

RESOLUTION NUMBER R- 297915

ADOPTED ON MAY 06 2003

WHEREAS, on June 18, 2002, the City of San Diego submitted an application to the City of San Diego for a Mitigated Negative Declaration in association with the Construction of Sewer Group 719 [Project]; and

WHEREAS, the project will replace approximately 12,625 linear feet of existing 6-inch and 8-inch concrete sewer mains with new 8-inch sewer mains; and

WHEREAS, this replacement will include the sewer main north of Voltaire Street, which was originally part of Group Job 717 and for which the Mitigated Negative Declaration is enclosed; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on June 18, 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declarations, LDR No. 3795; and LDR No. 2942; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declarations, LDR No. 3795 and LDR No. 2942, on file in the office of the City Clerk, have 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 declarations reflect the independent judgment of the City of San Diego as Lead Agency and that the

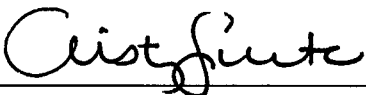
information contained in the reports, together with any comments received during the public review process, have been reviewed and considered by this Council in connection with the approval of the Construction of Sewer Group 719.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the initial studies and therefore, that the Mitigated Negative Declarations, copies of which are on file in the office of the City Clerk and incorporated by reference, are approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Programs, 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, copies of which are attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file Notices 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   
Cristy Lorente  
Deputy City Attorney


CL/sc  
April 24, 2003  
Or.Dept:E&CP  
R-2003-845  
Form=mndr.frm

EXHIBIT A  
MITIGATION MONITORING AND REPORTING PROGRAM  
Water & Sewer Group 717  
Mitigated Negative Declaration  
LDR NO. 3795

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. 3795) shall be made conditions of the Water & Sewer Group 717 as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

- A. General - The following mitigation measures shall be noted on the construction/grading plans submitted included under the heading, "Environmental Mitigation Requirements."
- B. Archaeological Resources
1. Prior to the first preconstruction meeting, the Engineering and Capital Projects Department 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 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 LDR ERM shall verify that the requirement for archaeological monitoring and Native American monitoring, if applicable, has been noted on the grading plans.**
  3. Prior to beginning construction (any work on site), the Engineering and Capital Projects Department shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction

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Manager or Grading Contractor, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.


At the preconstruction meeting, the archaeologist shall submit to MMC a copy of the site/grading 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 and/or grading activities.** The archaeologist shall notify MMC of the start and end of monitoring.

4. The qualified archaeologist shall be present full-time during grading/excavation of native soils in areas of new trench alignment and/or in locations exceeding existing trench depth and shall document activity via the Consultant Site Visit Record. This record 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 for engineering plans associated with the series of site plans beginning with Drawing No. 31653-01-D. **It is the contractors responsibility to keep the 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 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.

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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** grading 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 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. 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 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.
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 MMC for approval by the Environmental Review Manager of LDR and one copy sent to the Resident Engineer.
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

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the ERM of LDR and one copy sent the Resident Engineer.

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 Coastal Information Center at San Diego State University with the final monitoring results report.

C. Paleontological Resources


1. Prior to the first preconstruction meeting, the Engineering and Capital Projects Department shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (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 mitigation monitoring coordination (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.
2. **Prior to the first preconstruction meeting, the LDR ERM shall verify that the requirement for paleontological monitoring has been noted on the grading plans.**
3. Prior to beginning construction (any work on site), the Engineering and Capital Projects Department shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager or contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the construction 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.**
4. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high resource sensitivity in areas of new trench alignment and/or in locations exceeding existing trench depth, 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 qualified paleontologist, provided 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 resource sensitivity in areas of new trench alignment and/or in locations exceeding existing trench depth as detailed on the plans or in the contract documents, for engineering plans associated with the series of site plans beginning with Drawing No. 31653-01-D. **It is the contractors responsibility to keep the monitors up-to-date with current plans.**

5. **In the event of a significant paleontological discovery, and when requested by the paleontologist, the city Resident Engineer (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 principal investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery.** MMC staff will provide appropriate LDR staff contact for consultation.
6. 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 reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
7. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
8. Within three months following the completion of grading/trenching, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

