

RESOLUTION NUMBER R- **291625**

ADOPTED ON **MAY 18 1999**

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No. 98-1131, 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 CONSTRUCTION OF SEWER AND WATER GROUP 615.

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   
John F. Kirk  
Deputy City Attorney

JFK:aw:mr  
5/04/99  
Or.Dept:E&CP  
BidNo.:K99233C  
R-99-1260  
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RESOLUTION NO. \_\_\_\_\_ (MMRP)

ADOPTED ON MAY 18, 1999

**WHEREAS**, on April 16, 1999, the City of San Diego Engineering and Capital Projects Department submitted an application to the Planning and Development Review Department for a Resource Protection Permit; 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 May 18, 1999; and

**WHEREAS**, the Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 98-1131; **NOW THEREFORE**,

**BE IT RESOLVED**, by the Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 98-1131 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 Administrative Code Section 15000 et seq.), that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Council.

**BE IT FURTHER RESOLVED** that the Council finds that project revisions now mitigate potentially significant effects on the environment previously mitigated in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto 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.

By: \_\_\_\_\_

Attachment: Exhibit A, Mitigation Monitoring and Reporting Program

R- 291625

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SEWER AND WATER GROUP JOB 615

RESOURCE PROTECTION PERMIT NO. 98-1131

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 Planning and Development Review Department, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 98-1131) shall be made conditions of Resource Protection Permit No. 98-1131 as may be further described below.

Biological Resources

1. Prior to contract advertisement, the Environmental Analysis Section of Land Development Review shall review the plans and specifications to verify that the following notes are included where appropriate:

PRIOR TO THE REMOVAL OF ANY TREE OR THE COMMENCEMENT OF WORK WITHIN 500 FEET OF ANY TREE BETWEEN FEBRUARY 1<sup>ST</sup> AND AUGUST 31<sup>ST</sup>, THE BREEDING SEASON OF LOCAL RAPTORS, THE CITY PROJECT MANAGER SHALL ENSURE THAT THE FOLLOWING REQUIREMENTS HAVE BEEN SATISFIED:

- A. TREES TO BE REMOVED OR WHICH ARE WITHIN 500 FEET OF THE WORK AREA MUST BE SURVEYED BY A QUALIFIED BIOLOGIST FOR ACTIVE RAPTOR NESTS.
- B. A SURVEY REPORT PREPARED BY THE QUALIFIED BIOLOGIST SHALL BE SUBMITTED TO THE ENVIRONMENTAL ANALYSIS SECTION OF LAND DEVELOPMENT REVIEW.
- C. THE RECOMMENDATIONS OF THE SURVEY REPORT, WHEN APPROVED BY THE ENVIRONMENTAL ANALYSIS SECTION, SHALL BE IMPLEMENTED TO THE SATISFACTION OF THE ENVIRONMENTAL REVIEW MANAGER OF LAND DEVELOPMENT REVIEW. THE RECOMMENDATIONS OF THE REPORT SHALL GENERALLY ADHERE TO THE FOLLOWING GUIDELINES:

- i. NO TREE WHICH SUPPORTS AN ACTIVE RAPTOR NEST SHALL BE REMOVED UNTIL SUCH TIME THE QUALIFIED BIOLOGIST DETERMINES THE YOUNG ARE INDEPENDENT OF THE NEST SITE.
  - ii. BUFFERS SHALL BE ESTABLISHED AROUND ALL TREES WHICH SUPPORT ACTIVE RAPTOR NESTS UNTIL SUCH TIME THE QUALIFIED BIOLOGIST DETERMINES THE YOUNG ARE INDEPENDENT OF THE NEST SITES. BUFFERS SHALL BE 300 FEET FOR TREES SUPPORTING ACTIVE COOPER'S HAWK NESTS AND 500 FEET FOR TREES SUPPORTING OTHER ACTIVE RAPTOR NESTS.
2. Prior to the preconstruction meeting, the City Manager shall verify that the applicant has contributed \$2,230.00 to the City's Habitat Acquisition Fund (No. 10571) for off-site mitigation of biological resources.
3. Prior to contract advertisement, the Environmental Analysis Section of Land Development Review shall review the plans and specifications to verify that 0.21-acre of grassland revegetation subject to a 25-month monitoring program is identified. This revegetation program would mitigate for the project's temporary impacts to 0.21-acre of non-native grassland habitat.
4. Prior to contract advertisement, the Environmental Analysis Section of Land Development Review shall review the plans and specifications to verify that adequate notes are included to ensure that the drainage along the maintenance road below Space Theater Way will not be impacted. Required measures shall include an erosion barrier, such as silt fencing or plastic tarping, placed on the edge of the maintenance road where it crosses the drainage to prevent any fill material from entering the drainage during trenching activities in the area. The notes shall also specify that vehicles shall not be permitted to be parked or driven within the drainage and that materials shall not be permitted to be stored within the drainage.

