

and/or mitigation measures are required beyond those that were analyzed in the original environmental document. Therefore, the previously approved MND No. 25783 adequately covers the activities currently being proposed.

Fiscal Impact Statement: None. All costs associated with processing this project are recovered from the project's individual Capital Improvement Project account fund.

Code Enforcement Impact: None.

Housing Impact Statement: The proposal is a City of San Diego, Engineering and Capital Improvement project. All work associated with the repair and replacement of existing sewer mains are located within public rights-of-way or land designated as open space within the Uptown and Old Town Community Plans. Therefore, the proposed project would have no impact on existing or proposed housing development within the area.

BACKGROUND

The project site for Sewer Group Job 665 is located in various segments of improved right-of-way sections and open space canyon areas within the Uptown Community and Old Town San Diego Community Planning areas (Attachment 3). Specific street locations include portions of Harney Street, Hortensia Street, Arista Court, Presidio Drive and an alley located between Hortensia Street and Trias Street. Canyon areas include Trias Canyon, Heritage Canyon and Presidio Canyon which are designated as Open Space in the Community Plan (Attachments 1 and 2).

The existing sewer lines were installed in the 1920's presumably as a part of the original subdivisions in the communities. While the sewer lines have received periodic maintenance over the years, the Sewer Group Job 665 project represents the first system wide rehabilitation and replacement effort on the original lines.

DISCUSSION

On October 20, 2005, the Planning Commission approved Site Development Permit (SDP) No. 69897. The permit was for the repair and replacement of existing six-inch and eight-inch sewer main lines within areas of existing public rights-of-way and portions of open space canyons in the Uptown and Old Town communities. The expiration date for a SDP is three years. SDP No. 69897 expired on October 20, 2008. On October 3, 2008, an application was filed with the Development Services Department for an Extension of Time (EOT).

Pursuant to the San Diego Municipal Code (SDMC), the EOT regulations limit the decision maker in its approval or denial of the request. No new conditions or modifications of existing conditions may be attached to the approval of an extension, unless new conditions are mandated to comply with state or federal law or are necessary to protect the health or safety of the residents

of the proposed project or immediate community. The Sewer Group Job 665 project is the same project as approved by the Planning Commission on October 20, 2005. Staff has determined that there are no new conditions or modifications mandated to comply with state and federal law.

CONCLUSION

Staff has reviewed the request for the EOT for SDP No. 69897 to repair and replace six-inch and eight-inch sewer mains at various locations within the Uptown and Old Town Community Planning areas. Staff has found the project to be in conformance with the applicable sections of the SDMC and the previously approved SDP No. 69897. Therefore, staff recommends to the Planning Commission approval of the EOT with an expiration date of March 5, 2012.

ALTERNATIVES

1. Approve Site Development Permit No. 598519, with modifications; or
2. Deny Site Development Permit No. 598519, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