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City of San Diego

Councilmember Wear, District 2  
Development Services Department  
Library (81)  
Transportation Development (78)  
Park and Recreational Board (83)  
Engineering and Capital Projects, Carlos Bravo (86)  
San Diego Transit (112)

State of California

California Coastal Commission (47)  
Regional Water Quality Control Board (44)

Other

San Diego County Archaeological Society (218)  
Ocean Beach Community Planning Board (367)  
Peninsula Community Service Center (389)  
South Coastal Information Center (210)  
Ocean Beach Merchants Association (376B)  
Ocean Beach Town Council (376A)  
Ocean Beach Planning Board (367)  
Ocean Beach Town Council (367A)  
Save Our Heritage Organisation (214)  
Dr. Florence Shipek (208)  
Dr. Lynne Christenson (208A)  
Ron Christman (215)  
Louie Guassac (215A)  
Kumeyaay Cultural Repatriation Committee (225)  
Barona Group of Capitan Grande Band of Mission Indians\* (225A)  
Campo Band of Mission Indians\* (225B)  
Cuyapaipe Band of Mission Indians\* (225C)  
Inaja and Cosmit Band of Mission Indians\* (225D)  
Jamul Band of Mission Indians\* (225E)  
La Posta Band of Mission Indians\* (225F)  
Manzanita Band of Mission Indians\* (225G)  
Sycuan Band of Mission Indians\* (225H)  
Viejas Group of Capitan Grande Band of Mission Indians\* (225I)  
Mesa Grande Band of Mission Indians\* (225J)  
San Pasqual Band of Mission Indians\* (225K)  
Santa Ysabel Band of Diegueño Indians\* (225L)  
La Jolla Band of Mission Indians\* (225M)  
Pala Band of Mission Indians\* (225N)

Pauma Band of Mission Indians\* (225O)  
Pechanga Band of Mission Indians\* (225P)  
Rincon Band of Luiseno Mission Indians\* (225Q)  
Los Coyotes Band of Mission Indians\* (225R)

\*public notice only

VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- (x) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- ( ) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

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KENNETH TEASLEY, Senior Planner  
Development Services Department

May 24, 2002  
Date of Draft Report

June 18, 2002  
Date of Final  
Report

Analyst: WILKINSON

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EXHIBIT A  
MITIGATION MONITORING AND REPORTING PROGRAM  
Water & Sewer Group 719  
Mitigated Negative Declaration  
LDR NO. 2942

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. 2942) shall be made conditions of the Water & Sewer Group 719 as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

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 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 CONSTRUCTION PLANS.**
3. Prior to beginning construction (any work on site), the owner/permittee shall arrange a Preconstruction Meeting that shall include the Archaeologist, Construction Manager, Resident Engineer (RE) and MMC. The qualified archeologist shall attend any related preconstruction meetings to make comments and/or suggestions concerning the

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archeological monitoring program with the construction manager and/or construction contractor.

AT THE PRECONSTRUCTION MEETING, THE ARCHAEOLOGIST SHALL SUBMIT TO MMC A COPY OF THE CONSTRUCTION PLANS (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. This record 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 for Drawing No. 31471-01-D to 31471-14-D. **It is the contractors responsibility to keep the 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 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.**

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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** grading 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 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. 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 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.
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 MMC for approval by the Environmental Review Manager of LDR and one copy sent the Resident Engineer.
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 the Resident Engineer.
10. The archaeologist shall be responsible for recording (on the appropriate

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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 Coastal Information Center at San Diego State University with the final monitoring results report.

Paleontological Resources

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2. **PRIOR TO THE FIRST PRECONSTRUCTION MEETING, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
3. Prior to beginning construction (any work on site) the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager or contractor. AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE CONSTRUCTION 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.**
4. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity (For public projects add: at depths of 10 feet

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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 qualified paleontologist, provided 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, for Drawing No. 31471-01-D to 31471-14-D. **It is the contractors responsibility to keep the monitors up-to-date with current plans.**

5. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (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 PRINCIPAL INVESTIGATOR(PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**
6. 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 reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
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8. Within three months following the completion of grading/trenching, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with

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Louie Guassac (215A)

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Barona Group of Capitan Grande Band of Mission Indians\* (225A)

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KENNETH TEASLEY, Senior Planner  
Planning and Development Review


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April 5, 2002  
Date of Draft Report

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Date of Final Report

Analyst: ALABADO

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