

RESOLUTION NUMBER R- 297682

ADOPTED ON FEB 25 2003

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report LDR No. 42-0026, 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 report reflects the independent judgment 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 this Council in connection with the approval of the Sorrento Valley Road Reuse Project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

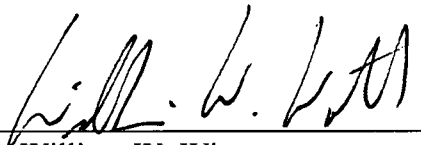
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

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 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 
William W. Witt
Deputy City Attorney

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02/05/03
Or.Dept:DSD
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ATTACHMENT A
MITIGATION, MONITORING AND REPORTING PROGRAM
SORRENTO VALLEY ROAD REUSE PROJECT
LDR NO. 42-0026

The California Environmental Quality Act (CEQA), Section 2101.6 (Assembly Bill [AB] 3180) requires that a mitigation, monitoring and reporting program (MMRP) be adopted upon certification of an Environmental Impact Report (EIR) in order to ensure that the mitigation measures are implemented. The following MMRP is designed to ensure compliance with AB 3180 during implementation of mitigation measures, and identifies at a minimum: the department responsible for monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. The City of San Diego, Engineering and Capital Projects Department, and the Development Services Department are jointly responsible for ensuring that this program is carried out.

LAND USE

LU-1 Park Road/Multi-Use Path Option: Prior to the preconstruction meeting, the City Manager (or appointed designee) shall verify notes on plans indicating that the color (adobe tan), texture, and details of the noise wall and retaining walls have been selected to minimize the visibility of the walls from the lagoon side. The amount of standard concrete (in terms of color and texture) shall be minimized. These walls shall be similar in appearance and color to existing walls (Keystone type, mortarless, prefabricated interlocking masonry block) surrounding Pump Station No. 65.

Coastal California Gnatcatcher (federally threatened)

LU-2 Prior to the preconstruction meeting, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid Endangered Species Act Section 10[a][1][a] recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels A-weighted (dBA) hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season a minimum of 4 weeks prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

ATTACHMENT A (Continued)

1. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
2. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
3. At least 2 weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise-attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dBA hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average. If the noise-attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

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1. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.3. shall be adhered to as specified above.
2. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Least Bell's vireo (state-listed endangered/federal-listed endangered)

LU-3 Prior to the preconstruction meeting, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid Endangered Species Act Section 10[a][1][A] recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 dBA hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service (USFWS) within the breeding season prior to the commencement of construction. If full protocol surveys cannot be conducted, then a qualified biologist shall conduct surveys weekly for a minimum of 4 weeks (within the breeding season) prior to the commencement of any construction. If the least Bell's vireo is present, then the following conditions must be met:
 1. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 2. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

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3. At least 2 weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise-attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dBA hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average. If the noise-attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 1. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.3. shall be adhered to as specified above.
 2. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

TRAFFIC/CIRCULATION

Prior to the issuance of any improvement permits for Sorrento Valley Road, the applicant shall implement the following transportation measures to the satisfaction of the City Engineer:

- Traffic-1 At SR-56 eastbound/El Camino Real, provide the following improvements:
- A. On the southbound approach, re-stripe one through lane to accommodate a second left-turn lane. This will result in the following lanes on this approach:
 - Two left-turn lanes.
 - Two through lanes.

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Traffic-2 At Sorrento Valley Boulevard/Vista Sorrento Parkway, opportunities for improvements on the west leg are constrained by the I-5 bridge, while opportunities for improvements on the north leg are limited by the creek along the west side of the roadway. To reduce impacts, but not fully mitigate, the performance standard, the following improvements are recommended:

- A. On the westbound approach, add one exclusive right-turn lane, resulting in the following lanes:
 - Two left-turn lanes.
 - Two through lanes.
 - One right-turn lane.
- B. On the northbound approach, add one exclusive right-turn lane, resulting in the following lanes:
 - One left-turn lane.
 - Two through lanes.
 - One right-turn lane.