**Mike Westlake
Program Manager
Development Services Department**

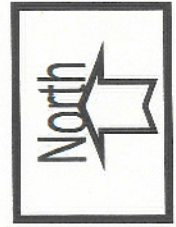


**Patricia Grabski
Project Manager
Development Services Department**

GRABSKI: PXG

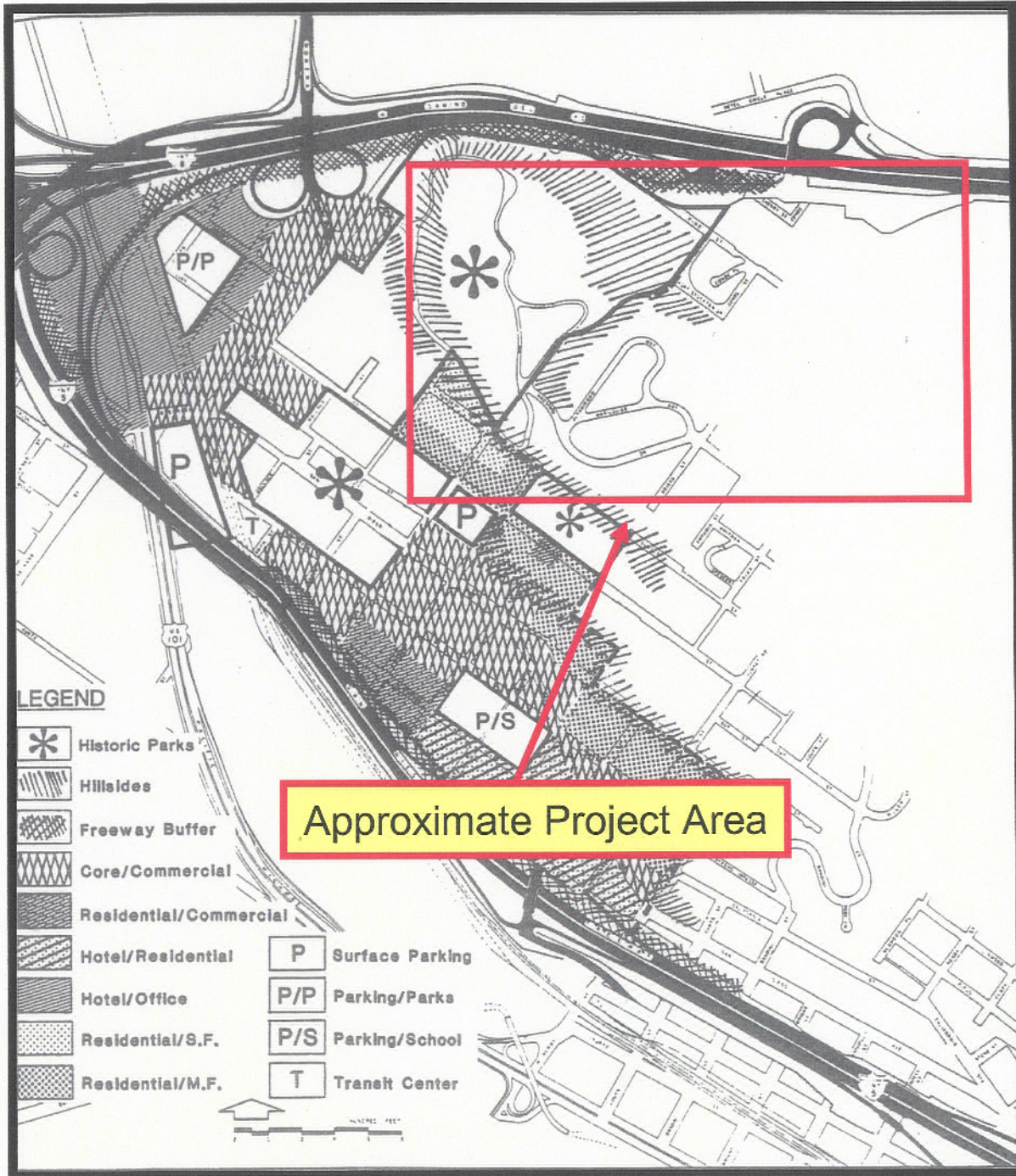
Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Maps
4. Project Data Sheet
5. Project Site Plan
6. Draft EOT Permit
7. Draft EOT Resolution with Findings
8. Mitigated Negative Declaration No. 25783
9. Site Development Permit No. 25783



