

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

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Clean Water Act Section 401 Water Quality Certification  
and Waste Discharge Requirements  
for Discharge of Dredged and/or Fill Materials

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**PROJECT: Bay Cafe Building Demolition and Platform  
Resurfacing Project  
Certification Number R9-2014-0075  
WDID: 9000002731**

Reg. Meas. ID: 397221 Place ID: 807648 Party ID: 281794 / 547531 Person ID: 102131 / 525961
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**APPLICANTS: Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101**

**Star & Crescent Boat Company  
1311 First Street  
Coronado, CA 92118**

**ACTION:**

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ

**PROJECT DESCRIPTION**

An application dated July 3, 2014 was submitted by the Port of San Diego and Star & Crescent Boat Company (dba Flagship Cruises & Events) (hereinafter Applicants), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Bay Cafe Building Demolition and Platform Resurfacing Project (Project). The Applicants have also applied for a Letter of Permission under the Rivers and Harbors Act from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2014-00411-RRS).

The Project is located within the City of San Diego, San Diego County, California at 1050 North Harbor Drive, north of Broadway Pier and south of B Street Pier Cruise Terminal. The Project center reading is located at latitude 32.716270 and longitude -117.173527. The Applicants have paid all required fees for this Certification in the amount of \$1,201.00. On July 14, 2014, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicants propose to demolish the former Bay Café building, resurface the remaining platform, and install safety railing and seating for conversion of the area to a public viewing platform. The building is approximately 2,400 square feet (80 feet by 30 feet) and is supported by 14 24-inch piles over San Diego Bay. Demolition activities will be conducted over water due to landside access constraints. Barges will be placed under the structure during both landside and waterside demolition activity to prevent demolished materials from entering the water. Additionally, a silt curtain will be deployed around all in-water activity to minimize the potential for turbidity impacts to San Diego Bay.

Prior to the commencement of demolition activities, all utilities will be disconnected and safely capped off. All identified hazardous materials will be removed from the structure in accordance with Federal, State, and local regulations. Hand labor and tools will be utilized to remove materials from the structure. Construction equipment, such as a Bobcat loader, will be used to load out materials removed from the structure. Demolition debris from the structure will be hauled off-site to a recycling facility that accepts construction demolition waste.

Platform resurfacing will entail installing a steel or concrete edge around the perimeter of the platform, laying a sand bed, and installing pavers. Silica will be spread over the pavers and vibrated into place to lock and seal the pavers. The platform will drain storm water into a newly constructed trench drain/filtration device system that will treat runoff before discharging it to San Diego Bay.

The demolition of the building and resurfacing of the platform is estimated to be completed within a 3 week time period.

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- 1. Definitions**
- 2. Project Figures and Plans**
- 3. CEQA Mitigation Monitoring and Reporting Program**

## I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicants.

## II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2014-0075 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicants must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/gowdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf).

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicants shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313).
- F. Project Modification.** The Applicants must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicants must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicants must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
  3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
  4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
  2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the San Diego Bay or its tributaries;
  3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
  4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
  5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicants for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicants shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, state, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- E. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- F. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- G. **Silt Curtain Deployment.** The Applicant shall deploy and maintain a continuous length of silt curtain, fully surrounding the demolition area to trap sediment that may become suspended as a result of demolition activities. The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. Where feasible and applicable, the floating silt curtains must be anchored and deployed from the surface of the water to just above the substrate. The silt curtain

must be monitored for damage, dislocation or gaps and must be immediately repaired where it is no longer continuous or where it has loosened. The silt curtain must restrict any surface visible turbidity plume to the area of waterside demolition and must control and contain the migration of any re-suspended sediments at the water surface and at depth.

- H. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of San Diego Bay. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VI.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.
- I. **Post-Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the San Diego Unified Port District. Post-construction BMPs, including those described in the *Water Quality Technical Report, North Embarcadero Visionary Plan* and Addenda (SWMP).