Traffic-3 The proposed project options would add additional traffic to Vista Sorrento Parkway, Carmel Mountain Road, and El Camino Real. Peak hour intersection capacity analysis shows that signalized intersections on these roadways would operate at acceptable LOS with certain improvements in place. Traffic flow along arterial streets may be made more efficient by coordinating operation of the signals in such a way as to increase traffic progression along the roadway. Because the proposed project options would shift traffic to the above roadways, the following mitigation measure is recommended:

Provide a traffic signal interconnect between all traffic signals on Vista Sorrento Parkway (Sorrento Valley Boulevard to Carmel Mountain Road), Carmel Mountain Road (I-5 interchange to El Camino Real), and El Camino Real (from Carmel Mountain Road to SR-56). This interconnect must be linked to the City of San Diego control center in downtown San Diego.

Traffic-4 Park Road/Multi-Use Path Option: To avoid potentially significant impacts to pedestrian and bicyclist safety north of the Park & Ride lot, it is recommended that northbound vehicular traffic be controlled by a stop sign and a crosswalk be provided. Stop-sign control would facilitate pedestrian and bicyclist crossings from the path to the east side of the existing portion of Sorrento Valley Road south of Carmel Valley Road.

BIOLOGICAL RESOURCES

Bio-1 Prior to the first preconstruction meeting, the applicant shall verify that the following mitigation measures are graphically shown and typed on the project construction plans and included in the specifications and contract documents.

- A. At least 0.0612 acres of mule fat scrub, 0.53 acres of coastal sage scrub, and 0.08 acres of maritime chaparral shall be restored on site. The City of

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San Diego would make every effort to create and/or restore 0.048 acres of salt marsh habitat within the Los Peñasquitos Lagoon where practicable. If salt marsh mitigation opportunities at the lagoon are unavailable, salt marsh would be created and/or restored at Famosa Slough in conformance with the Famosa Slough Restoration Enhancement Plan.

- B. Native upland vegetation, such as coastal sage scrub or maritime chaparral, shall be used to revegetate any disturbed areas within dedicated biological open space.
- C. Clearing, grubbing, grading, or other construction activities shall occur prior to and/or after the breeding season (March 1 through September 15) to the extent feasible. If construction activities must extend into the breeding season, the applicant must implement the requirements in land use mitigation measures LU-2 and LU-3 to the satisfaction of the City Manager.
- D. A biological construction monitoring program shall be implemented during construction to further avoid and minimize impacts to sensitive habitats and species. This shall include staking and monitoring the construction area by a qualified biologist to identify and avoid unforeseen impacts.

Bio-2 Once a project option has been selected and approved by the City of San Diego, the following mitigation measure shall be implemented.

- A. Prior to the first preconstruction meeting, a final revegetation plan for the approved project option (including construction documents/specifications) for all upland and wetland restoration/mitigation areas (e.g., knoll, salt marsh, and mulefat scrub) shall be prepared by a qualified landscape architect/habitat-restoration specialist to the satisfaction of the City Manager. The revegetation plan shall include the proposed plant palette, site-preparation requirements, irrigation requirements, success criteria and contingency remedial measures, a 5-year maintenance and monitoring schedule, and management entities responsible for implementing the plan. The planting palette plan for maritime chaparral would include wart-stemmed ceanothus and scrub-oak. A survey shall be conducted to determine the number of wart-stemmed ceanothus and scrub oak impacted by the project. The revegetation of maritime chaparral shall be designed to achieve population densities of these species similar to existing densities. If practicable, seeds/cuttings from individuals being impacted would be collected and used in the revegetation program to conserve the local genetic resource. Any proposed grading/clearing required to implement the approved revegetation plan shall be conducted outside the bird breeding season, unless protocol surveys demonstrate the impact area is not occupied by sensitive birds or, if occupied, noise levels would not exceed 60 dB L_{EQ}.

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- Bio-3 Park Road/Multi-Use Path Option: A total of 5.86 acres of Los Peñasquitos Lagoon would become impacted by operational traffic noise upon completion of the proposed project. A permanent, 6-foot-high noise barrier shall be constructed to mitigate noise impacts to the lagoon to the satisfaction of the City Manager. The barrier would be located along the right-of-way between the roadway and lagoon habitats impacted by noise and would reduce traffic noise within the lagoon to below a level of significance. The wall shall be constructed of solid material, similar in appearance to existing walls surrounding Pump Station No. 65 (Keystone type, mortarless, prefabricated interlocking masonry block).

