

RESOLUTION NUMBER R- 298240

ADOPTED ON JUL 22 2003

WHEREAS, the City of San Diego is in the process of upgrading its public safety facilities, one of which is the construction of CIP No. 33-103.0, Fire Station #29, in San Ysidro; 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 22 2003; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 42-0631, Project No. 4441, for CIP No. 33-103.0, Fire Station No. 29; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 42-0631, Project No. 4441, 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 construction of CIP No. 33-103.0, Fire Station No. 29.

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 LDR No. 42-0631, Project No. 4441, 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 as Exhibit A.

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



Susan Y. Cola
Deputy City Attorney

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05/30/03
Or.Dept:E&CP
R-2003-1465
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EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM

FIRE STATION 29

CITY COUNCIL APPROVAL

Project No. 4441/LDR No. 42-0631

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 (Project No. 4441/LDR No. 42-0631) shall be made conditions of CITY COUNCIL APPROVAL as may be further described below.

GENERAL

Prior to the issuance of any engineering permits, the City Manager shall verify that the owner/permittee has submitted a deposit of \$1,200.00 to the Environmental Analysis Section (EAS) of Development Services Department to cover the City's costs associated with the implementation of the Mitigation, Monitoring, and Reporting Program (MMRP).

Prior to the issuance of any engineering permits, the Environmental Review Manager (ERM) of the Land Development Review Division (LDR) shall verify the following mitigation measures (Nos. 1 through 6 9) are noted on a separate sheet of the construction/grading plans submitted and included in the specifications under the heading *Environmental Mitigation Requirements*.

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Preconstruction (Precon) Meeting

A. Land Development Review (LDR) Plan Check

Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been Submitted to ERM

Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program.

- C. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC).
 - a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to MMC which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.
 - b. MMC will provide Plan Check with a copy of both the first and second letter.
- D. Records Search Prior to Precon Meeting

At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. Precon Meeting

A. Monitor Shall Attend Precon Meetings

- a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
- b. If the Monitor is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

B. Identify Areas to be Monitored

At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.

C. When Monitoring Will Occur

Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

3. During Construction

A. Monitor Shall be Present During Grading/Excavation

The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

B. Discoveries

a. Discovery Process

In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI, as appropriate, shall be contacted and 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 PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.

b. Determination of Significance

The significance of the discovered resources shall be determined by the PI 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, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

C. Human Remains

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) as follows:

a. Notification

- (1) Archaeological Monitor shall notify the RE or BI as appropriate, PI, if the Monitor is not qualified as a PI, and MMC. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
- (2) The PI shall notify the County Coroner after consultation with the RE, either in person or via telephone.

b. Stop work and isolate discovery site

- (1) RE or BI, as appropriate, shall stop work immediately in the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the County Coroner in consultation with the PI concerning the origin of the remains and the cause of death.
- (2) The County Coroner, in consultation with the PI, shall determine the need for a field investigation to examine the remains and establish a cause of death.

- (3) If a field investigation is not warranted, the PI, in consultation with the County Coroner, shall determine if the remains are of Native American origin.

c. If Human Remains are Native American

- (1) The Coroner shall notify the Native American Historic Commission (NAHC).
(By law, ONLY the Coroner can make this call.)
- (2) NAHC will identify the person or persons it believes to be the Most Likely Descendent (MLD).
- (3) The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment, with appropriate dignity, of the human remains and any associated grave goods (PRC 5097.98).

d. If Human Remains are not Native American

- (1) The PI shall contact the NAHC and notify them of the historical context of the burial.
- (2) NAHC will identify the person or persons it believes to be the MLD.
- (3) The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment of the human remains (PRC 5097.98).
- (4) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner, the NAHC and the Museum of Man.

e. Disposition of Human Remains

The land owner, or his authorized representative, shall reinter the Native American human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface disturbance, IF:

- (1) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission;
OR;
- (2) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

D. Night Work

- a. If night work is included in the contract

(1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

(2) The following procedures shall be followed.

(a) No Discoveries

In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.

(b) Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures under During Construction; 2., a. & b, will be followed, with the exception that the PI will contact MMC by 8AM the following morning to report and discuss the findings.

b. If night work becomes necessary during the course of construction

(1) The Construction Manager shall notify the RE, or BI, as appropriate, a minium of 24 hours before the work is to begin.