Aerial Photo: SEWER GROUP 665

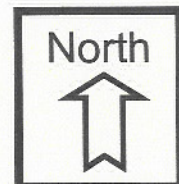


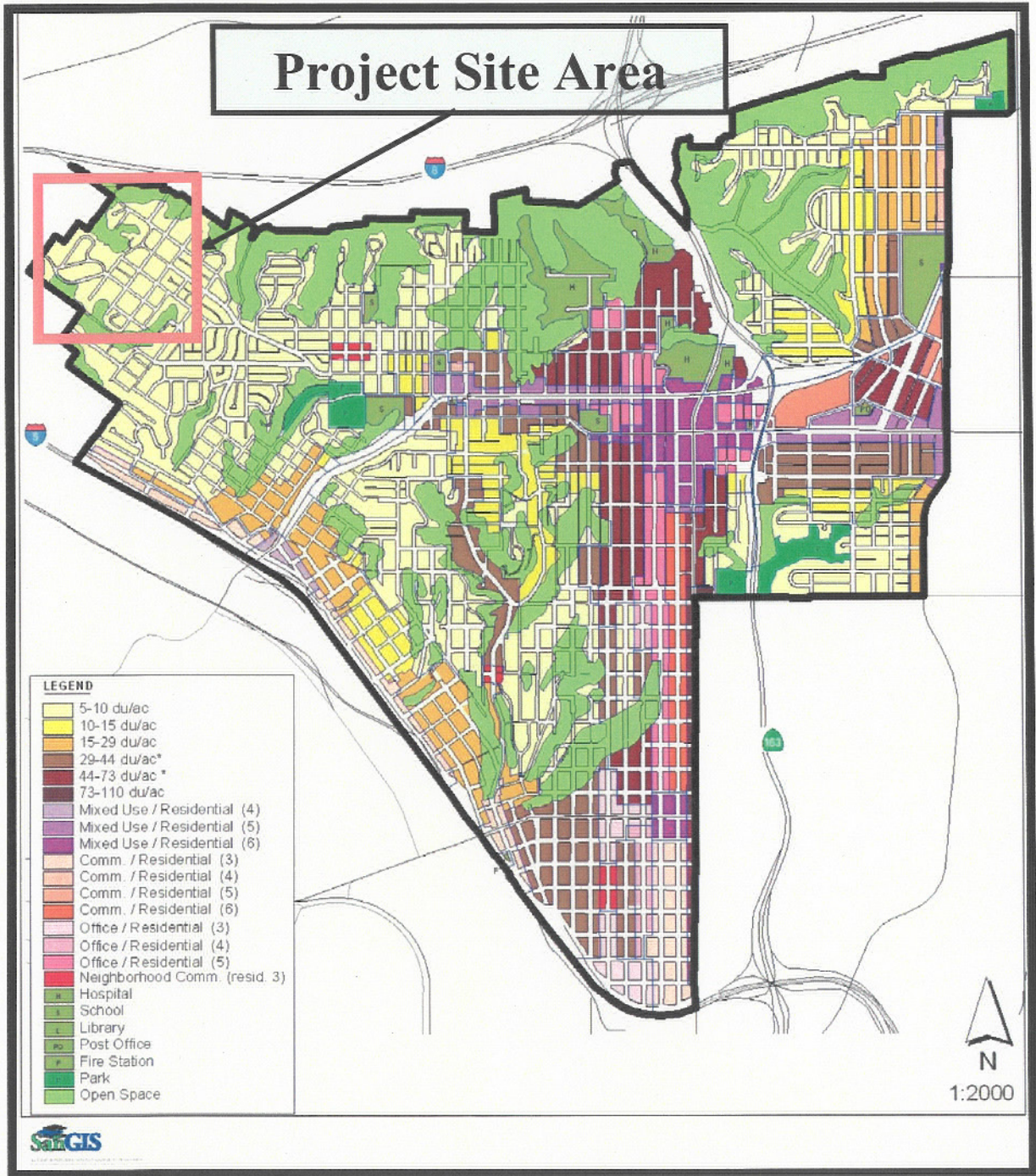


Community Plan Land Use Map

SEWER GROUP 665

Old Town





Community Plan Land Use Map

SEWER GROUP 665

Uptown



PROJECT DATA SHEET

PROJECT NAME:	Sewer Group 665 Extension of Time	
PROJECT DESCRIPTION:	Rehabilitation and replacement of existing sewer mains.	
COMMUNITY PLAN AREA:	Uptown Community Plan and Old Town Community Plan.	
DISCRETIONARY ACTIONS:	Site Development Permit – Extension of Time	
COMMUNITY PLAN LAND USE DESIGNATION:	Low density Residential (single-family) and Open Space.	
<u>CURRENT ZONING INFORMATION:</u> ZONE: RS-1-1; RS-1-7 and OR-1-1: Citywide Residential and Open Space zones. DENSITY: Varies by zone. HEIGHT LIMIT: 30 feet maximum height limit. LOT SIZE: 5,000 square-foot minimum lot size. FLOOR AREA RATIO: Varies by zone/lot size. FRONT SETBACK: 15 feet, standard. SIDE SETBACK: 5 feet, standard. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 foot. PARKING: 2 per unit	<u>CONSTRUCTED</u> 1920's The proposed rehabilitation and/or replacement of existing six and eight-inch sewer mains is located either in improved public rights-of-ways or general utility easements and as such, is not subject to the development regulations of surrounding zone designations.	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential RS1-7 and Open Space O-R1-1	Residential and Open Space Park
SOUTH:	Residential RS1-1 and Open Space O-R1-1	Residential and Open Space Park
EAST:	Residential RS1-1 and Open Space O-R1-1	Residential and Open Space Park
WEST:	Residential RS1-7 and Open Space O-R1-1	Residential
DEVIATIONS OR VARIANCES REQUESTED:	SDP deviations to allow temporary encroachments into Environmentally Sensitive Lands.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The extension of time was approved by the Uptown Planners on February 3, 2009 (14:0:0) and the Old Town Community Planning Committee on February 11, 2009 (11:0:0).	

