

RESOLUTION NUMBER R- 297503

ADOPTED ON DEC 10 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THAT THE COUNCIL HAS REVIEWED AND CONSIDERED INFORMATION CONTAINED IN THE MASTER ENVIRONMENTAL IMPACT REPORT FOR THE CENTRE CITY REDEVELOPMENT PROJECT, THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE MEIR FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND ASSOCIATED PLAN AMENDMENTS, AND THE SECONDARY STUDY WITH RESPECT TO THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE COUNCIL OF THE CITY OF SAN DIEGO AND CATELLUS DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF THE MUSEUM OF CONTEMPORARY ART/SAN DIEGO, SANTA FE DEPOT; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING ENVIRONMENTAL IMPACTS OF THE DEVELOPMENT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [Project]; and

WHEREAS, the Agency has previously prepared, and the Agency (Resolution No. 2081) and the City Council (Resolution No. R-279875) have certified the Final Master Environmental Impact Report for the Centre City Redevelopment Project [MEIR]; and

WHEREAS, the Agency has also previously prepared, and the Agency (Resolution No. R-03058) and the City Council (Resolution No. R-292363) have certified the Final Subsequent

Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments [SEIR]; and

WHEREAS, the MEIR, as supplemented by the SEIR, for the Project is sometimes referred to collectively as the MEIR/SEIR; and

WHEREAS, the Council proposes to approve Centre City/Coastal Development Permit No. 41-0560 for adaptive reuse of the historic Baggage Building for a 13,700 square foot art exhibition facility by the Museum of Contemporary Art, San Diego, and building a new three-story building for Museum offices, classroom, art handling, and Amtrak use on a non-historic REA Site in the Project area; and

WHEREAS, the Centre City Development Corporation, Inc., acting on behalf of the Agency, has prepared a Secondary Study in accordance with and pursuant to the California Environmental Quality Act of 1970 [CEQA], the adopted State and local regulations and guidelines, and the Agency's amended "Procedures for Implementation of CEQA and the State Guidelines" (adopted July 17, 1990), and the Secondary Study assesses the environmental impacts of the development of the Museum and related activities; and

WHEREAS, the Council has considered the environmental effects of the proposed development as shown in the MEIR/SEIR and the Secondary Study; NOW, THEREFORE,

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

1. The Council certifies that the Secondary Study of environmental impacts with respect to the proposed development of the Museum Project has been prepared and completed in compliance with the California Environmental Quality Act of 1970 [CEQA], the adopted State and local regulations and guidelines, and the

Agency's amended "Procedures for Implementation of CEQA and the State Guidelines" (adopted July 17, 1990), and the Secondary Study assesses the environmental impacts of the development of the Museum Project and related activities.


2. The Council further certifies that the MEIR/SEIR for the Centre City Redevelopment Project, and the Secondary Study, were presented to the members of the Council, and that the information contained in the Secondary Study, and the MEIR/SEIR, has been reviewed and considered by the Council members.
3. The Council finds and determines that:
 - a. No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Project is to be undertaken, as a result of the development of the Museum Project pursuant to the Third Amendment to the Development Agreement between the City and Catellus Development Corporation [Catellus], which will require major revisions in the MEIR/SEIR for the Project, due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, not covered in the MEIR/SEIR; and
 - b. No new information of substantial importance to the Project has become available which was not known or could not have been known with the exercise of reasonable diligence at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Museum Project will

have any significant effects not discussed previously in the MEIR/SEIR, or that any significant effects previously examined will be substantially more severe than shown in the MEIR/SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the Museum Project on the environment; and

- c. No negative declaration, or subsequent environmental impact report, or supplement or addendum to the MEIR/SEIR is necessary or required; and
- d. The development of the Museum Project pursuant to the Third Amendment to the Development Agreement will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Project.

- 4. The activity specific Mitigation Monitoring and Reporting Program with respect to the development under the Agreement, Attachment A to the Secondary Study, is approved and adopted.

APPROVED: CASEY GWINN, General Counsel

By: 
Elisa A. Cusato
Deputy City Attorney

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ATTACHMENT A
MITIGATION MEASURES
FOR THE PROPOSED
MUSEUM OF CONTEMPORARY ART/SAN DIEGO SANTA FE DEPOT

The Mitigation, Monitoring, and Reporting Programs (MMRPs) prepared for the Master EIR (MEIR) for the Centre City Redevelopment Project, certified in 1992, and the Subsequent EIR (SEIR) prepared for the Ballpark and Ancillary Development Projects, certified in 1999, identify mitigation measures which are to be applied to all activities within the Redevelopment Project (referred to as Plan-wide measures). In addition, the MMRPs identify measures which are to be selectively applied to individual activities (referred to as activity-specific measures).