HYDROLOGY/WATER QUALITY/DRAINAGE

- Hydro-1 Prior to first preconstruction meeting, the Engineering and Capital Projects Department (ECP) shall submit construction plans (Exhibit A) that identify preconstruction and postconstruction best management practice (BMP) to the Environmental Review Manager (ERM) of land development review (LDR) for review and approval. The requirement for BMPs shall be noted on the construction plans under the heading "Environmental Requirements."
- Hydro-2 Prior to the first preconstruction meeting, ECP shall file a notice of intent (NOI) with the State Water Resources Control Board (SWRCB). A General Permit for Construction Activity from the Regional Water Quality Control Board (RWQCB), a Storm Water Pollution Prevention Plan (SWPPP), and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of construction activities satisfactory to the City Engineer. A copy of the acknowledgment from the SWRCB showing the permit number for this project and a copy of the completed NOI from the SWRCB shall be filed with the City of San Diego when received.
- Hydro-3 Prior to the first preconstruction meeting, ECP shall obtain coverage under an NPDES construction permit from the RWQCB. The permit requires the development of a SWPPP and monitoring plan that must address all phases of construction. The SWPPP shall address the management of materials (significant pollutants) used in the maintenance of construction vehicles, and the control and transport of sediment, which is defined as a significant pollutant under NPDES regulations. The permit entails the use of BMPs. All construction activities (including staging areas) shall be restricted to the development area.
- Hydro-4 Prior to the first preconstruction meeting, ECP shall submit an approved SWPPP, satisfactory to the City Engineer. The approved SWPPP and construction plans shall include a drainage system which provides for implementation of BMPs on site to reduce construction phase runoff of pollutants into Carmel Creek, Los Peñasquitos Lagoon, and other waters. Such BMPs must fulfill the intent of City Clerk Document No. 00-17068, "Erosion Control Measures for North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons" (City of San Diego Municipal Code)," and shall include the following:

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- a) A grading plan that incorporates runoff and erosion-control procedures to be utilized during all phases of project development shall be prepared and submitted concurrently with improvement plans. Such a plan shall be prepared by a registered civil engineer and shall be designed to assure that there shall be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site. Vegetated swales and other best management measures and energy dissipators shall be designed for existing offsite runoff and proposed project features (e.g., Park Road and multi-use path) for the first flush (0.6 inches according to the SUSMP) and checked for the 2-year 6-hour storm event using Rational Method. Runoff control shall be accomplished by establishing onsite, or at suitable nearby locations, catchment basins, detention basins, and siltation traps along with energy dissipating measures at the stormwater outfalls.
- b) Temporary sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be suitably prepared to prevent excessive soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15 by means of native vegetation, if feasible, or by other suitable means. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional. Erosion control utilizing vegetation may include but is not limited to seeding, mulching, fertilization, and irrigation within sufficient time prior to November 15 to provide landscape coverage that is adequate to achieve the provisions of this policy. Temporary erosion-control measures shall include the use of berms, interceptor ditches, sandbagging, straw rolls, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness. From November 15 to March 1, grading may be permitted provided ECP conforms to the requirements of subsection C and submits monthly documentation within 2 weeks following the end of the preceding month to the City Engineer regarding the condition of the erosion-control procedures for graded pads, slopes, and stockpiles whenever precipitation during the month exceeds 2 inches.
- c) From November 15 to March 1, grading may occur in phased increments as determined by the City Engineer, provided all of the following requirements have been met:
 - 1) The increments shall be limited to those areas that have been prepared to control the effects of soil erosion. Control measures, such as sedimentation basins, detention basins, and other facilities, shall be scheduled and placed in a sequence that shall minimize and control the offsite transportation of sediments. Such erosion-control measures shall be installed for such increments prior to

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commencing any grading that would be performed during the period between November 15 and March 1.