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 173731

SITE DEVELOPMENT PERMIT NO. 598519
(EXTENTION OF TIME TO SITE DEVELOPMENT PERMIT NO. 69897)
SEWER GROUP JOB 665 – PROJECT NO. 166782
MMRP
PLANNING COMMISSION

This Site Development Permit (SDP) No. 598519, dated March 5, 2009, is an extension of time to SDP No. 69897, is granted by the Planning Commission of the City of San Diego to THE CITY OF SAN DIEGO ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0502 and 126.0111. The site is located in portions of the public rights-of-ways and general utility easements within the Uptown and Old Town communities in the RS-1-1 and OR-1-1 Zones as shown on the approved development plans.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to replace or rehabilitate sections of six, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated March 5, 2009, on file in the Development Services Department.

The project or facility shall include:

- a. Replacement of 920 linear feet of existing six-inch and eight-inch sewer mains within the public rights-of-ways on Harney Street, Hortensia Street, Arista Drive, Arista Court, Presidio Drive and the alley between Hortensia Street and Trias Street;
- b. Repair and Rehabilitation of 8,546 linear feet of existing six-inch and eight-inch sewer mains within Trias Canyon, Presidio Park/Palm Canyon and Heritage Canyon;
- c. Revegetation of access paths pursuant to the Conceptual Mitigation Plan For the Canyon Sewer Projects within the San Diego River Watershed, City of San Diego Metropolitan Wastewater Department(April 2004), report prepared by Merkel and

Associates, Inc. and in the Wetland Mitigation and Revegetation Plan (Appendix D) within the Biological Resources for the Proposed Sewer Pipe Rehabilitation Project (May 2005) report, prepared by Tierra Environmental Services; and

- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
2. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
3. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
4. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
6. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
7. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 5, 2009, on file in the Development Services

Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit is required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

9. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

11. As conditions of Site Development Permit No. 598519, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, LDR NO. 25783 shall be noted on the construction plans and specifications under the heading: ENVIRONMENTAL/MITIGATION REQUIREMENTS.

12. The Permittee/City Department shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration LDR No. 25783, satisfactory to the City Manager and the City Engineer. All MMRP requirements shall be shown on the construction plans and specifications. Prior to the issuance of Notice to Proceed with Construction, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Historical Resources (Archeology)
- Paleontological Resources
- Land Use (Multiple Species Conservation Program)

13. A Job Order Number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

WASTEWATER REQUIREMENTS:

14. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide

PARK AND OPEN SPACE REQUIREMENTS:

15. A Right of Entry Permit is required from Developed Regional Park Section of the Park and Recreation Department for work in Presidio Park.

17. A Right of Entry Permit is required from Open Space Division of the Park and Recreation Department for work in City fee-owned open space.

