

RESOLUTION NUMBER R- 299623

ADOPTED ON SEP 13 2004

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration Project No. 12558; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration Project No. 12558, 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 Sewer Group 745 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   
Cristy E. Lorente  
Deputy City Attorney

CL:ca  
08/19 /2004  
Aud. Cert: N/A  
Or.Dept:Eng. & CP  
R-2005-164

## EXHIBIT A

## MITIGATION, MONITORING, AND REPORTING PROGRAM

Sewer Group 745

Council Approval

PTS No. 12558

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. The City of San Diego, Engineering and Capital Projects Department, Water and Wastewater Facilities Division and the Development Services Department are jointly responsible for ensuring that this program is carried out. 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 (PTS No. 12558) shall be made conditions of Council Approval as may be further described below.

General

1. The following mitigation measures shall be noted on the submitted construction/grading plans and included under the heading, "Environmental Mitigation Requirements."

Paleontological Resources**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 Paleontological Monitoring 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 Paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to 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 Paleontological 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
 

At least thirty days prior to the Precon meeting, the qualified Paleontologist 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 the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

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**Precon Meeting**

1. Monitor Shall Attend Precon Meetings
  - a. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.
  - b. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, 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. Identify Areas to be Monitored  
At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.
3. When Monitoring Will Occur  
Prior to the start of work, the Paleontologist also 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**

1. Monitor Shall be Present During Grading/Excavation  
The qualified Paleontologist shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or more (measured from existing grade), and shall document activity via the Consultant Site Visit Record (form). This form shall be sent to the RE, or BI as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.
2. Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances  
Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource at depths of 10 feet or greater as detailed on the plans or in the contract documents, identified by drawing number or plan file number. *It is the contractor's responsibility to keep the monitors up-to-date with current plans.*
3. Discoveries
  - a. Minor Paleontological Discovery  
In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.
  - b. Significant Paleontological Discovery  
In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and 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 coordinate with appropriate LDR staff.
4. 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
    - (1) All Minor Discoveries will be processed and documented using the existing procedures under 3.a., with the exception that the RE will contact MMC by 9 A.M. the following morning.
  - c. Potentially Significant Discoveries
    - (1) If the PI determines that a potentially significant discovery has been made, the procedures under 3.b., will be followed, with the exception that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.
  - d. 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.
  - e. All other procedures described above will apply, as appropriate.
5. Notification of Completion  
The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

### **Post Construction**

The Paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines.

1. Submit Letter of Acceptance from Local Qualified Curation Facility.  
The Paleontologist shall be responsible for submittal of a letter of acceptance to ERM of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.
2. If Fossil Collection is not Accepted, Contact LDR for Alternatives  
If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.
3. Recording Sites with San Diego Natural History Museum  
The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
4. Final Results Report
  - a. Within three months following the completion of grading/trenching, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one additional copy shall be sent to the RE or BI, as appropriate.
  - b. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

### Historical Resources (Archaeology)

#### **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 implement the monitoring program. **If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.**
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), Building Inspector (BI), if appropriate, 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 or BI, if appropriate, 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 11x17) 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 or BI, as appropriate, 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 full-time during grading/excavation of native soils 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.
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 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
    - (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, or BI, as appropriate, 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 side walls, 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 can not 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 or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (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.
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.
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.

### Water Quality

Mitigation measures are required to reduce pollutants from surface runoff potentially generated during excavation associated with the project to a level below significance. Project design and execution shall comply with the provisions of the City of San Diego Storm Water Standards Manual. The following Best Management Practices (BMPs) are required during construction activities in accordance with City of San Diego Engineering and Capital Projects drawings 32255-32-D, "Construction Best Management Practices (BMP) Details, Sewer Group Job 745":

1. Storm drain inlet protection consisting of gravel bags and filter fabric such as polyethylene or polypropylene is to be placed around curb inlets.
2. Catch basin inlet protection is specified in paved areas by using filter fabric over catch basin grates.
3. Stabilized construction entrance/exit areas are to be provided to minimize transport of sediment off-site.

4. Silt fencing and fiber rolls are required to be in place to minimize surface transport of sediments.
5. The construction contractor is to prepare and carry out a Sewer Spill Prevention and Response Plan.

#### Health and Safety/Hazardous Materials

1. Prior to issuance of any permit that would allow excavation which requires dewatering, a plan for disposal of the dewatering effluent and a Discharge Permit from Metro Industrial Wastewater Control Program or a National Pollutant Discharge Elimination System (NPDES) from the Regional Water Quality Control Board (RWQCB), shall be provided to the City of San Diego Land Development Review Division by the applicant.
2. Project excavation may encounter petroleum-contaminated soil near the following locations: 2635 Logan Avenue and 1955 Julian Avenue. These sites correspond to County of San Diego Department of Environmental Health case files H05002 and H21210, respectively.

Excavation and grading on the proposed project site shall include requirements for a health and safety plan to mitigate for potential impacts to human health and safety and protection of the environment. Specifications in the health and safety plan shall include the following engineering design controls:

- Section 7-10.6, "Encountering Hazardous Substances" - defines controls and notification protocols when encountering hazardous substances.
- Section 7-10.7, "Encountering Contaminated Soil" - defines controls for encountering petroleum-contaminated soils in accordance with the County of San Diego, Department of Environmental Health (DEH) Site Assessment and Mitigation (SAM) Manual.
- Section 7-10.7.1, "Handling Potentially Contaminated Soil" - defines controls for monitoring and excavating in areas of known contamination including use of appropriately calibrated explosimeters.
- Section 7-10.7.2, "Stockpiling Contaminated Soil and/or Hazardous Waste" - defines controls for staging contaminated soil at an approved site to prevent run-off.
- Section 7-10.7.3, "Disposal of Contaminated Soil" - defines controls for proper disposal of contaminated, non-hazardous soils.
- Section 7-10.7.4, "Non-Hazardous Contaminated Soil Transported Off-Site" - defines controls from pre-approved waste acceptance criteria to proper soil disposal.

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