- 2) Temporary detention basins and other control measures employed shall be designed to assure that there shall be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a 6-hour period once every 10 years (the "6-hour, 10-year" design storm).
 - 3) The applicant agrees to provide daily documentation to the City Engineer of the condition of the erosion-control procedures for any 24-hour period in which precipitation exceeds 0.25 inches. Such documentation shall be provided within 5 working days of said 24-hour period. Failure to provide such documentation of the occurrence of any significant discharge of sediments or silts in violation of this policy shall constitute automatic grounds for suspension of the applicant's ability to grade during the period of November 15 to March 1.
- d) Overall, field review of grading operations shall be performed by the City Resident Engineer on each grading project in the Coastal Zone.
 - e) Field review of erosion control devices, sedimentation basins, detention basins, and landscaping shall be made by the City Engineer prior to the advent of the rainy season and throughout the rainy season, as necessary, to monitor grading operations phased between November 15 and March 1. The City Engineer shall prepare a periodic report documenting the compliance of all individual projects with the grading and erosion-control requirements. The report shall be completed as of November 15 of each year.
 - f) The City Engineer shall periodically review and prepare a report on the effectiveness of the runoff and erosion control measures established for the North City areas within the Coastal Zone that drain into Los Peñasquitos or San Dieguito Lagoons. The initial report shall be completed within 2 years following the adoption of the erosion-control measures and thereafter 6 months prior to any scheduled review by the California Coastal Commission of the Local Coastal Program for the City of San Diego. A copy of the report shall be submitted to the Executive Director of the Coastal Commission.

Hydro-5 Prior to the first preconstruction meeting, the applicant shall assure that all erosion-control measures implemented and construction activity areas are flagged by the Project Biologist to avoid indirect impacts to wetland areas. These pre- and post-construction measures shall include but are not limited to the following:

- a) The extent of the graded area exposed at one time and the duration of exposure shall be minimized.

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- b) All graded areas shall be landscaped prior to the rainy season with temporary or permanent landscape materials.
 - c) Perimeter-control practices, such as water bars or sediment traps, shall be installed to protect the undisturbed area from offsite runoff and to prevent sediment damage to areas below the project site.
 - d) Installation/construction of the erosion- and runoff-control measures shall be completed prior to the commencement of major grading activities. This would include the perimeter-control practices and be indicated on the grading plans.
 - e) ~~Disturbed areas shall be stabilized within 2 weeks of the completion of grading. This could be accomplished by revegetating cleared areas and applying seed, straw, or hydromulch.~~
 - fe) A thorough maintenance and follow-up program shall be implemented. Considerations would include disposal areas for sediment that is removed from control structures during maintenance, wet-weather emergency plans (including Hyplon-type liners to be used over exposed soil), a 24-hour phone contact of the person responsible for maintenance, and/or designation of methods and responsibility for removal of temporary control structures.
- Hydro-6 Prior to issuance of the Notice to Proceed, temporary erosion protection in the form of a filter system (bio-bags) shall be installed by ECP around each inlet, reducing sedimentation entering the lagoon during construction.
- Hydro-7 Prior to issuance of the Notice to Proceed, erosion protection in the form of riprap at all outfalls shall be installed by ECP to dissipate and minimize erosive forces. In addition, vegetated swales shall be used to convey runoff from the roadway/multi-use path.
- Hydro-8 During construction activities, the ECP shall divert upslope water from entering the construction area by constructing temporary dikes and swales where needed to divert water away from the construction area.
- Hydro-9 During construction activities, the ECP shall provide silt fences at downstream ends of the disturbed areas with minor sheet flows over short flow lengths. In addition, the ECP shall construct a silt fence along the construction corridor to prevent excavated or regraded material from entering the lagoon.
- Hydro-10 During construction activities, the ECP shall release stormwater at a slow and controlled rate to prevent damage to the lagoon by providing check dams or other energy dissipation measures. This could be achieved by the use of sandbags placed strategically along the drainage path.
- Hydro-11 Prior to the first preconstruction meeting, the ECP shall install sediment traps (in case of large concentrated inflows) or water bars and silt fences (in case of small sheet flows) to trap sediment generated from construction activities.
- Hydro-12 Prior to the first preconstruction meeting, the ECP shall complete installation of erosion and runoff control measures.