INFORMATION ONLY:

Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on March 5, 2009, pursuant to Planning Commission Resolution No. PC- XX.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document: SDP/EOT NO. 598519

Date of Approval: March 5, 2009

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Patricia Grabski, Development Project Manager

On _____ before me, Raquel Herrera, (Notary Public), personally appeared Patricia Grabski, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
Raquel Herrera

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____ Signed _____
Typed Name Typed Name

STATE OF _____
COUNTY OF _____

On _____ before me, _____ (Name of Notary Public) personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

PLANNING COMMISSION
RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 598519
SEWER GROUP JOB 665 – PROJECT NO. 166782

WHEREAS, THE CITY OF SAN DIEGO ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, Owner/Permittee, filed an application for an extension of time to Site Development Permit No. 69897 with the City of San Diego for a permit to repair and replace approximately 9,466 linear feet of existing six-inch and eight-inch sewer mains (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 598519), within portions of the Uptown and Old Town communities;

WHEREAS, the project site is within dedicated right-of-way and public open space in the RS-1-1 and OR-1-1 Zones of the Uptown and Old Town Community Planning areas;

WHEREAS, the project site is legally described as public rights-of-ways and general utility easements of the City of San Diego;

WHEREAS, on March 5, 2009, the Planning Commission of the City of San Diego considered Site Development Permit No. 598519, pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated March 5, 2009.

FINDINGS:

Extension of Time of a Development Permit - Section 126.0111

A.

1. **The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety; and**

The project as originally approved was for the repair and replacement of existing sewer mains to ensure the continued long-term operation of the wastewater system that serves homes and businesses in the project area, as well as, to prevent ruptures or leaks potentially causing raw sewage spills. A Mitigated Negative Declaration (MND) was prepared for the project pursuant to the California Environmental Quality Act (CEQA). The MND addressed potential impacts associated with the repair and replacement of the 9,499 linear feet included in Sewer Group Job 665 and provided specific mitigation, monitoring and reporting measures that are designed to either avoid the potential impacts or mitigate below a level of significance. Additionally, Site Development Permit No. 69897 included the Multi-Habitat Planning Area (MHPA) Adjacency Guidelines as conditions of approval. Therefore, with the implementation of these measures, the project as originally approved and without any new conditions would not place the occupants of

the proposed development or the immediate community in a condition dangerous to their health or safety; and

2. No new condition is required to comply with state or federal law.

On October 20, 2005, the Planning Commission approved SDP No. 69897. The permit was for the repair and replacement of existing six-inch and eight-inch sewer main lines within areas of existing public rights-of-way and portions of open space canyons in the Uptown and Old Town communities. SDP No. 69897 expired on October 20, 2008. On October 3, 2008, an application was filed with the Development Services Department for an Extension of Time (EOT) pursuant to San Diego Municipal Code, Section 126.0111, and Extension of Time. Since the permit was originally approved on October 20, 2005 no new conditions are required to comply with state or federal law.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 598519 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 598519, a copy of which is attached hereto and made a part hereof.

Patricia Grabski
Development Project Manager
Development Services

Adopted on: March 5, 2009
Job Order No. 173731

cc: Legislative Recorder, Development Services Department



Land Development
Review Division
(619) 446-5460

BINDER

Mitigated Negative Declaration

Project No. 25783
SCH 2005071107

SUBJECT: Sewer Group Job 665 SITE DEVELOPMENT PERMIT to allow for the rehabilitation and replacement of 6" and 8" sewer mains in the Old Town and Uptown communities. Rehabilitation of 8,546 linear feet of sewer mains would occur in; Trias Canyon, Presidio Park/ Palm Canyon (Palm Canyon), and Heritage Canyon with trenchless technology (slip-lining). The project would consist of the insertion of a synthetic lining into existing sewer mains via existing manholes. Replacement of 920 linear feet of sewer mains would occur within street and developed areas of Old Town and Heritage Park and would be completed by open trenching. Other related work would entail the connection of laterals to rehabilitated mains, manhole rehabilitation and several spot repairs in canyon areas. Spot repairs would be accessed by foot paths and along channel bottoms with no vegetation. All work done on the spot repairs would be accomplished with hand tools. The location of the project is within the Old San Diego and Uptown Community Plan areas. Applicant: City of San Diego Engineering & Capital Projects Department.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Land Use, Biological Resources, Historical Resources (Archaeology), and Paleontological Resources.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

- IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

- V. MITIGATION, MONITORING AND REPORTING PROGRAM:

GENERAL

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

BIOLOGICAL RESOURCES

- I.
 1. LDR Plan Check
 - a. Prior to the first Precon Meeting, the Assistance Deputy Director (ADD) Environmental Designee shall verify that the requirements for Biological Monitoring have been noted on the appropriate construction documents.
 - b. Letters of Qualification Have Been Submitted to MMC
Prior to the first Precon Meeting, the applicant shall provide a letter of verification to MMC stating that a qualified Biologist and/or Wetland Biologist, as defined in the City's Biological Resources Guidelines, has been retained to implement the following monitoring program, which includes the name of the Biologist and the name of all persons involved in the biological monitoring of the project.
 - c. MMC shall notify Plan check that the biologist has been retained.
 - d. Prior to the Precon Meeting the qualified Biologist shall identify pertinent information concerning protection of sensitive resources, such as but not limited to, flagging of individual plants or small plant groups, limits of grade fencing and limits of silt fencing (locations may include 10-foot or less inside the limits of grading, or up against and just inside of the limits of the grade fencing).
 - e. The applicant shall submit the following items to the City prior to issuance a NTP or any permits which affects on-site wetlands. Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager: Evidence of compliance with Sections 401 and 404 of the Federal Clean Water Act, and Section 1601/1603 of the State of California Fish & Game Code.
- II.
 1. Prior to permit issuance or bid opening/bid award which would affects on-site Riparian scrub (Wetland) and Waters of the U.S./natural bottom channel, the Applicant shall provide detailed revegetation/ restoration plans and pecifications, satisfactory to the City Manager. Since the wetland mitigation will take place both on and off site the plans and specifications must be found to be in conformance with both the conceptual revegetation plan in the *Conceptual Mitigation Plan For the Canyon Sewer Projects within the San Diego River Watershed, City of San Diego Metropolitan Wastewater Department*(April 2004), report prepared by Merkel and Associates, Inc. and in the *Wetland Mitigation and Revegetation Plan* (Appendix D) within the *Biological Resources for the Proposed Sewer Pipe Rehabilitation Project* (May 2005) report, prepared by Tierra Environmental Services, the requirements of which are described in the Mitigated Negative Declaration.
 - a. Restoration Goal The project shall mitigate for impacts to .013 acres of Waters of the U.S./natural bottom channel at a 2:1 ratio through the

restoration/enhancement of .027 acres of wetland habitat within the San Diego River Wetland Creation Site. The San Diego River Wetland Creation Project, as described in the *Conceptual Mitigation Plan For Canyon Sewer Projects within the San Diego River Watershed* (Merkel, 2004) was designed to provide compensatory wetland mitigation for Metropolitan Wastewater Department projects, largely associated with the canyon sewer access program. In addition the project shall mitigate for impacts to .23 acres of Riparian scrub habitat at a 2:1 ratio through a combination of 0.10 acres on-site restoration/creation and 0.165 acres of creation of wetland habitat within the San Diego River Wetland Creation Project.

- b. Responsibilities The Contractor shall be responsible for all grading and contouring, clearing and grubbing, installation of plant materials and native seed mixes, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period as detailed in the revegetation plans. Standard Best Management Practices shall be implemented to insure that sensitive biological resources would not be impacted by water run off.
- c. Biological Monitoring Requirements All biological monitoring shall be conducted by a qualified wetland biologist. The biologist shall conduct construction monitoring during all phases of the project. Orange flagging will be used to protect sensitive habitat. Construction related activity shall be limited to the construction corridor areas as identified on the construction plans. Both a detailed Performance Criteria plan and all the maintenance requirements are found in the conceptual revegetation plans.
- d. Notification of Completion: At the end of the fifth year, a final report shall be submitted to the City of San Diego Development Services Department (Environmental Analysis and Mitigation Monitoring Coordination sections) evaluating the success of the mitigation. The report shall make a determination of whether the requirements of the mitigation plan have been achieved. If the final report indicates that the mitigation has been in part, or whole, unsuccessful, the Applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original mitigation program which were not successful. At such time, the Applicant must consult with the Development Services Department. The Applicant understands that agreed upon remedial measures may result in extensions to the long-term maintenance and monitoring.