The following Table A describes the Plan-wide mitigation measures and the activity-specific mitigation measures that will be applied and implemented by the proposed activity. Table A provides the MMRP for the proposed Museum of Contemporary Art at the Santa Fe Depot.

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Table A
Mitigation Measures for Museum of Contemporary Art/San Diego Santa Fe Depot

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
2.0 Air Quality			
2.1-1 Prepare and implement a Construction Management Plan which includes but is not necessarily limited to the following, as practical: <ul style="list-style-type: none"> Minimize simultaneous operation of multiple construction equipment units; Use low pollutant emitting equipment; Use electrical construction equipment; Use catalytic reduction for gasoline-powered equipment; Use injection timing retard for diesel-powered equipment; Water the construction area to minimize fugitive dust; and Minimize idling time by construction vehicles. (C.1) 	Prior to Demolition or Grading Permit (Design) Ongoing during Construction (Implementation)	Developer	CCDC
2.1-2 As part of the conditions of approval for certain activities (employers with 15 employees and developments of 25,000 sq. ft. or more), carpools, vanpools, staggered work hours, and the provision of bike storage facilities shall be encouraged through employer-sponsored participation and the implementation of the Centre City Parking Ordinance and the Centre City Transit Ordinance, as required by the City of San Diego. (C.2.3)	Ongoing during Operation	Developer	CCDC
3.0 Cultural Resources			
3.1-3 For areas identified in the 1992 MEIR as possessing a high potential for archaeological resources, the developer shall have a qualified archaeologist conduct an in-depth study of the particular block or portion thereof where the activity is located and carry out all mitigation measures identified in the study. This study shall include a detailed review of Sanborn fire insurance maps, a directory search, and, if warranted, limited testing of the zones within the area to be impacted. Mitigation of the activity also requires both obtaining cultural resources records searches and a review of aerial photographs. Testing shall include removal of asphalt, backhoe excavation, limited controlled excavation, and a preliminary review of cultural materials recovered from the excavation. The testing data would be used to formulate a more specific mitigation plan. This plan, which would be activity-specific, may include data recovery excavation and monitoring if important resources are encountered. Data recovery may include relatively large-scale excavation, cataloging, analysis, and interpretation. (E.2.1)	Prior to Demolition, Grading or Building Permit	Developer	CCDC
4.0 Geology/Soils			
4.1-1 As required by the City of San Diego, the proper geotechnical investigations for each individual development site shall be identified through consultation with the City Managing and Development Department. Following the proper geotechnical investigations, activity approvals shall be contingent on the suitability of the proposed land use to the risk zone of the proposed site. Effects of seismic shaking may be mitigated by adhering to the Uniform Building Code (UBC) or state-of-the-art seismic design parameters of the Engineering Association of California. (H.1, H.2, H.3)	Prior to Grading or Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City
5.0 Hazardous Materials			
5.1-1 Hazardous waste release sites within the Planning Area shall be delineated by the appropriate responsible party and remediated to the satisfaction of the designated lead agency. This may include preparation of a report such as a Phase I and Phase II Assessment. (J.1, J.2)	Prior to Demolition, Grading, or Building Permit	Developer	CCDC
5.1-2 As required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the site shall be removed and/or otherwise remedied by the	Prior to Demolition, Grading, or Building Permit	Developer	CCDC

