

RESOLUTION NUMBER R- 295264

ADOPTED ON AUG 6 2001

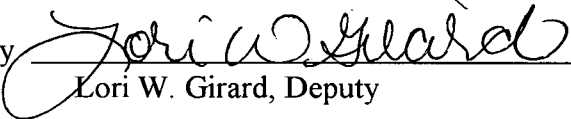
BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that LDR Mitigated Negative Declaration No. 40-1036, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 Group Job 652.

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 LDR 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.

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 
Lori W. Girard, Deputy

LWG:aw:pev
7/19/01
Or.Dept:E&CP
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

LDR NO. 40-1036

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. 40-1036) shall be made conditions of approval for Sewer Group Job 652 as may be further described below.

Biological Resources

1. Thirty days prior to the first preconstruction meeting, the City Engineering and Capital Projects Department shall submit a letter to the Environmental Analysis Section (EAS) for review and approval by the Environmental Review Manager (ERM) verifying that a qualified biologist has been retained to implement the biological resources mitigation program. The requirement shall be shown on the construction plans and specifications.
2. The biologist shall attend the first preconstruction meeting. The biological resources mitigation requirements shall be shown on the construction plans and specifications.
3. Prior to the first preconstruction meeting, the City Engineering and Capital Projects Department shall prepare an upland restoration and wetland enhancement plan for all direct impacts associated with pipeline and manhole abandonment as well as anticipated impacts associated with access pathways for approval by ERM. The restoration and enhancement plan shall outline specific species for planting/hydroseeding, timing, irrigation and grading requirements, if any, a long term maintenance and monitoring program, criteria for success, as well as any contingency measures in case of failure. It is expected that monitoring of the restoration and enhancement would be no less than 5 years, but could be completed earlier if the five year success criteria were met. This requirement shall be included in the construction plans and specifications.
 - a. The upland restoration and wetland enhancement plan shall mitigate the for the following impacts: 0.003 acre of impact to Southern Cottonwood-Willow Riparian Forest shall be mitigated at a 3:1 ratio; 0.011 acre of impact to Diegan Coastal Sage Scrub within the MHPA shall be mitigated at a 1:1 ratio and 0.017 acre of impact to Diegan Coastal Sage Scrub outside the MHPA shall be mitigated at a 1.5:1 ratio; 0.079 acre of impact to Southern Mixed Chaparral within the MHPA shall be mitigated at a 1:1 ratio and 0.043 acre of impact to Southern Mixed Chaparral outside the MHPA shall be mitigated at a

295264

- 1:1 ratio; 0.001 acre of impact to Non-native grassland shall be mitigated at a 1:1 ratio.
- b. To ensure adequate erosion control during and after construction and prior to revegetation, all foot paths and other construction/disturbance areas with a slope gradient of 3:1 or steeper will be covered or installed with any one of the following: natural fiber erosion control matting, gravel bags, or silt fencing or other method the biologist determines necessary.
 - c. After construction, all areas will be decompacted to the satisfaction of the Project Biologist. The revegetation contractor shall scarify by hand any compacted construction areas to a depth of 4 inches.
 - d. The project biologist in coordination with the maintenance contractor shall identify and supervise the eradication of invasive exotics as specified in the project revegetation plan.
4. The biologist shall monitor construction to ensure consistency with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines, as follows. The requirements shall be shown on the construction plans and specifications. If measures being implemented by the construction crews during construction are determined by the biological monitor to be inadequate for protecting adjacent sensitive biological resources additional measures determined necessary by the biological monitor may be required. Prior to changing any mitigation requirement, the biological monitor shall submit a request to the City Water Department and EAS for review and approval:
- A. If construction occurs during the breeding season of the California gnatcatcher (March 1 to August 15) or least Bell's vireo (March 15 to September 15), the following measures shall be implemented. The requirements shall be made a condition of the Site Development Permit and shown on the construction plans and specifications.
 1. Prior to construction the biological monitor in consultation with a qualified acoustician will evaluate the noise levels generated in association with the construction activities. If it is determined by the biological monitor in consultation with a qualified acoustician, that noise generated in association with the proposed manhole and pipeline abandonment activities would not exceed the threshold of 60 dB(A) L_{eq} , at the border of suitable habitat for the gnatcatcher and least Bell's vireo, additional surveys and implementation of measures 2-5 listed below would not be required. The conclusions of the biological monitor regarding construction noise and the need for additional surveys shall be submitted to the ERM for review and approval:
 2. Prior to any construction-related activity, the biologist shall survey those areas of the Multi-Habitat Planning Area (MHPA) within 500 feet of proposed construction activity, in accordance with the U.S. Fish and Wildlife Service (USFWS) protocol for determining the presence/absence of California gnatcatchers and/or least Bell's vireo, and shall notify the ERM of the survey results.