#### IV. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. **Project Impact Avoidance.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable. In-water work must not cause a discharge of waste to San Diego Bay.
- B. **Eelgrass.** A pre-construction eelgrass survey must be completed in accordance with the requirements of the Southern California Eelgrass Mitigation Policy (SCEMP) by a qualified biologist, prior to initiation of construction activities at the site. This survey must include both aerial and density characterization of the beds. If eelgrass is found during the pre-construction survey, a post-construction survey must be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat. Impacts must then be determined from a comparison of pre- and post-construction survey results. Impacts to eelgrass, if any, must be mitigated through conformance with the SCEMP, which defines the mitigation ratio and other requirements to achieve mitigation for significant eelgrass impacts. If required following the post-construction survey, the SCEMP defined mitigation must be developed; approved by the San Diego Water Board, U.S. Army Corps of Engineers, and National Marine Fisheries Service; and implemented to offset losses to eelgrass.

#### V. MONITORING AND REPORTING REQUIREMENTS

- A. **Caulerpa Taxifolia.** The Applicant must conduct a surveillance-level survey for *Caulerpa taxifolia*, in accordance with the requirements in the National Marine Fisheries Service's *Caulerpa Control Protocol* (version 4), dated February 25, 2008, not more than 90 days before the initiation of construction to determine presence/absence of this



species within the immediate vicinity of the project. If *Caulerpa taxifolia* is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both National Marine Fisheries Service and California Department of Fish and Wildlife must be contacted within 24 hours of first noting the occurrence. In the event *Caulerpa taxifolia* is detected, all disturbing activity must cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the Caulerpa Control Protocol.

- B. Final Project Completion Report.** The Applicants must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:
1. Date of construction initiation;
  2. Date of construction completion; and
  3. As-built drawings of the Project, no bigger than 11"X17".
- B. Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- C. Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:
- California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2014-0075:PIN 8076482375  
Northside Drive, Suite 100  
San Diego, California 92108
- Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No R9-2014-0075:PIN 807648.
- D. Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative may sign applications, reports, or information if:
  - a. The authorization is made in writing by a person described above.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- E. Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

## **VI. NOTIFICATION REQUIREMENTS**

- A. Twenty Four Hour Non-Compliance Reporting.** The Applicants shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicants becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicants becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report

has been received within 24 hours.

- B. Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. Anticipated Noncompliance.** The Applicants shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
- 1. Transfer of Property Ownership:** The Applicants must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicants has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification

to the San Diego Water Board **within 10 days of the transfer of ownership.**

2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicants will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicants of this Certification in the event that a transferee fails to comply.

- F. **Discharge Commencement.** The Applicants must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

## VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The San Diego Unified Port District is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated January 11, 2011 for the Master Environmental Impact Report and Initial Study (MEIR/IS) titled *Initial Study/Addendum to the North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project* (State Clearing House Number 1999031037). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's MEIR/IS and finds that this Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.

- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the MEIR/IS are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 3 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the MEIR/IS, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in sections IV and V of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

#### **VIII. SAN DIEGO WATER BOARD CONTACT PERSON**

Lisa Honma, Environmental Scientist  
California Regional Water Quality Control Board, San Diego Region  
Telephone: 619-521-3367  
Email: [Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov)

#### **IX. WATER QUALITY CERTIFICATION**

I hereby certify that the proposed discharge from the **Bay Cafe Building Demolition and Platform Resurfacing Project** (Certification No. R9-2014-0075) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2014-0075 issued on October 21, 2014.



DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

21 Oct. 2014  
Date

# ATTACHMENT 1

## DEFINITIONS

**Activity** - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

**Buffer** - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

**California Rapid Assessment Method (CRAM)** - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

**Compensatory Mitigation Project** - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

**Discharge of dredged material** – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

**Discharge of fill material** – means the addition of fill material into waters of the United States and/or State.

**Dredged material** – means material that is excavated or dredged from waters of the United States and/or State.

**Ecological Success Performance Standards** – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

**Enhancement** – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment** – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

**Fill material** – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

**Isolated wetland** – means a wetland with no surface water connection to other aquatic resources.

**Mitigation Bank** – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

**Preservation** - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Start of Project Construction** - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