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<p>developer if, and as, encountered during construction as provided by law and implementing rules and regulations. Such mitigation may include without limitation the following:</p> <ul style="list-style-type: none"> a) Remove (and dispose of) and/or treat any contaminated soil and/or water and/or building conditions on the Site as necessary to comply with applicable governmental standards and requirements. b) Design and construct all improvements on the Site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor, particulate, or other form, and/or from the direct and indirect effects thereof. c) Prepare a site-safety plan, if required by any governmental entity, and submit it to such authorities for approval in connection with obtaining a building permit for the construction or improvements on the Site. Such site safety plan shall assure workers and other visitors to the Site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and particulates and/or the effect thereof. d) Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water and/or building contamination, in connection with the development and construction on the Site. <p>The developer agrees that the Agency, and its consultants and agents, shall have the right (but not the obligation) to enter upon the Site at any time to monitor the excavation and construction on the Site, to test the soils and/or water on the Site, and to take such other actions as may be reasonably necessary.</p> <p>Some contaminated or hazardous soil and/or water conditions on the site may be addressed prior to construction, as in the manner described for mitigation measure 5.13-1. In addition, all significant identified releases of hazardous materials will be remedied to the satisfaction of the County DEH on a voluntary basis, pursuant to Health and Safety Code, Section 25264, whether or not such a remedy is legally required.</p> <p>Special precautions will be taken during remediation of the SDG&E gas manufacturing site to minimize the escape of offensive odors, and the release of potentially hazardous vapors. Those precautions may include the use of temporary structures and ventilation systems to capture and treat vapors, and/or use of vapor-suppressing sprays or coatings during excavation.</p> <p>Care will be taken to avoid the creation of nuisance conditions when contaminated soils are stockpiled. Precautions may include the use of coverings, water sprays, or other coatings to minimize dusts, monitoring of site conditions on a frequent basis, and provisions for the community to promptly alert the CCDC to the need for action to correct any potential nuisance condition.</p>	<p>Permit</p>		

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Mitigation Measures for Museum of Contemporary Art/San Diego Santa Fe Depot

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
<p>5.1-3 In conformance with applicable requirements, an assessment of the significance of underground storage tanks shall be conducted.</p> <p>First, on a site-specific basis, a review of underground tank information provided in the Hazardous Materials Contamination Technical Report shall be supplemented by a review of permits recorded at the City of San Diego Fire Department and other historic documents of the specific property to identify locations of underground hazardous materials storage structures. In addition, geophysical methods may be utilized to identify suspected locations of underground hazardous materials storage structures as oftentimes record searches will not indicate their presence.</p> <p>Second, permits to close (or operate if a tank is to remain in use) shall be obtained by the tank owner or operator. Closure permits for hazardous materials storage structures shall be filed if a tank will no longer be used. Requirements of the closure permit include the pumping and purging of the structure to eliminate all residual hazardous substances, the collection of confirmatory soil samples, and the proper disposal of the storage tank and any associated piping and dispensing equipment. Permits to operate underground hazardous materials storage tanks shall be obtained for those that will remain in operation in the Planning Area. If the tanks do not meet operation and construction requirements such as leak detection monitoring, and corrosion and overfill protection, the existing tanks shall be closed and replaced.</p> <p>Lastly, remediation of environmental contamination due to underground storage tanks shall be conducted as required by the local oversight agency. (J.3)</p>	<p>Prior to Demolition, Grading, or Building Permit</p>	<p>Developer</p>	<p>CCDC</p>
<p>8.0 Light/Glare</p> <p>8.1-1 Specific measures shall be incorporated into the development design as part of the conditions of approval. A lighting plan shall be required for all new activities that propose night lighting as part of their development. All lighting sources shall be directed downwards or otherwise shielded so as to keep all light and glare confined within the development boundary unless the City (i.e., Agency) determines that additional lighting would have benefits to the general public in terms of added security. (4.1.3)</p>	<p>Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CCDC</p>
<p>9.0 Noise</p> <p>9.1-1 As required by the City of San Diego Noise Ordinance and California Administrative Code (CAC) Title 24, all proposed residential units, hotels, and motels exposed to an exterior noise level of 60 dBA CNEL or greater, are required to have an interior acoustical analysis and implement appropriate mitigation measures to ensure that the building design would limit interior noise to 45 dBA CNEL or below. Similar measures may be necessary to provide professional office and commercial business land uses with exterior and interior noise levels at or below 70 and 50 dBA CNEL, respectively. Site-specific acoustical analyses would be required to identify exact mitigation measures. Residential development within the 60 CNEL noise contour of Lindbergh Field will be required to do a site-specific noise study and implement appropriate mitigation measures to ensure that state and local exterior and interior noise standards are met. (D.1)</p>	<p>Prior to Building Permit (Investigation) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>City</p>

