high concrete wall along the west (39th Street) side of the proposed childcare center would be constructed to the satisfaction of the Assistant Deputy Director (ADD) of the Land Development Review (LDR) Division and the City Engineer.
2. Prior to the issuance of the first building permit, the applicant shall submit a final acoustical report to the satisfaction of the ADD of LDR and the City Engineer. The ADD of LDR and the City Engineer shall verify that all measures which are necessary to achieve an interior noise level of 45 dBA CNEL have been incorporated into the design of the proposed development. These requirements shall be noted on the construction plans.

## Hydrology/Water Quality

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants (point-source pollution). Appropriate pre- and post-construction storm water Best Management Practices (BMPs) must be incorporated into the project which would be adequate to reduce water quality impacts to below a level of significance. The applicant shall fully mitigate this impact as follows:

1. Prior to issuance of any grading permit, the applicant shall provide a site plan (Exhibit "A") to the ADD of LDR for review and approval that identifies pre- and post-construction Best Management Practices (BMP's).
2. Prior to the issuance of the grading permit, the City Engineer shall verify that appropriate post-construction Best Management Practices (BMPs) will be incorporated into the project design, as depicted in Exhibit "A". Specifically, the use of oil/sediment filters in catch basins and storm drain inlets.
3. The grading plan shall also include a drainage system which provides for implementation of Best Management Practices (BMP's) on site to reduce construction phase runoff of pollutants into adjacent water courses and shall include the following:
  - a. Construction phase erosion control measures shall be employed including such measures as short-term use of gravel bags, matting, mulches, berms, hay bales, or similar devices, along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities.
  - b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
  - c. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas.
  - d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate, to preclude runoff flow down graded slopes, if applicable.
  - e. Energy dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossing, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion, if applicable.
  - f. Developed areas shall be surfaced with pervious (porous) materials wherever feasible to increase infiltration and decrease surface runoff.
  - g. Landscape design shall incorporate the use of drought tolerant vegetation.

- h. Grading shall be minimized during the rainy season (October 31 to April 1). If grading is conducted during this period, the Contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.
  - i. A maintenance and follow-up program shall be implemented which considers: disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
4. Prior to the issuance of the first grading permit, the owner/permittee shall prepare a Storm Water Pollution Prevention Plan (SWPPP) containing all of the following requirements, satisfactory to the ADD of LDR and the City Engineer:
- a. All comprehensive permanent post-construction Best Management Practices (BMPs) that may be deemed appropriate, shall be incorporated into the construction plans to reduce the amount of pollutants and sediments discharged from the project site into adjacent open space areas satisfactory to the City Engineer. BMPs may include but are not limited to oil/sediment filter inserts in catch basins and storm drain inlets to filter runoff from the development prior to discharge. Any proposed oil/sediment filters (grease and heavy metal particulate trap), shall be installed on the project property and maintained by the owner/permittee to the satisfaction of the City Engineer. Equivalent alternative available technologies and BMPs may be approved by the City Engineer
  - b. The owner/permittee shall note the following on the construction plans: "The applicant and/or contractor shall post the City- and State-approved SWPPP on the job-site during all construction activities."
  - c. No grading shall be performed during the rainy season (October 31 to April 1) without special erosion control measures approved by the City Engineer.
  - d. Prior to the issuance of certificates of occupancy, the City Engineer shall inspect the permanent, post-construction hydrology and/or water quality controls to ensure the system functions properly. Equivalent alternative available technologies and BMPs may be required by the City Engineer based on the field inspection.
  - e. The SWPPP shall include a permanent maintenance plan, prepared satisfactory to the City Engineer, which defines the owner/permittee as the responsible party for the permanent maintenance of the hydrology/water quality controls. As part of the permanent maintenance plan, the oil/sediment filters shall be cleaned and maintained as necessary, satisfactory to the City Engineer.

Historical Resources (Archaeology)

1. Prior to the recordation of the first final map, and/or issuance of a Notice to Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Assistant Deputy Director (ADD) of Land Development Review (LDR) stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. **A SECOND LETTER SHALL BE SUBMITTED TO THE MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.**
2. **PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ADD SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE GRADING PLANS.**
3. Prior to beginning construction (any work on-site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archaeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager and/or grading contractor.

AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11"X17") THAT IDENTIFIES AREAS TO BE MONITORED. THE

ARCHAEOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR.

**THE QUALIFIED ARCHAEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES. THE ARCHAEOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**

4. The qualified archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. These records shall be faxed to the RE and MMC each month.
5. **IN THE EVENT OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT,**

**DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW FOR PRELIMINARY EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**

The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR **must** concur with the evaluation **before** grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts **before** ground disturbing activities in the area of discovery will be allowed to resume.

6. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed by the archaeological monitor after notification to the County Coroner by the City RE. If Native American remains are present, the County Coroner shall contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.
7. The archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance for the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
8. Prior to the release of the grading bond, two copies of a monitoring results report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR and one copy sent to the RE.
9. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ADD of LDR and one copy sent to the RE.
10. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms

to the South Coastal Information Center at San Diego State University with the final monitoring results report.

### Transportation Circulation

1. Prior to the issuance of any building permit, the applicant shall assure, by permit and bond, the construction of a traffic signal at the 39th Street/University Avenue intersection to ensure that the signal is in operation at the time of occupancy. The applicant shall provide the lane geometry shown in Appendix K of *Traffic Impact Analysis, Metro Career Center, San Diego, California* (Linscott, Law, & Greenspan, April 2002) which includes:
  - a. Dedicated westbound left-, thru- and right-turn lanes
  - b. Southbound left, and shared thru- and right-turn lane
2. Prior to the issuance of any building permit, the applicant shall make a fair-share contribution of 25% toward the signalization of the 39th Street/Orange Avenue intersection.
3. Prior to the issuance of any building permit, the applicant shall dedicate one foot of right-of-way along the project frontage of Polk Avenue, and shall assure by permit and bond, the re-construction of curb, gutter, sidewalk, and an additional foot of pavement to provide 28 feet curb-to-curb width. The one foot right-of-way dedication and widening shall be used to change the traffic direction of Polk Avenue, between 39th Street and 40th Street, from one-way eastbound to two-way traffic. Parking shall be restricted along the project frontage of Polk Avenue.