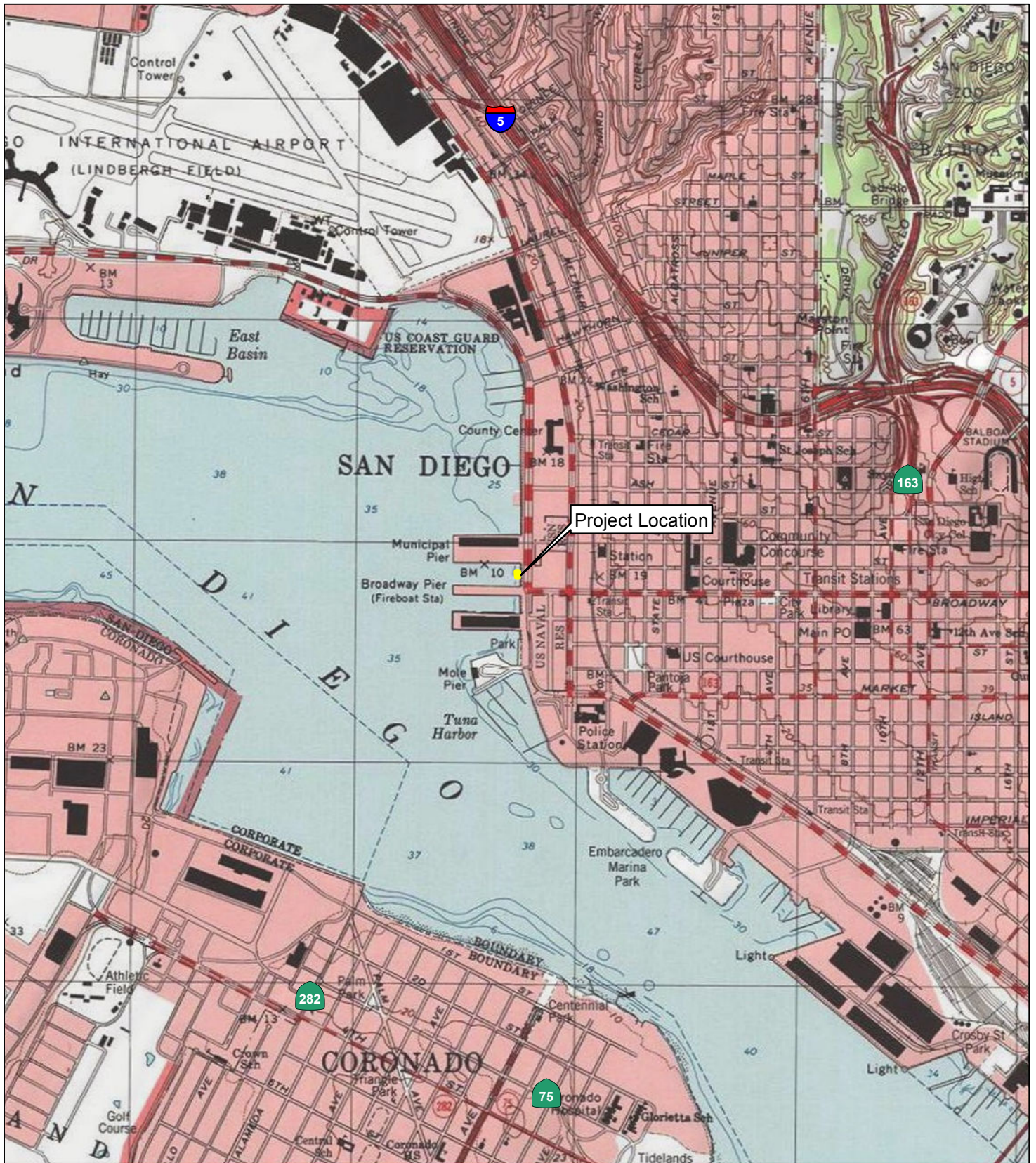
**Uplands** - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

**Water quality objectives and other appropriate requirements of state law** – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.



Ms. Eileen Maher / Mr. Brad Engel  
Port of San Diego / Star & Crescent Boat Company  
Bay Cafe Building Demolition and Platform Resurfacing Project  
Certification No. R9-2014-0075

**ATTACHMENT 2**  
**PROJECT FIGURES AND PLANS**



LSA

LEGEND

Project Location

FIGURE 1



SOURCE: USGS 7.5' Quad - Point Loma (1994), CA  
 R:\PTO1401\GIS\ProjLoc.mxd (5/13/2014)

Bay Cafe Demolition Project  
 Project Location Map



View of the Bay Café building looking west from North Harbor Drive.



