

RESOLUTION NUMBER R- 294433

ADOPTED ON JAN 09 2001

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. LDR 40-0296, 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 Miramar Water Treatment Plant Early Start Improvements Project Phase I.

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 *Catherine Bradley*
Catherine Bradley
Deputy City Attorney

CB:aw:cdk
11/27/00
Or.Dept:Contract Serv.
Bid No:K01039C
R-2001-906

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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

MIRAMAR WATER DISTRIBUTION SYSTEM IMPROVEMENTS RESOURCE PROTECTION ORDINANCE PERMIT

LDR NO. 40-0296

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. 40-0296) shall be made conditions of Resource Protection Ordinance Permit as may be further described below.


MITIGATION, MONITORING, AND REPORTING PROGRAM: Prior to City Council approval of construction bid documents, the following mitigation measures shall be noted on the project construction plans and included in the specifications and contract documents under the heading "Environmental Requirements."

Biological Resources

1. Prior to the first preconstruction meeting, the Water Department shall provide verification to the Environmental Review Manager (ERM) of the City Planning and Development Review Department's Land Development Review (LDR) Division that conservation credits equivalent to 0.12 acres of upland habitat have been assigned in the City's Marron Valley Cornerstone Lands Conservation Bank, as mitigation for project impacts to 0.12 acres of coastal sage scrub.
2. Thirty days prior to the first preconstruction meeting, the Water Department shall submit a letter to the ERM verifying that a qualified biologist has been retained to implement the biological resources mitigation program.
3. The biologist shall attend the first preconstruction meeting.
4. Prior to initiation of grading, the biologist and construction manager or designee shall discuss the sensitive nature of adjacent habitats with construction crews.
5. Prior to initiation of grading, the biologist shall flag the limits of disturbance of coastal sage scrub habitat. Where construction areas drain into adjacent sensitive habitat areas, silt fencing shall be installed along the construction limits and checked by the biologist prior to grading.
6. Prior to the first preconstruction meeting, the biologist shall identify appropriate locations on the project plans where trench spoil is to be stockpiled (i.e., within disturbed areas outside of sensitive habitat). Prior to initiation of grading, the biologist shall flag these stockpile areas in the field. Where stockpile areas drain into adjacent sensitive habitat areas, the biologist shall supervise the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures to prevent sedimentation of the habitat.

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7. Any impacts to sensitive habitat beyond those anticipated in the Initial Study shall be mitigated by the Water Department via assignment of conservation credits in the Marron Valley Cornerstone Lands Conservation Bank, at the ratios specified in the City's Biological Guidelines, and by hydroseeding in accordance with the City's Landscape Technical Manual, which shall occur in the temporary impact areas with coastal sage scrub seed mix.
8. If construction at the valve vault/west tunnel portal within the MHPA occurs during the breeding season of the California gnatcatcher (March 1 to August 15), the following measures shall be implemented:
 - a. Prior to removal of coastal sage scrub, the biologist shall survey those areas of the MHPA within 500 feet of proposed construction activity, in accordance with the U.S. Fish and Wildlife Service protocol for determining the presence/absence of California gnatcatchers, and shall notify the ERM of the survey results.
 - b. If no California gnatcatchers are found to be present, then vegetation clearing and project construction may commence.
 - c. If California gnatcatchers are found to be present within the MHPA, and grading or clearing will take place within 500 feet of occupied habitat within the MHPA during the California gnatcatcher breeding season (March 1-August 15), measures to minimize noise impacts shall be implemented and shall include temporary noise walls/berms as appropriate. Any clearing of occupied habitat within the MHPA shall take place outside the gnatcatcher breeding season.
 - d. If California gnatcatchers are found to be present, construction operations within 500 feet shall not commence until noise barrier(s) are placed between construction activity and occupied gnatcatcher habitat. The location of noise barrier(s) shall be determined by the biologist. Construction noise levels shall be monitored at the edge of occupied habitat in the MHPA (as determined by the biologist) with noise barrier(s) in place. In consultation with the ERM, other measures shall be implemented, as necessary, to reduce noise levels to below 60 dB(A) or the ambient noise level if noise levels already exceed 60 dB(A) hourly Leq at the edge of occupied habitat in the MHPA.
 - e. With implementation of Mitigation Measure 8.d., construction noise shall continue to be monitored at least once daily to verify that noise at the edge of occupied habitat in the MHPA (as determined by the biologist) is maintained below 60 dB(A) or the ambient noise level if noise levels already exceed 60 dB(A) hourly Leq. If not, other measures shall be implemented (in consultation with the ERM), as necessary, to reduce noise levels to below 60 dB(A) or the ambient noise level. Such measures may include but are not limited to placement of construction equipment and limitations on the simultaneous use of equipment.
9. If removal of mature trees is proposed during the raptor breeding season (generally March through June), the following measures shall be implemented:
 - a. Prior to the initiation of cutting or grading near mature trees in the project site, the Water Department shall submit a survey report for active raptor nests, prepared by the biologist and satisfactory to the ERM. If no raptor nests are discovered in or around the trees to be removed, no further mitigation is required.

