

RESOLUTION NUMBER R- 298871

ADOPTED ON FEB 09 2004

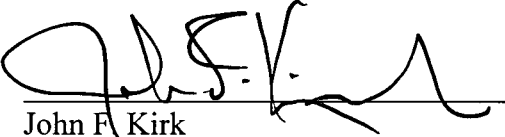
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 11847 on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 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 the Construction Change Order No. 1, La Jolla/Pacific Beach Water Main Replacement – Accelerated Project.

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 Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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 
John F. Kirk
Deputy City Attorney

JFK:amp
01/27/04
Or.Dept: Water
R-2004-819

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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT No. 11847

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 (No. 11847) shall be made conditions of the Site Development Permit as may be further described below.

GENERAL

Prior to City Council approval of construction bid documents, the Environmental Review Manager (ERM) of the Development Services Department shall verify that the following mitigation measures shall be included in the specifications and contract documents under the heading "Environmental Requirements." The mitigation measures shall be noted on the project construction plans, after the index sheet, and the measures denoted by bold, capitalized text shall be shown on the appropriate sheets in the construction drawings. Unless otherwise stated, preconstruction mitigation shall be performed by a registered civil engineer, and all other mitigation shall be the responsibility of the construction contractor.

HISTORICAL RESOURCES (ARCHAEOLOGY)

Prior to City Council approval of construction bid documents, the Environmental Review Manager (ERM) of the Development Services Department shall verify that the following mitigation measures shall be included in the specifications and contract documents under the heading "Environmental Requirements." The mitigation measures shall be noted on the project construction plans, after the index sheet, and the measures denoted by bold, capitalized text shall be shown on the appropriate sheets in the construction drawings. Unless otherwise stated, preconstruction mitigation shall be performed by a registered civil engineer, and all other mitigation shall be the responsibility of the construction contractor.

Prior to Preconstruction (Precon) Meeting

1. Land Development Review (LDR) Plan Check
 - a. Prior to the first Precon Meeting, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification Have Been Submitted to ERM
 - a. Prior to the first Precon 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 (HRG), has been retained to

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- implement the monitoring program.
3. Second Letter Containing Names of Monitors Has Been Sent to Mitigation Monitoring Coordination (MMC)
 - a. At least thirty days prior to the Precon Meeting a second letter shall be submitted to MMC which 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.
 4. Records Search Prior to Precon Meeting
 - a. At least thirty days prior to the Precon 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 South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

1. Monitor Shall Attend Precon Meetings
 - a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), and MMC. The qualified Archaeologist shall attend any grading related Precon 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 not able to attend the Precon Meeting, the RE will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.
2. Units of Measure and Cost of Curation for CIP or Other Public Projects
 - a. Units of measure and cost of curation will be discussed and resolved at the Precon Meeting prior to start of any work that requires monitoring.
3. Identify Areas to be Monitored
 - a. At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11"x17") that identifies areas to be monitored as well as areas that may require delineation of grading limits.
4. When Monitoring Will Occur
 - a. Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. Monitor Shall be Present During Grading/Excavation
 - a. The qualified Archaeologist shall be present fulltime during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This

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record shall be sent to the RE each month. The RE will forward copies to MMC.

2. Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances

- a. Monitoring of trenches is required for the mainline, laterals, services and all other appurtenances that impact native soils one 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.*

3. Discoveries

a. Discovery Process

- (1) In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE 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

- (1) 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 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 Pipeline Projects

For all projects: The following is a summary of the criteria and procedures related to the evaluation of **small historic deposits** during excavation for pipelines.

(1) Coordination and Notification

- (a) Archaeological Monitor shall notify RE, PI, if monitor is not qualified as a PI, and MMC.
- (b) MMC shall notify the Senior Planner in the Environmental Analysis Section (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 if it is a Small Historic Deposit

- (a) The deposit is limited in size both in length and depth; and,
- (b) The information value is limited and is not associated with any other resources.; and,
- (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 due to excavation activities to below a level of significance.

- (a) 100% of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of sidewalls, recovered, photographed after cleaning and analyzed and curated.
- (b) The remainder of the deposit within the limits of excavation (trench walls) 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."
- (d) The Final Results Report shall include a requirement for monitoring of any future work in the vicinity.

4. 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 (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:

a. Notification

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

b. Isolate Discovery Site

- (1) Work will be directed from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
- (2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
- (3) If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

c. If Human Remains are determined to be Native American

- (1) The Medical Examiner shall notify the Native American Historic Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
- (2) The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
- (3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
- (4) The PI will coordinate with the MLD for additional consultation.
- (5) Disposition of Native American Human Remains will be determined between the MLD and the PI, IF:
 - (a) 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;
 - (b) The landowner or authorized representative rejects the recommendation of

- the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- d. If Human Remains are **NOT** Native American
 - (1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - (2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
5. 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 Precon meeting.
 - (2) The following procedures shall be followed.
 - (a) No Discoveries
In the event that 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. (1)(a), that the PI will contact MMC by 9 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. & b, will be followed, with the exception that in **During Construction**; 3.a., the PI will contact MMC by 8AM the following morning to report and discuss the findings.
 - b. If night work becomes necessary during the course of construction
 - (1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 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.
6. Notification of Completion
- a. The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

Post Construction

- 1. Handling and Curation of Artifacts and Letter of Acceptance
 - a. 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.
 - b. 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.

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2. Final Results Reports (Monitoring and Research Design And Data Recovery Program)
 - a. Within three months following the 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.
22. 3. Recording Sites with State of California Department of Park and Recreation
 - a. 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 with the Final Results Report.

NOISE

1. The temporary movable construction noise barrier (with a total minimum vertical height of approximately 10 feet) as described in the *Acoustical Alignment Assessment* prepared by Investigative Science and Engineering, Inc. (May 2003) shall be noted on the construction plans and specifications prior to the pre-construction meeting. Such a barrier typically consists of a movable 200-foot-section of 8-foot high plywood noise wall resting atop a 2.5- to 3-foot high cement K-Rail.
2. Nighttime construction shall only be undertaken where necessary to avoid significant daytime traffic impacts.
3. The following measures shall be implemented when construction is to occur between 7:00 p.m. and 7:00 a.m. in proximity to residences, hotels, motels, and convalescent homes.
 - a. Prior to the first preconstruction meeting, the Water Department shall obtain a Noise Control Permit from the City of San Diego Noise Abatement and Control Administrator. Prior to initiation of nighttime construction, the Water Department shall provide a copy of the Noise Control Permit to MMC. The Contractor shall comply with both the mitigation measures specified in this Mitigation Monitoring and Reporting Program as well as the conditions specified in the Noise Control Permit. If there are conflicting measures/conditions, the more stringent measures/conditions shall apply.
 - b. The residences, hotels, motels, and convalescent homes adjacent to the pipeline alignment shall be notified in writing by the Water Department's Public Information Officer at least two weeks prior to night work. Notification shall include the following: location, planned start time, duration, and name and phone number of Water Department contact person for questions and noise complaints, and the option to stay overnight in a motel not affected by the construction.