ATTACHMENT A (Continued)

- Hydro-13 Immediately following construction, the ECP shall stabilize disturbed areas, including graded slopes, by revegetating cleared areas and applying seed, non-fertile straw or hydromulch.
- Hydro-14 Prior to the preconstruction meeting, the ECP shall implement a maintenance and follow-up program. Considerations shall include disposal areas for sediment that is removed from control structures during maintenance; wet weather emergency plans; a 24-hour phone contact of the person responsible for maintenance; and designation of methods and responsibility for removal of temporary control structures.
- Hydro-15 Prior to issuance of the Notice to Proceed, the City of San Diego shall prevent soil and silt from entering into or being placed where it may be washed by rainfall or runoff into Los Peñasquitos Lagoon during construction activities. This would be accomplished by providing designated washout areas, protected chemical and material storage area as well as a spill containment plan.
- Hydro-16 After construction activities cease, the ECP shall hydroseed all applicable areas within 90 days of completion of construction activities with appropriate groundcover vegetation (e.g., use of native or noninvasive plants) to the satisfaction of the ERM of LDR in conformance with the requirements of Chapter 14 of the City of San Diego's LDC (Landscape Standards).
- Hydro-17 During construction activities, the ECP shall assure the daily removal and disposal of all the excavated materials from the project site to prevent sediments and pollutants from entering the lagoon.
- Hydro-18 During construction activities, the ECP shall construct, install and maintain energy dissipators and oil/water separators.
- Hydro-19 Except as required to move earth to construct the project options, and except for materials and measures used in the construction of this project, no debris, soil, silt, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into Los Peñasquitos Lagoon. ~~Sandbags would be placed between the edge of construction and the wetlands to prevent such contamination from entering the lagoon.~~
- Hydro-20 A monitoring device shall be installed or regular monitoring shall be conducted along the project corridor to measure parameters including but not limited to total dissolved solids, temperature, and bacterial constituents. A monitoring program shall be developed in accordance with the Los Peñasquitos Lagoon Watershed Management Plan and shall be coordinated with the City of San Diego NPDES monitoring program and the RWQCB.

HISTORICAL RESOURCES

Hist-1 LDR Plan Check

- A. Prior to the first preconstruction meeting, the ERM of LDR shall verify that the requirements for Archaeological Monitoring and Native

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American monitoring, if applicable, have been noted on the appropriate construction documents.

Hist-2 Letters of Qualification have been Submitted to ERM

- A. Prior to the first preconstruction meeting, the applicant shall provide a letter of verification to the ERM of 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.

Hist-3 Second Letter Containing Names of Monitors Has Been Sent to Mitigation Monitoring Coordination (MMC).

- A. At least 30 days prior to the preconstruction meeting, a second letter shall be submitted to MMC that 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.

Hist-4 Records Search Prior to Preconstruction Meeting

At least thirty days prior to the preconstruction meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared 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 SCIC or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

Preconstruction Meeting

Hist-5 Monitor Shall Attend Preconstruction Meetings

- A. Prior to beginning any work that requires monitoring, the Applicant shall arrange a preconstruction 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 preconstruction 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 unable to attend the preconstruction meeting, the RE or BI, if appropriate, shall schedule a focused preconstruction meeting for MMC; Environmental Analysis Section (EAS) staff, as appropriate; Monitors; Construction Manager; and appropriate Contractor's representatives to meet and review the job on site prior to starting any work that requires monitoring.

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- Hist-6 Units of Measure and Cost of Curation for CIP or Other Public Projects
Units of measure and cost of curation will be discussed and resolved at the preconstruction meeting prior to starting any work that requires monitoring.
- Hist-7 Identify Areas to be Monitored
At the preconstruction meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11-inch by 17-inch paper) that identifies areas to be monitored, as well as areas that may require delineation of grading limits.
- Hist-8 When Monitoring Will Occur
Prior to starting work, the Archaeologist shall 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

- Hist-9 Monitor Shall be Present During Grading/Excavation
The qualified Archaeologist shall be present full time during grading/excavation of native soils in the vicinity of SDI-1103 (SDM-W-22) and CA-SDI-4629 (SDM-W-20) 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.
- Hist-10 Monitoring
Trenches Will Include Mainline, Laterals, and all Appurtenances
Monitoring of trenches is required for the mainline, laterals, services, and all other appurtenances that impact native soils 1 foot deeper than existing, as detailed on the plans or in the contract documents identified by drawing number or plan file number. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.
- Hist-11 Discoveries
- A. Discovery Process
In case 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 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

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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.

C. Minor Discovery Process for Roadway Alignment Projects

For all projects, the following is a summary of the criteria and procedures regarding the evaluation of small, historic deposits during excavation for roadway alignment.