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- b. If any active raptor nests are discovered, the biologist shall mark all occupied trees and delineate with flagging/staking a "no construction" buffer area around each occupied tree. The size of the buffer area shall depend on the species present and shall be determined by the biologist in consultation with the ERM and the California Department of Fish and Game. The buffer shall be maintained until the young raptors are fledged.
10. The biologist shall monitor construction within and adjacent to the MHPA to ensure consistency with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines, as follows:
 - a. If lighting adjacent to the MHPA is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar), and it shall be directed away from preserve areas and the tops of adjacent trees with potentially nesting raptor species, using appropriate placement and shields.
 - b. No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that berms, swales, detention basins or other methods are used as needed to redirect drainage away from preserve areas.
 - c. No trash dumping; storage of hazardous materials, construction equipment or materials; parking or other construction-related activities shall be allowed in or adjacent to preserve areas. These activities shall occur only within designated staging areas.
 - d. No fueling of equipment shall take place in or adjacent to preserve areas; fueling of vehicles shall occur within designated staging area(s). Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans and shall be situated a minimum distance of 50 feet from preserve areas.
11. All coastal sage scrub habitat subject to temporary disturbance shall be hydroseeded with coastal sage scrub seed mix and monitored for a period of 25 months, in conformance with the City's Landscape Technical Manual. The hydroseeding shall be implemented between the months of September and May, following completion of construction, in and adjacent to the MHPA. The biologist shall monitor the hydroseeding to ensure adequate coverage. No exotic, invasive species shall be utilized in the seed mix. All non-irrigated hydroseeded areas adjacent to the MHPA shall consist of native or non-invasive species, to the satisfaction of the ERM.
12. The Water Department shall provide monthly letter reports to the ERM and to the Mitigation Monitoring Construction Manager (MMCM) of the LDR Division with the results of: a) flagging of coastal sage scrub limits; b) stockpiling of trench spoils; c) installation of erosion control measures, as necessary; d) additional mitigation for unauthorized coastal sage scrub impacts beyond flagged limits, if any; e) construction noise monitoring and assessment of the breeding/nesting behavior of affected California gnatcatchers, as necessary; f) raptor nesting surveys and buffer areas, if necessary; g) mitigation for lighting, drainage and other indirect impacts to the MHPA; and h) hydroseeded areas subject to temporary construction impacts.



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Paleontological Resources

1. Prior to the first preconstruction meeting, the Water Department shall provide a letter of verification to the ERM of LDR stating that a qualified paleontologist and/or paleontological monitor (as defined in the City of San Diego Paleontological Guidelines, revised April 2000) have been retained to implement the paleontological monitoring program during the excavation for the new pipelines. The requirement for monitoring shall be noted on the grading plans.
2. All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the first preconstruction meeting.
3. The qualified paleontologist or paleontological monitor shall attend any preconstruction/pregrading meetings to consult with City staff and the excavation contractor.
4. The paleontologist or paleontological monitor shall be on-site full-time during excavation into previously undisturbed formations. The monitoring time may be decreased at the discretion of the paleontologist in consultation with LDR.
5. If significant fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.
6. In the event that significant fossil resources are discovered, the paleontologist shall immediately contact LDR. The determination of significance shall be at the discretion of the qualified paleontologist.
7. The qualified paleontologist shall be responsible for preparation of fossils to a point of identification and submittal of a letter of acceptance from a local qualified curation facility (as defined in the City of San Diego Paleontological Guidelines). The paleontologist shall record any discovered fossil sites at the San Diego Natural History Museum.
8. The qualified paleontologist shall be responsible for the preparation of a monitoring results report with appropriate graphics summarizing the results (even if negative), analyses, and conclusions of the above program. The report shall be submitted to LDR within three months following the termination of the paleontological monitoring program.

