

RESOLUTION NUMBER R- 300099

ADOPTED ON FEB 01 2005

WHEREAS, on September 1, 2004, YWCA submitted an application to the City of San Diego for a conditional use permit, site development permit, and easement abandonment; 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 FEB 01 2005; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration Project No. 44721; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration Project No. 44721, 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 conditional use permit, site development permit, and easement abandonment for the YWCA Transitional Housing Facility.

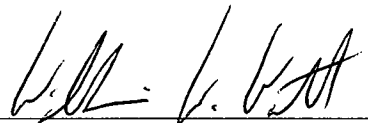
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial

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, as Exhibit A, 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: MICHAEL J. AGUIRRE, City Attorney

By 

William W. Witt
Deputy City Attorney

WWW:pev
01/11/05
Or.Dept:DSD
R-2005-733
MMS #1297
ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM YWCA TRANSITIONAL HOUSING FACILITY – PROJECT NO. & MND NO. 44721

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 92101-4155. All mitigation measures contained in the Mitigated Negative Declaration No. 6729 shall be made conditions of Conditional Use Permit, Site Development Permit, and Easement Abandonment, as may be further described below.

This Mitigation, Monitoring and Reporting Program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

MITIGATION, MONITORING AND REPORTING PROGRAM

To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures is the responsibility of the applicant. The basis for the MMRP can be found in the Initial Study. The mitigation measures are described below:

HISTORICAL RESOURCES (LANDSCAPING)

Prior to Preconstruction (Precon) Meeting:

1. Land Development Review (LDR) Plan Check
 - a. 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 Assistant Deputy Director (ADD) of LDR shall verify that the requirements for monitoring by a certified arborist, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ADD:
 - a. 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 ADD of LDR stating that a qualified arborist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program.

Precon Meeting

1. Monitor Shall Attend Precon Meetings:

R 300099

- a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Certified Arborist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The arborist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the 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 Contractors representatives to meet and review the job on-site prior to start of any work that requires monitoring.
2. Identify Areas to be Monitored:
 - a. At the Precon Meeting, the arborist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies the trees to be monitored as well as areas that may require delineation of grading limits.
 3. When Monitoring Will Occur:
 - a. Prior to the start of work, the arborist 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.

During Construction

1. Monitor Shall be Present During Grading/Excavation:
 - a. The qualified arborist shall be present full-time during grading/excavation in areas of the trees that are to be protected and preserved.
 - b. To reduce significant indirect impacts to historically significant landscaping to below a level of significance, the applicant shall implement the recommendations contained in the arborist report entitled: *YWCA Transitional Housing Project- Arborist Report, June 4, 2004*. Under the supervision of the arborist, the project builder shall relocate and replant the significant trees in conformance with the arborist report and Exhibit A (Conceptual Landscape Plan). Any mature trees on or adjacent to the site that have been determined historically or potentially significant will be protected in the following manner:

Fencing and Laminated Signs: Chain link protection fencing shall be installed prior to the start of demolition work and will be specified on the plans as the "Tree Protection Zone". Excavation required for the installation of the protection fencing shall be in accordance with the recommendations of the arborist report. The fencing area shall be posted with laminated signs every 50 feet stating in English and Spanish, "Tree Protection Zone".

R 300099

Post Construction

1. Annual Evaluation Report
 - a. EAS staff concurs with the recommendation of the arborist report, *YWCA Transitional Housing Project-Arborist Report June 4, 2004*. See Section V, Recommendations-Long Term Management And Care.
 - b. An annual tree evaluation of the Lemon-Scented Gum and the Indian Laurel Fig should be performed by a certified arborist familiar with this type of work, starting six months after completion of constructions.
 - c. The arborist will determine the need and frequency for any further evaluation.

HISTORICAL RESOURCES (ARCHAEOLOGY)

Prior to Preconstruction (Precon) Meeting

1. Land Development Review (LDR) Plan Check:
 - a. 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 Assistant Deputy Director (ADD) of LDR shall verify that the requirements for archaeological and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ADD:
 - a. 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 ADD 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. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
3. 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.
4. Records Search Prior to Precon Meeting:
 - a. 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

R-300099

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.

Precon Meeting

1. 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 Contractors representatives to meet and review the job on-site prior to start of any work that requires monitoring.

2. Identify Areas to be Monitored:

a. 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. This includes fencing or flagging of historical marker No. 764.

3. When Monitoring Will Occur:

a. 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.

During Construction

1. Monitor Shall be Present During Grading/Excavation:

a. 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.

2. 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

R-300099

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.

3. Human Remains:

a. If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:

b. Notification

(1) Archaeological Monitor shall notify the RE or BI as appropriate, MMC and the PI if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).

(2) The PI shall notify the Medical Examiner, after consultation with the RE, either in person or via telephone.

c. Isolate discovery site:

(1) Work will be redirected from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner, in consultation with the PI, concerning the provenience of the remains.

(2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.

(3) If a field examination is not warranted, the Medical Examiner shall determine, with input from the PI, if the remains are or are most likely to be of Native American origin.

d. If Human Remains are determined to be Native American:

(1) The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, ONLY the Medical Examiner can make this call.

R-300099

- (2) The NAHC will contact the PI, within 24 hours or sooner, after the Medical Examiner has completed coordination.
- (3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
- (4) The PI will coordinate with the MLD for additional coordination.
- (5) Disposition of Native American human remains will be determined between the MLD and the PI, IF:

- (a) 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;

- (b) 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, the landowner or their authorized representative shall re-inter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.

e. If Human Remains are NOT Native American:

- (1) The PI shall contact the Medical Examiner and notify him/her of the historic era context of the burial.

- (2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

- (3) 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, and the Museum of Man.

4. 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.

R-300099

(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 minimum of 24 hours before the work is to begin.
 - (2) The RE or BI, as appropriate, will notify MMC immediately.
- c. All other procedures described above will apply, as appropriate.

5. Notification of Completion:

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

Post Construction

1. 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.

2. 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 ADD of LDR.

b. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program (ADRP) 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.

R- 300099

3. Recording Sites with State of California Department of Park and Recreation:

a. 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.

R-300099