#### Neighborhood Character/Aesthetics

1. Prior to contract advertisement, the Environmental Analysis Section of Land Development Review shall review the plans and specifications to verify that the palm grove within the archery area would be protected in place and that any impacted coast live oaks (*Quercus agrifolia*) along the maintenance road below Space Theater Way would be transplanted to appropriate locations within the Central Mesa Precise Plan area of Balboa Park, to the satisfaction of the Park and Recreation Department.

## 2. Cultural Resources

The plans and specifications shall be reviewed by the Environmental Analysis Section (EAS) of Land Development Review (LDR) prior to contract advertisement. The following measures comprise the archaeological Mitigation, Monitoring, and Reporting Program (MMRP) and shall be stated in the contract documents and on the construction plans:

Prior to the preconstruction meeting, the Engineering and Capital Projects Department shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified archaeologist and/or archaeological monitor, as defined in the City of San Diego Historical Resources Guidelines, have been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE ENGINEERING AND CAPITAL PROJECTS DEPARTMENT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. The qualified archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
- b. The qualified archaeologist or archaeological monitor shall be present on site full-time during excavation of the following sewer/water trenches and connecting laterals as identified on the "D" Sheets for Sewer and Water Group 615 (28573):
  1. Sheet 2, between Station 0+00 and Station 8+00.
  2. Sheet 3, between Station 8+00 and Station 9+43.
  3. Sheet 4, between Station 0+00 and Station 3+10.
  4. Sheet 5, between Station 1+50 and Station 7+02.
  5. Sheet 6, between Station 0+00 and Station 3+22.
  6. Sheet 7, between Station 4+45 and Station 6+37.
  7. Sheet 8, between Station 0+00 and Station 8+00.
  8. Sheet 9, between Station 8+00 and Station 14+55.
  9. Sheet 10, between Station 0+00 and Station 6+00.
  10. Sheet 10, Line "A" between Station 0+00 and Station 1+56.

11. Sheet 11, between Station 0+00 and Station 7+00.
  12. Sheet 18, between Station 9+85 and Station 14+80.
  13. Sheet 20, between Station 0+00 and Station 5+00.
  14. Sheet 21, between Station 5+00 and Station 11+00.
- c. **WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT GROUND DISTURBANCE ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW EVALUATION OF POTENTIALLY SIGNIFICANT CULTURAL RESOURCES. THE ARCHAEOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR and the Native American community. LDR must concur with the evaluation before grading activities will be 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 will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
- d. All cultural materials collected 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. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.
- e. Within three months following the completion of grading, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR within three months following the completion of the mitigation program.

#### Paleontological Resources

The plans and specifications shall be reviewed by the Environmental Analysis Section (EAS) of Land Development Review (LDR) prior to contract advertisement. The following measures comprise the paleontological Mitigation, Monitoring, and Reporting Program (MMRP) and shall be stated in the contract documents and on the

construction plans:

Prior to the preconstruction meeting, the Engineering and Capital Projects Department shall provide a letter of verification to the Environmental Review Manager of LDR stating that a qualified paleontologist and/or paleontological monitor, as defined in the City of San Diego Paleontological Guidelines, have been retained to implement the monitoring program. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE ENGINEERING AND CAPITAL PROJECTS DEPARTMENT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

- a. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager.
- b. The qualified paleontologist or paleontological monitor shall be present on site full-time during excavation of the following sewer/water trenches and connecting laterals as identified on the "D" Sheets for Sewer and Water Group 615 (28573):
  1. Sheet 2, between Station 0+00 and Station 8+00.
  2. Sheet 3, between Station 8+00 and Station 9+43.
  3. Sheet 7, between Station 4+45 and Station 6+37.
  4. Sheet 8, between Station 0+00 and Station 8+00.
  5. Sheet 9, between Station 8+00 and Station 14+55.
  6. Sheet 10, between Station 0+00 and Station 6+00.
  7. Sheet 10, Line "A" between Station 0+00 and Station 1+56.
  8. Sheet 11, between Station 0+00 and Station 7+00.
  9. Sheet 18, between Station 9+85 and Station 14+80.
  10. Sheet 20, between Station 0+00 and Station 5+00.
  11. Sheet 21, between Station 5+00 and Station 11+00.
- c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW**



**RECOVERY OF FOSSIL REMAINS.** THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- e. Within three months following the completion of grading, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.