- III. 1. Prior to permit issuance or bid opening/bid award, direct impacts within the Multi-Habitat Planning Area (MHPA) to 0.03 acres of southern maritime chaparral (Tier I), 0.06 acres of coastal sage scrub (Tier II) and 0.01 acres

non-native grassland (Tier IIIB) shall be mitigated to the satisfaction of the City Manager; and impacts to located outside the MHPA of 0.03 acres southern maritime chaparral (Tier I), 0.02 acres coastal sage scrub (Tier II) and .01 acres non-native grassland (Tier IIIB) shall be mitigated to the satisfaction of the City Manager through one of the following methods: (c) a combination of *a* and *b* above:

- a. Prior to permit issuance or bid opening/bid award, the owner/permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity: 0.06 acres of Tier I habitat located off-site, in the City of San Diego's MHPA. These 0.06-acres would satisfy the 2:1 mitigation acreage ratio requirements for impacts **inside** the MHPA and 0.03 acres of Tier I habitat to satisfy the 1:1 mitigation acreage ratio requirements for impacts **outside** the MHPA. The applicant department shall acquire and dedicate to the City of San Diego .06 acres of Tier II habitat to satisfy the 1:1 mitigation ratio for impacts **inside** MHPA and 0.02 acres of Tier II habitat to satisfy the 1:1 mitigation acreage ratio requirements for impacts **outside** the MHPA. Furthermore, the applicant department shall acquire and dedicate to the City of San Diego 0.01 acres of Tier IIIB habitat to satisfy the 1:1 mitigation ratio for impacts **inside** MHPA and 0.005 acres of Tier IIIB satisfy the 0.05:1 mitigation acreage ratio requirements for impacts **outside** the MHPA. All mitigation in this option would be located inside the MHPA; or
 - b. Prior to permit issuance or bid opening/bid award the applicant department shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 0.185 which is the total required mitigation amount for upland impacts. The current per-acre contribution amount for the Habitat Acquisition Fund is \$25,000. In order to achieve the required 1:1 ratio, \$4,625 ($\$25,000 \times 0.185$ acre) must be paid into the fund.
 - c. A combination of *a. or c.* above
2. The project shall mitigate for impacts to .013 acres of Waters of the U.S./natural bottom channel at a 2:1 ratio through the restoration/enhancement of .027 acres of wetland habitat within the San Diego River Wetland Creation Site. In addition the project shall mitigate for impacts to .23 acres of Riparian scrub habitat at a 2:1 ratio through a combination of 0.10 acres on-site restoration/creation and 0.165 acres of creation of wetland habitat within the San Diego River Wetland Creation Project.

IV. 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 Biologist, Biological Monitors, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Biologist shall attend any grading related Precon Meetings to make

comments and/or suggestions concerning the monitoring program with the Construction Manager and/or Grading Contractor.

- b. If the Biologist is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, Environmental Analysis Section (EAS) staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.
2. Identify Areas to Be Monitored
 - a. At the Precon Meeting, the Biologist shall submit to MMC a copy of the site/grading plan (reduced to 11"x17") that identifies areas to be protected, fenced and monitored as well as areas that may require delineation of grading limits.
 3. When Monitoring Will Occur
 - a. Prior to the start of work, the Biologist 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.

V. During Construction

1. Biological Monitor Shall Be Present During Grading/Excavation
 - a. The Biological Monitor shall be on site to ensure that grading limits are observed 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. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid significant impacts. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.
 - b. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area; no equipment maintenance shall be conducted within or near adjacent open space.
 - c. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space.
 - d. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.
2. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation or other such follow up action plans shall be included as part of the Final Biological Monitoring Report. Additional mitigation measures may also be required if additional impacts to

the adjacent wetland habitat occur as a result of project construction.

VI. Post Construction

1. Submittal of Draft Monitoring Reports to MMC
 - a. The Applicant or Project Biologist, as appropriate, shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - b. MMC shall return the Draft Monitoring Report to the Applicant or Project Biologist for revision, for preparation of the Final Report.
 - c. The Applicant or Project Biologist shall submit revised Draft Monitoring Report to MMC for approval.
 - d. MMC shall provide written verification to the Applicant or Project Biologist of the approved report.
 - e. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

2. Submittal of Final Monitoring Reports to MMC
 - a. The Applicant or Project Biologist shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC, within 90 days after notification from MMC that the draft report has been approved.
 - b. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC.