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Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
<p>9.1-2 Specific noise mitigation measures, as required by City Ordinances, shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. These measures may include the construction of attenuation walls and/or landscaped berms, the positioning of buildings so that outdoor open space areas are buffered from excessive noise sources, physical setbacks from noise sources, and building design measures to reduce interior noise levels. All activities shall comply with existing City noise ordinances. (A.1.1)</p>	<p>Prior to Building Permit (Investigation) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>City</p>
<p>10.0 Paleontological Resources</p> <p>10.1-1 The developer shall retain a qualified paleontologist or paleontological monitor to monitor excavation activities when they would occur within an area rated moderate or high for paleontological resources. Monitoring is not required in moderate areas when the excavation would be less than 2,000 cubic yards and ten feet in depth. In areas with a high potential for paleontological resources, monitoring is not required when excavation would be less than 1,000 cubic yards and ten feet in depth. Monitoring is not required in areas rated zero to low. If significant paleontological resources are observed, an appropriate mitigation program will be carried out. The developer shall certify that the required mitigation or monitoring personnel will be given adequate advance notice of the start of the subject activities and adequate coordination with the contractor will be guaranteed by the developer.</p> <p>When fossils are discovered, the paleontologist or paleontological monitor (an individual who has experience in the collection and salvage of fossil materials who works under the direction of a qualified paleontologist) shall recover them. In most cases, this fossil salvage can be completed in a short time. However, some fossil specimens may require extended salvage time. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt excavation work to allow recovery of fossil remains in a timely manner.</p> <p>When monitoring is required a paleontologist or paleontological monitor shall be present onsite at all times during the original cutting of previously undisturbed sediments within the San Diego Formation which is known to have a high resource sensitivity, to inspect the excavation and spoils for the presence of fossil remains. A paleontologist or paleontological monitor shall be onsite at least half-time during the original cutting of previously undisturbed sediments in the Bay Point Formation which is known to have a moderate resource sensitivity, except is a representative initial sample of the site reveals no significant fossil remains to the satisfaction of the paleontological monitor, then such monitoring may be terminated.</p> <p>Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, sorted, and catalogued, and then with the owner's permission, deposited in a scientific institution with paleontological collections.</p> <p>A final summary report shall be prepared outlining the methods followed and summarizing the results of the mitigation program. This report shall also include a list of the kinds of fossils recovered, and a summary of the stratigraphic context of all collecting localities. This report shall be submitted to the Redevelopment Agency, the San Diego Natural History Museum, and any scientific institution that received salvaged fossils from the activity. (K.1)</p>	<p>Ongoing during Construction</p>	<p>Developer</p>	<p>CCDC</p>

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Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
12.0 Public Services/Facilities			
12.1-1 Potential impacts to police and fire protection services, gas and electric, parks, public restrooms, libraries, courts and jails, health and social services, senior services, and educational facilities/services would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code. (G.1)	Ongoing during Operation	City	City
12.1-2 Potential impacts to delivery of potable water distribution and supply, stormwater collection and disposal, solid waste disposal, wastewater collection systems and treatment systems would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code. (G.2)	Ongoing during Operation	City	City
12.1-3 As required by the City of San Diego, developers shall provide areas in which to store recyclable materials. The Agency shall also encourage the City of San Diego Waste Management Department to increase its promotion of effective recycling programs in the Planning Area. (G.3)	Prior to Certificate of Occupancy	Developer	City
13.0 Transportation, Circulation, Access and Parking			
13.1-1 A 60 percent transit split goal for work trips into the downtown area shall be implemented by the year 2025. (B.1.1, C.2.1)	Prior to Year 2025	City/MTDB	City Manager
13.1-2 Roadway improvements identified in Table 5.2-13 of the Ballpark and Ancillary Development Projects SEIR shall be implemented on an as-needed basis. An evaluation to determine the timing for these roadway improvements shall be conducted annually, with the first evaluation completed before the first ballpark event. (B.1.2, C.2.2)	Prior to December 31 of each year	City	City Engineer
13.1-3 Plan-wide roadway improvements shall be completed when needed, based on the annual evaluation roadway evaluation.	Within One Year of Identified Need	City	City Engineer
13.1-4 Bicycle routes shall be evaluated annually and re-routed from key traffic arteries and onto minor street, as necessary, to maintain adequate traffic flow. (B.2)	Prior to December 31 of each year	City	City Engineer

The numbering sequence identifies which mitigation measures apply to the various activities within the Centre City Redevelopment Plan Area. The x.1 series apply to all activities within the Redevelopment Plan. The x.2 series apply to the activities included in the Ballpark Project. The x.3 series apply to the Ancillary Development Projects.