R-295264

3. If no California gnatcatchers and/or least Bell's vireo are found to be present within the MHPA up to 500 feet of proposed construction-related activity, then vegetation clearing and project construction may commence.
 4. If California gnatcatchers and/or least Bell's vireo are found to be present within the MHPA, construction-related activities within 500 feet shall not commence until temporary noise barrier(s) are placed between construction activity and occupied gnatcatcher and/or least Bell's vireo habitat. The location of noise barrier(s) shall be determined by the biologist and acoustical engineer. Construction noise levels shall be monitored at the edge of occupied habitat 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) L_{eq} , or to the ambient noise level if it already exceeds 60 dB(A) at the edge of occupied habitat.
 5. Construction noise shall continue to be monitored at least once weekly to verify that noise at the edge of occupied habitat is maintained below 60 dB(A), or to the ambient noise level if it already exceeds 60 dB(A). If not, other measures shall be implemented (in consultation with the ERM), as necessary, to reduce noise levels to below 60 dB(A) or to the ambient noise level if it already exceeds 60 dB(A). Such measures may include, but are not limited to, placement of construction equipment, and limitations on the simultaneous use of equipment.
- B. If lighting is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar). Using appropriate placement and shields, as necessary, the biologist shall ensure that night lighting is directed away from sensitive habitat within the MHPA.
 - C. 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 sensitive habitat within the MHPA.
 - D. No trash or oil dumping; storage of hazardous wastes or construction equipment/materials; or parking shall occur within the MHPA. These activities shall occur only within the designated staging area located outside the MHPA.
 - E. No fueling of equipment shall take place in the MHPA. Using appropriate catchment basins/devices, the City Water Department shall ensure that fueling of vehicles occurs only within the designated staging area located outside the MHPA.

Historical Resources (Prehistoric)

1. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified archaeologist and/or archaeological monitor, as defined in the City of San Diego

R-295264

Historical Resources Guidelines, has 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 APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**

2. **THE REQUIREMENT FOR ARCHEOLOGICAL MONITORING SHALL BE NOTED ON THE CONSTRUCTION PLANS.**
3. The qualified archaeologist shall attend all preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager. **THE QUALIFIED ARCHEOLOGIST SHALL COMPLETE A RECORDS SEARCH PRIOR TO THE PRECONSTRUCTION MEETING AND BE PREPARED TO INTRODUCE ANY PERTINENT INFORMATION CONCERNING EXPECTATIONS AND PROBABILITIES OF DISCOVERY DURING TRENCHING AND/OR GRADING ACTIVITIES.**
4. The qualified archaeologist or archaeological monitor shall be present full-time during trenching of native soils. Monitoring is required for the mainline, laterals and all other appurtenances that impact native soils as detailed on the plans or in the contract documents, and called out on the following sheets identified below. Note: Sheets and station numbers are approximate and subject to change during the life of the job. it is the contractors responsibility to keep the monitors up-to-date with current plans.
 - i. Sheet 2 between Sewer Station 1+00 to 9+00 and between Sewer Station 1+00 to 2+58.96.
 - ii. Sheet 3 between Sewer Station 9+00 to 18+00
 - iii. Sheet 4 between Sewer Station 18+00 to 26+56.63 and Sewer Station 1+00 to 2+74.81
 - iv. Sheet 5 between Sewer Station 1+00 to 8+00
 - v. Sheet 6 between Sewer Station 8+00 to 14+15.48
 - vi. Sheet 7 between Sewer Station 1+00 to 6+44.51
 - vii. Sheet 8 between Sewer Station 1+00 to 10+13.70
 - viii. Sheet 9 between Sewer Station 1+00 to 9+88.53 and 1+00 to 1+42.87
 - ix. Sheet 10 between Sewer Station 1+00 to 11+44.69
 - x. Sheet 11 between Sewer Station 1+00 to 8+00 and 1+00 to 4+70.10
 - xi. Sheet 12 between Sewer Station 8+00 to 16+00
 - xii. Sheet 13 between Sewer Station 16+00 to 24+00
 - xiii. Sheet 14 between Sewer Station 24+00 to 29.41.05
5. **IN THE CASE OF A DISCOVERY, AND 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 FINDINGS AT THE TIME OF**

R- 295264

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 in the area of discovery will be allowed to resume. For significant archeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before land disturbing activities in the area of discovery will be allowed to resume.

6. 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) shall be followed. If Native American remains are present, the County Coroner shall contact the native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains.

Paleontological Resources

1. Prior to the first preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (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 APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
2. **THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING SHALL BE NOTED ON THE CONSTRUCTION PLANS AND SPECIFICATIONS.**
3. The qualified paleontologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss construction plans with the construction contractors.
4. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of the San Diego Formation. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils. Monitoring is required for the mainline, laterals and all other appurtenances that impact native soils as detailed on the plans or in the contract documents, and called out on the following sheets identified below. Note: Sheets and station numbers are approximate and subject to change during the life of the job. It is the contractors responsibility to keep the monitors up-to-date with current plans.
 - i. Sheet 2 between Sewer Station 1+00 to 9+00 and between Sewer Station 1+00 to 1+70.85.
 - ii. Sheet 3 between Sewer Station 9+00 to 16+86.09
 - iii. Sheet 5 between Sewer Station 1+00 to 8+00

- iv. Sheet 6 between Sewer Station 8+00 to 13+10
- v. Sheet 7 between Sewer Station 1+00 to 5+40
- vi. Sheet 8 between Sewer Station 1+00 to 5+30
- vii. Sheet 9 between Sewer Station 1+00 to 5+20
- viii. Sheet 11 between Sewer Station 1+00 to 8+00 and 1+00 to 2+10
- ix. Sheet 12 between Sewer Station 8+00 to 9+10

5. **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 AND RESIDENT ENGINEER 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.**
6. 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.
7. 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.

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.

R-295264