HISTORICAL RESOURCES (ARCHAEOLOGY)

- I. Prior to Permit Issuance or Bid Opening/Bid Award
 - A. Land Development Review (LDR) Plan Check
 1. Prior to permit issuance or Bid Opening, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
 - B. Letters of Qualification have been submitted to ADD
 1. Prior to Bid Award the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. 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.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
 - a. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
 - b. MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent 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. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.

- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of 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) shall be undertaken:

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 shall be directed away 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 Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall 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).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

V. 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 no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via the RE by fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- 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, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation The PI 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 Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring 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.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Opening/Bid Award the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if

appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule
After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME and as authorized by the CM that could result in impacts to formations with high and/or moderate resource sensitivity. **The Construction**

Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.

2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching Projects
- The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.
1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. 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 no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to MMC via the RE via fax by 9am the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

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, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 - 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
 - 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

LAND USE (MULTIPLE SPECIES CONSERVATION PROGRAM)

Portions of the Sewer Group Job 665 project is located within and adjacent to the Multi-Habitat Planning Area (MHPA). Therefore, the following MHPA Land Use Adjacency Guidelines will be made conditions of project approval.

- 1. Prior to initiation of any ground disturbing activities, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
- 2. Prior to the start of construction, the construction limits shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of trenching activities and/or ground disturbing activities.
- 3. Prior to the issuance of any construction permit, the City Manager shall review the landscape plans to ensure that no invasive non-native plant species have been proposed for areas adjacent to the MHPA.
- 4. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
- 5. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area; No equipment maintenance shall be conducted within or near the adjacent open space.

6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.
8. Prior to the preconstruction meeting, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION

ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If

not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

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

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR

TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

- II. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A)

HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

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

- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:
- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

VI. PUBLIC REVIEW DISTRIBUTION:

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

United States Government

U.S. Fish and Wildlife Service (23)

U.S. Army Corps of Engineers (26)

Environmental Protection Agency (19)

State of California

California Department of Parks and Recreation (40)

Regional Water Quality Control Board (44)

California Department of Fish and Game (32A)
State Clearinghouse (46)
Resources Agency (43)
Native American Heritage Commission (56)
Office of Historic Preservation (41)

County of San Diego
Department of Park and Recreation (69)

City of San Diego
Council District 2
Park and Recreation (89)
Planning Department
Planning Department- MSCP MS 5A
Historic Resource Board (87)
Development Services Department
Library Dept.-Gov. Documents MS 17 (81)
Engineering and Capital Projects MS 612 (86)
Wetlands Advisory Board (91A)
Metropolitan Wastewater Department

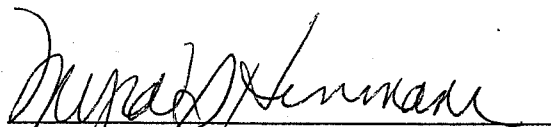
Other
Uptown Planners (498)
Old Town Community Planning Committee (368)
Old Town San Diego Chamber of Commerce (369)
Presidio Park Council (370)
Mission Hills Association (327)
Metropolitan Transit Development Board (115)
San Diego Transit (112)
Sierra Club (165A)
San Diego Audubon Society (167)
California Native Plant Society (170)
The Southwest Center for Biological Diversity (176)
Citizens Coordinate for Century III (179)
Endangered Habitat League (182)
Dr. Jerry Schaefer (209)
San Diego Gas and Electric (114)
San Diego Natural History Museum (166)
South Coastal Information Center @ San Diego State University (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Save Our Heritage Organization (214)
Ron Christman (215)
Louie Guassac (215A)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (NOTICE ONLY 225A-R)
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Band of Mission Indians (225C)
Inaja and Cosmit Band of Mission Indians (225D)
Jamul Indian Village (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)
San Luiseno Band of Mission Indians/Rincon (225Q)
Los Coyotes Band of Indians (225R)

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () 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.
- (X) 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.


Myra Herman, Senior Planner
Development Services Department

July 19, 2005
Date of Draft Report

August 18, 2005
Date of Final Report

Analyst: Jeffrey Szymanski