1. Coordination and Notification

- a. Archaeological Monitor shall notify the RE or BI as appropriate, PI, if the Monitor is not qualified as a PI, and MMC.
- b. MMC shall notify the Senior Planner in the EAS of DSD.
- c. MMC shall coordinate all historic discoveries with the applicable Senior Planner, PI and the RE, to determine the appropriate level of evaluation that should occur.

2. Criteria used to Determine Whether it is a Small, Historic Deposit

- a. The deposit is limited in size both in length and depth.
- b. The information value is limited and not associated with any other resources.
- c. There are no unique features/artifacts associated with the deposit.
- d. A preliminary description and photographs, if available, shall be transmitted to MMC.
- e. MMC will forward the information to EAS for consultation and verification that it is a small, historic deposit.

3. Procedures for Documentation, Curation, and Reporting

The following constitutes adequate mitigation of a small, historic deposit to reduce impacts resulting from excavation activities to below a level of significance.

- a. 100 percent of the artifacts within the roadway alignment shall be documented in situ, to include photographic records, plan and profile view of the roadway alignment, recovered, photographed after cleaning, and analyzed and curated.
- b. The remainder of the deposit within the limits of excavation (roadway alignment) shall be left intact.
- c. If site significance cannot be determined, the Final Results Report and Site Record (DPR Form 523A/B) shall identify the deposit as "potentially significant."

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- d. The Final Results Report shall include a requirement for monitoring of any future work in the vicinity.

Hist-12 Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (PRC; Section 5097.98) and State Health and Safety Code (Section 7050.5) shall be invoked:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, PI, if the Monitor is not qualified as a PI, and MMC. MMC will notify the appropriate Senior Planner in the EAS.
2. The PI shall notify the County Coroner after consultation with the RE, either in person or via telephone.

B. Stop Work and Isolate Discovery Site

1. RE or BI, as appropriate, shall stop work immediately in the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the County Coroner in consultation with the PI concerning the origin of the remains and the cause of death.
2. The County Coroner, in consultation with the PI, shall determine the need for a field investigation to examine the remains and establish a cause of death.
3. If a field investigation is not warranted, the PI, in consultation with the County Coroner, shall determine whether the remains are of Native American origin.

C. If Human Remains are Native American

1. The Coroner shall notify the Native American Historic Commission (NAHC). (By law, ONLY the Coroner can make this call.)
2. NAHC will identify the person or persons it believes to be the most likely descendent (MLD).
3. The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment, with appropriate dignity, of the human remains and any associated grave goods (PRC 5097.98).

D. If Human Remains are not Native American

1. The PI shall contact the NAHC and notify it of the historical context of the burial.
2. NAHC will identify the person or persons it believes to be the MLD.

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3. The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment of the human remains (PRC 5097.98).
4. 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, the NAHC, and the Museum of Man.

E. Disposition of Human Remains

The land owner, or his authorized representative, shall reinter the Native American human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface disturbance, if:

1. 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
2. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94(k) by the NAHC and fails to provide measures acceptable to the landowner.

Hist-13 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 preconstruction meeting.
2. The following procedures shall be followed:

a. No Discoveries

If nothing was found during the night work, the PI will record the information on the Site Visit Record Form.

b. Minor Discoveries

All minor discoveries will be processed and documented using the existing procedures under During Construction, 3.c., for Small Historic Discoveries, with the exception in During Construction, 3.c.(a), that the PI will contact MMC by 9:00 A.M. the following morning.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures under During Construction, 3.a. and 3.b. will be followed, except that in During Construction, 3.a., the PI will contact MMC by 8:00 a.m. the following morning to report and discuss the findings.

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- B. If Night Work Becomes Necessary During the Course of Construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, at least 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

Hist-14 Notification of Completion

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

Postconstruction

Hist-15 Handling and Curation of Artifacts and Letter of Acceptance

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.

Hist-16 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.

Hist-17 Final Results Reports (Monitoring and Research Design and Data Recovery Program)

- A. Within 3 months following completion of monitoring, 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 ERM of LDR.
- B. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program 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.

Hist-18 Recording Sites with State of California Department of Park and Recreation

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 of San Diego's Historical Resources Guidelines, and submittal of such forms to the SCIC with the Final Results Report.