

RESOLUTION NUMBER R- 315171

DATE OF FINAL PASSAGE OCT 23 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO ADOPTING AN ADDENDUM TO MUNICIPAL  
WATERWAYS MAINTENANCE PLAN ENVIRONMENTAL  
IMPACT REPORT NO. 616992/SCH NO. 2017071022, AND  
ADOPTING THE MITIGATION, MONITORING, AND  
REPORTING PROGRAM FOR THE STORMDRAIN EAST OF  
RACHAEL AVENUE REALIGNMENT PROJECT NO. 706873.

WHEREAS, on June 9, 2020, the Council of the City of San Diego (Council) adopted Resolution No. 313080, certifying Environmental Impact Report (EIR) No. 616992 / SCH No. 2017071022, a copy of which is on file in the Office of the City Clerk in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), and the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, section 15000 et seq.); and

WHEREAS, on August 2, 2023, the City of San Diego Stormwater Department submitted an application to the Development Services Department for the Stormdrain East of Rachael Avenue Realignment Project No. 706873 (Project), consisting of minor technical changes and additions to the Municipal Waterways Maintenance Plan EIR No. 616992 / SCH No. 2017071022; and

WHEREAS, CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final EIR if such Addendum meets the requirements of CEQA; and

WHEREAS, the matter was set for public hearing to be conducted by the Council; and

WHEREAS, the issue was heard by the Council; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the information contained in the Environmental Impact Report No. 616992 / SCH No. 2017071022, along with the Addendum thereto, including comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project due to significant environmental effects or a substantial increase in the severity of previously identified environmental effects.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effect previously examined will be substantially more severe than shown in the Environmental Impact Report.
4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.
5. That pursuant to CEQA Guidelines section 15164, only minor technical changes or additions are necessary, and therefore, the Council adopts Addendum to Environmental Impact Report No. 616992 / SCH No. 2017071022 with respect to the Project, a copy of which is on file in the office of the Development Services Department.

6. That pursuant to Public Resources 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 Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jeanne L. MacKinnon  
Deputy City Attorney

JLM:hm  
September 21, 2023  
October 12, 2023 COR.COPY  
Or.Dept: SWD  
Doc. No. 3444057

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 17 2023.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 10/23/23  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**EXHIBIT A**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**STORMDRAIN EAST OF RACHAEL AVENUE REALIGNMENT**  
**PROJECT NO. 706873**

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 Stormwater Department and the Development Services Department are jointly responsible for ensuring that this program is carried out. All mitigation measures contained in Addendum No. 706873 / SCH No. 2017071022 are further described below.

**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (Notice to Proceed)**

1. Prior to the issuance Notice to Proceed or Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."

These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: <http://www.sandiego.gov/development-services/industry/information/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (Prior to start of construction)**

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The Applicant Department is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **Acoustician**

**Note: Failure of all responsible Applicant Department representatives and consultants to attend shall require an additional meeting with all parties present.**

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

**b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 706873, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)

**Note: Applicant Department Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency. *Not Applicable for this project*
4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
5. **OTHER SUBMITTALS AND INSPECTIONS:** The Applicant Department representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Noise	Acoustician	Verification of noise levels at sensitive receptors

## C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

### Air Quality and Odor

***Tier 4 Interim Construction Equipment.*** Prior to the commencement of any four or more concurrent construction activities, the City of San Diego Transportation & Storm Water Department (TSW) or its designee shall sum the estimated corresponding maximum daily construction nitrogen oxide (NOx) emissions from Table 5.2-6, Estimated Maximum Daily Construction Emissions By Representative Project (Unmitigated), to determine if the combined emissions exceed the San Diego Air Pollution Control District (SDAPCD) construction threshold of 250 pounds per day for NOx. If the combined NOx emissions exceed the SDAPCD threshold, TSW or its designee shall provide evidence that, for off-road equipment with engines rated at 75 horsepower or greater, no equipment shall be used that is less than Tier 4 Interim. An exemption from these requirements may be granted if TSW documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the Environmental Designee/Mitigation Monitoring Coordination, TSW shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed Tier 4 Interim equipment could not be located within the San Diego region. If Tier 4 Interim equipment is not reasonably available, then all diesel-powered equipment, equal to or greater than 75 horsepower, shall have at least California Air Resources Board-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement), which provides an equivalent reduction.

### Noise

***Noise Reduction Techniques.*** Prior to the Notice to Proceed, Mitigation Monitoring Coordination (MMC) shall verify that projects (i.e., maintenance and repair activities) located within 100 feet of noise-sensitive receivers include noise-reduction measures to ensure activities do not exceed and comply with City of San Diego (City) Noise Standards (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and Section 59.5.0404, Construction Noise), as follows:

1. The City Stormwater Department crew or maintenance/construction contractor shall be required to work in such a manner so as not to exceed a 12-hour average sound level of 75 dBA between 7:00 a.m. and 7:00 p.m. Monday through Saturday.
2. Noise reduction measure(s) shall include implementation of any one or more of the following noise-reducing measures.
  - A. Limit the number of equipment operating at once.
  - B. Install temporary plywood noise barriers 8 feet in height between the maintenance site and sensitive receptors.
  - C. Construction equipment shall be properly outfitted with sound control devices and maintained with manufacturer recommended noise-reduction devices to minimize

construction-generated noise. "Properly outfitted" implies that the device (e.g., silencer, muffler) is effective in that it is the correct size and type for the specific equipment, it is in good working order, and is installed in such a way that it reduces the noise in the way it was intended;

- D. Stationary noise sources such as generators or pumps shall be located at least 100 feet from noise-sensitive land uses as feasible;
  - E. Laydown and maintenance/construction vehicle staging areas shall be located as far from noise sensitive land uses as feasible; and/or
  - F. As recommended by a qualified acoustician, implement any other alternative noise reducing best available technologies, methods or practices as approved by the MMC.
- 3. During maintenance or repair activities, noise monitoring can be conducted at any time to ensure that the work is in compliance with the City's construction noise standard of 75 dBA  $L_{eq}$  (12-hour). If activities are found to be in exceedance of this standard, alternative methods (e.g., such as the use of quieter equipment, fewer pieces of equipment operating at any one time) shall be implemented and verified by MMC to meet City noise standards.
  - 4. Prior to the issuance of the Notice to Proceed or if work is stopped during maintenance or repair activities by the MMC, Stormwater Department shall obtain a permit or similar authorization from the Noise Abatement and Control Administrator if maintenance and repair activities does not comply with San Diego Municipal Code Section 59.5.0404 – Construction Noise.
  - 5. If authorized emergency work is necessary and will likely occur or exceed these noise limitations, Stormwater Department shall notify the Noise Abatement and Control Administrator within 48 hours after commencement of work.

Effectiveness of this mitigation measure would vary from several decibels (which in general is a relatively small change) to 10 or more decibels (which subjectively would be perceived as a substantial change), depending on the specific equipment and the original condition of that equipment, the specific locations of the noise sources and the receivers, and other variables. Installation of a noise barrier, for example, would vary in effectiveness depending on the degree to which the line-of-sight between the source and receiver is broken, and typically ranges from 5 to 10 dB. Installation of more effective silencers could affect noise levels from several decibels to well over 10 dB. Reduction of idling equipment could reduce overall noise levels from barely any reduction to several decibels. Cumulatively, however, these measures would result in substantial decreases in the noise from maintenance activities.

OCT 17 2023

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 23 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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