Noise

1. Prior to the first preconstruction meeting, the ERM shall verify that the sound attenuation barriers shown on Figure 1 and as described in the Preliminary Acoustical Assessment Report prepared by Pacific Noise Control (June 2000) and per Biological Resources Mitigation Measure 8.d. are noted on the construction plans and specifications. The barriers shall include the temporary 12- to 16-foot high barriers for pipeline and valve vault/tunnel portal construction zones, and the permanent screening wall adjacent to the MLPS.
2. At least two weeks prior to construction of each project segment, the Water Department shall send out notifications to affected residences, businesses and other facilities of the expected times and durations of construction, with copies to the ERM and MMCM.

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3. Prior to the first preconstruction meeting, the ERM shall verify that the following standard requirement is noted on the construction plans and specifications: The trailer mounted generators used during construction shall be housed within acoustical enclosures provided by the manufacturer.

Traffic

1. Prior to the first preconstruction meeting, the ERM shall verify that the following requirements are noted on the construction plans and specifications:
 - a. Prior to commencement of construction that directly affects movement of traffic along any public street as a result of lane closures, realignments, detours, narrowing or erection of barriers or other traffic control devices, a traffic control plan shall be approved by the City Transportation Department's Traffic Engineering Division. Said plan shall include, but shall not be limited to, the following components:
 - Signs, notices, and other warning devices that direct pedestrians and bicyclists to safe crossing locations at intersections shall be posted or placed in construction zones prior to construction.
 - The eastbound lane of Scripps Lake Drive west of Scripps Ranch Boulevard shall be temporarily closed and traffic control devices shall be utilized to enable two-way traffic to share the westbound lane and parking lane during construction in this area. Access to Scripps Ranch High School shall be maintained via Treena Street.
 - The pipeline installation through the intersection of Scripps Lake Drive and Scripps Ranch Boulevard shall be limited to take place on three consecutive weekends during the summer, and traffic shall be re-routed onto single northbound and southbound lanes during that time. Left turns from southbound Scripps Ranch Boulevard and westbound Scripps Lake Drive shall be maintained during construction.
 - The middle left-turn lanes on Scripps Ranch Boulevard shall be temporarily closed and traffic control devices shall be utilized to maintain two northbound and southbound lanes during construction in this area. Access to offices and businesses shall be maintained during normal business hours. Left turns from southbound Scripps Ranch Boulevard to eastbound Scripps Lake Drive shall be maintained during construction.
 - One lane of traffic on Scripps Lake Drive just west of Red Cedar Drive shall be alternately closed using traffic control personnel to direct traffic through a single open lane during the four-week construction period in this area, or temporary striping shall be applied to provide one 12 foot travel lane in each of the eastbound and westbound directions.
 - The southbound lane of Red Cedar Drive just south of Scripps Lake Drive shall be temporarily closed and traffic control personnel shall direct traffic through a single open lane during the four-week construction period in this area, or by the use of temporary striping to provide one 12 foot travel lane in each of the northbound and southbound directions.

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Air Quality

1. Prior to the first preconstruction meeting, the ERM shall verify that the following standard requirements are noted on the construction plans and specifications:
 - a. Fill material in each truckload shall be kept low enough to prevent spillage, and shall be sufficiently wetted down or covered with a secure tarp to prevent dust generation during transport.
 - b. Paved access to construction sites shall be cleaned daily of construction-related dirt to reduce resuspension of particulate matter caused by vehicle movement.
 - c. Water or dust control agents shall be applied to active grading/trenching areas, unpaved surfaces and dirt stockpiles to prevent or suppress the particulate matter from becoming airborne, or stockpiled soils shall be covered with a secure tarp to prevent windblown dust.
 - d. Electrical power from existing sources shall be used instead of diesel or gasoline fueled generators where feasible.
 - e. Truck drivers shall be instructed to shut down engines if long waiting times are anticipated. The above 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.

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