(2) The RE, or BI, as appropriate, will notify MMC immediately.

a. All other procedures described above will apply, as appropriate.

E. Notification of Completion

The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

4. Post Construction

A. Handling and Curation of Artifacts and Letter of Acceptance

a. 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 from 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.

b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.

B. Final Results Reports (Monitoring and Research Design And Data Recovery Program)

a. Prior to the release of the grading bond, two copies of the Final 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 ERM of LDR.

- b. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.
 - c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.
- C. Recording Sites with State of California Department of Park and Recreation

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 with the Final Results Report.

PUBLIC HEALTH AND SAFETY

- 5. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the ERM of LDR shall verify that the requirements for Public Health and Safety mitigation measures, if applicable, have been noted on the appropriate construction documents.
- 6. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the applicant shall remove contaminated soils from the project site to an approved treatment and/or disposal facility. Removal and on-site treatment of soils shall be completed in accordance with an approved site-specific Safety Plan. In the event contamination is discovered to be outside the zone of excavation, a licensed soil remediation contractor will develop a site assessment work plan that will be completed before the issuance of the Certificate of Occupancy.
- 7. The applicant shall be required to collect additional soil samples to confirm that all contaminated areas have been removed. Once the soils samples have been collected, a soils report shall be generated to confirm that all contaminated soils have been removed. The report shall be submitted within 120 days of issuance of the Certificate of Occupancy to the satisfaction of the ERM of LDR.
- 8. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the applicant shall remove and dispose of properly all used oil products and other materials stored on-site. The applicant shall provide documentation that all used oil products have been removed from the project site. Documentation shall be provided within the soils report.

WATER QUALITY

- 9. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Environmental Review Manager (ERM) and/or City Engineer of LDR shall verify that the following measures have been noted on the appropriate construction documents.

A. Construction Phase (Short Term Mitigation Measures)

- a. Prior to the issuance of any building permit, the applicant shall enter into a Maintenance Agreement for ongoing permanent Best Management Practices (BMP's) maintenance, satisfactory to the City Engineer.
- b. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
- c. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.
- d. A Dewatering Discharge Permit (NPDES No. CA 1018804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions, pursuant to direction from the RWQCB.
- e. The Maintenance Agreement shall identify all applicable erosion control devices to be used during construction. These may include (but may not be limited to) earthen berms, gravel bags, silt fences, temporary storm drains, desilting basins, energy dissipating devices, bladed swales, geotextile mats, plastic sheeting, and hydroseeding or other vegetation and irrigation practices. The Maintenance Agreement and grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into San Diego Bay and other waters.

B. Post-Construction/Operational (Long Term Mitigation Measures)

- f. Prior to issuance of any grading permits, the ERM of LDR shall verify that the type and location of post-construction Best Management Practices (BMPs) are clearly identified on the site plan(s). All site runoff shall be routed through storm drain basin filter inserts or equivalent structural BMPs prior to flowing into assigned detention basins. All surface runoff shall be filtered/treated for removal of sediment, constituents absorbed by sediment, and oil/grease prior to leaving the site.
- g. Prior to issuance of any Certificates of Occupancy, the following mitigation measures shall be incorporated into project design to the satisfaction of the ERM of LDR and the City Engineer:
 - i. All project-related drainage structures shall be adequately sized to accommodate at a minimum a 50-year flood event (provisions for other storm events may be required pursuant to direction from the City Engineer).
 - ii. Surface and subsurface drainage shall preclude ponding outside of designated areas and sheet flow down slopes.
 - iii. Energy-dissipating structures (e.g., detention ponds, rip rap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of

all drainage channels to reduce velocity and prevent erosion. All such structures shall be located on the owner's property.

- h. Prior to issuance of any Certificates of Occupancy, the owner/permittee shall submit a Monitoring and Maintenance Program to assure long-term maintenance of all private drainage facilities, including detention basins and all structural and non-structural BMPs. The Monitoring and Maintenance Program shall be subject to the approval of the ERM of LDR. The Monitoring and Maintenance Program shall include a schedule for the regular maintenance of all private drainage facilities and permanent BMPs, and shall identify the entity responsible for doing the maintenance.