

RESOLUTION NUMBER R- 297124

ADOPTED ON OCT 07 2002

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR No.41-0338, 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 Sewer Group 640.

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 No. 41-0338 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 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: CASEY GWINN, City Attorney

By 
Lori W. Girard, Deputy

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09/23/02
Or.Dept:E&CP
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

LDR NO. 41-0338

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. 41-0338) shall be made conditions of project approval as may be further described below.

Historical Resources (Archaeology)

1. Prior to the first 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, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. A SECOND LETTER SHALL BE SUBMITTED TO THE MITIGATION MONITORING COORDINATION (MMC) AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE ARCHAEOLOGICAL MONITORING OF THIS PROJECT.
2. PRIOR TO THE FIRST PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR ARCHAEOLOGICAL MONITORING AND NATIVE AMERICAN MONITORING, IF APPLICABLE, HAS BEEN NOTED ON THE PLANS.
3. Prior to beginning construction, the permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager, Resident Engineer (RE) and MMC. The qualified archaeologist shall attend any excavation related preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.

AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE ARCHAEOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR.

THE QUALIFIED ARCHAEOLOGIST 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 ACTIVITIES. THE ARCHAEOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.

4. The qualified archaeologist shall be present full-time during excavation of native soils and shall document activity via the Consultant Site Visit Record. These records shall be faxed to the RE and MMC each month.

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact native soils including trenching within native soils that is new and/or one foot deeper than existing mainlines, laterals, services and all other appurtenances as detailed on the plans or in the contract documents. The contractor is responsible for keeping monitors up-to-date with current plans.

5. IN THE EVENT OF A DISCOVERY, AND WHEN REQUESTED BY THE ARCHAEOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT OR TEMPORARILY HALT GROUND DISTURBING ACTIVITIES IN THE AREA OF THE DISCOVERY TO ALLOW FOR PRELIMINARY EVALUATION OF POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL RESOURCES. THE ARCHAEOLOGIST WITH PRINCIPAL INVESTIGATOR (PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.

The significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR must concur with the evaluation before excavation activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before ground 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 by the archaeological monitor after notification to the County Coroner by the City RE. If Native American remains are present, the Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements, to the satisfaction of LDR.
7. 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 for 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.

8. Within three months following the completion of monitoring, two copies of a monitoring 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 the MMC for approval by the ERM of LDR and one copy sent to the RE.
9. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.
10. 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 Coast Information Center at San Diego State University with the final monitoring results report.

Paleontological Resources

11. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A SECOND LETTER SHALL BE SUBMITTED TO MMC OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.
12. PRIOR TO THE PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE PLANS.
13. Prior to the start of construction (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager, RE, and MMC. The qualified paleontologist shall attend any grading/trenching related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.

14. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or greater and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the paleontologist, provided that they contact MMC and consult with appropriate EAS staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource sensitivity at depths of 10 feet or greater as detailed on the plans or in the contract documents. It is the contractor's responsibility to keep the monitors up-to-date with current plans.

15. IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RE SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE PALEONTOLOGIST WITH PI LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVER. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.
16. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reason other than inadequate preparation of the specimens, the project paleontologist shall contact LDR to suggest alternative disposition of the collection.
17. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
18. Within three months following the completion of trenching/grading, two monitoring results reports (even if negative), which describes the results, analysis, and conclusions of the monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.

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.