View from inside of the Bay Café building.



View to the north.



View from the southwest.

LSA

FIGURE 2

*Bay Café Demolition*  
Existing Project Site Photos

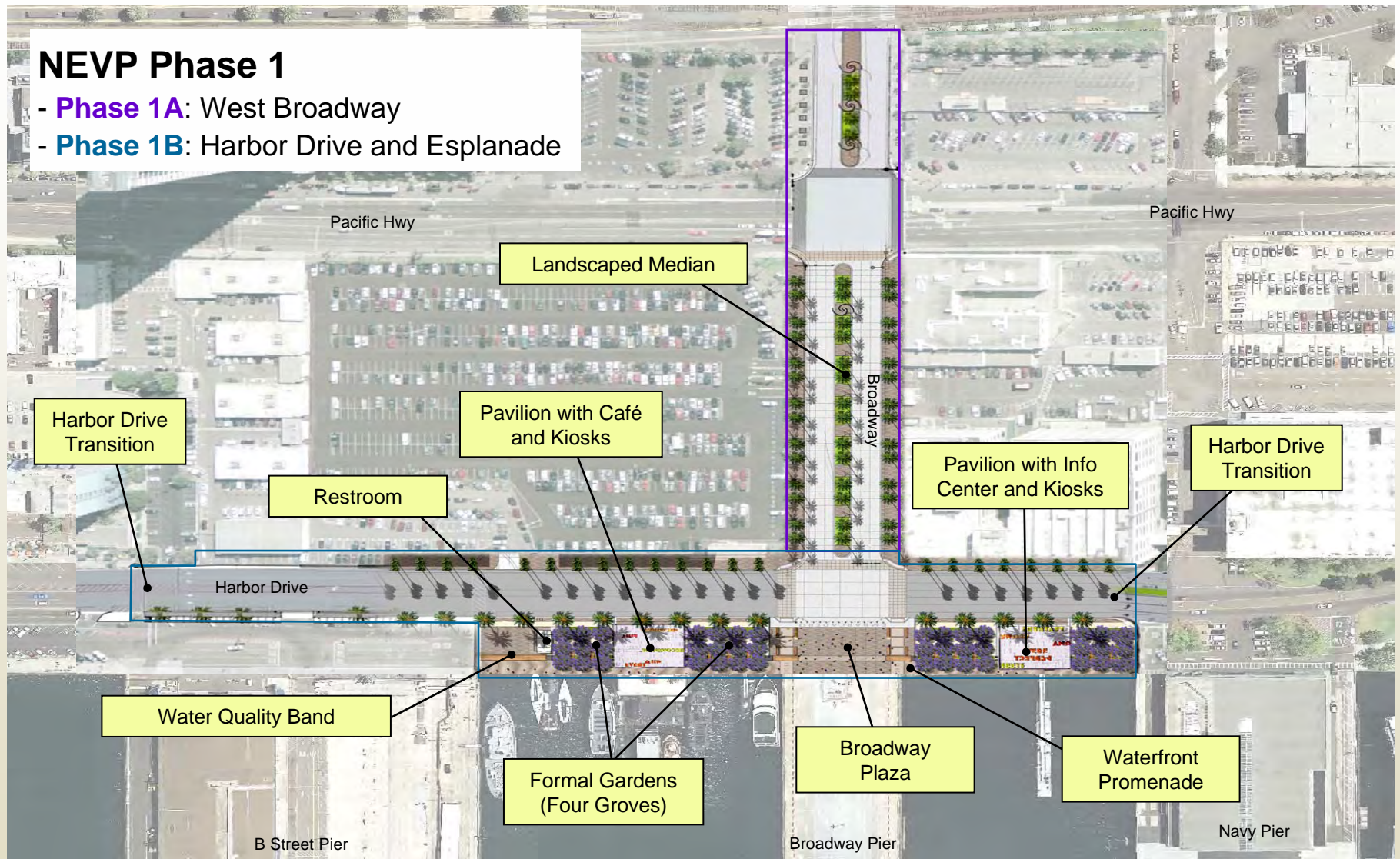


**Exhibit 1:**  
**Section of North Harbor Drive and Esplanade**



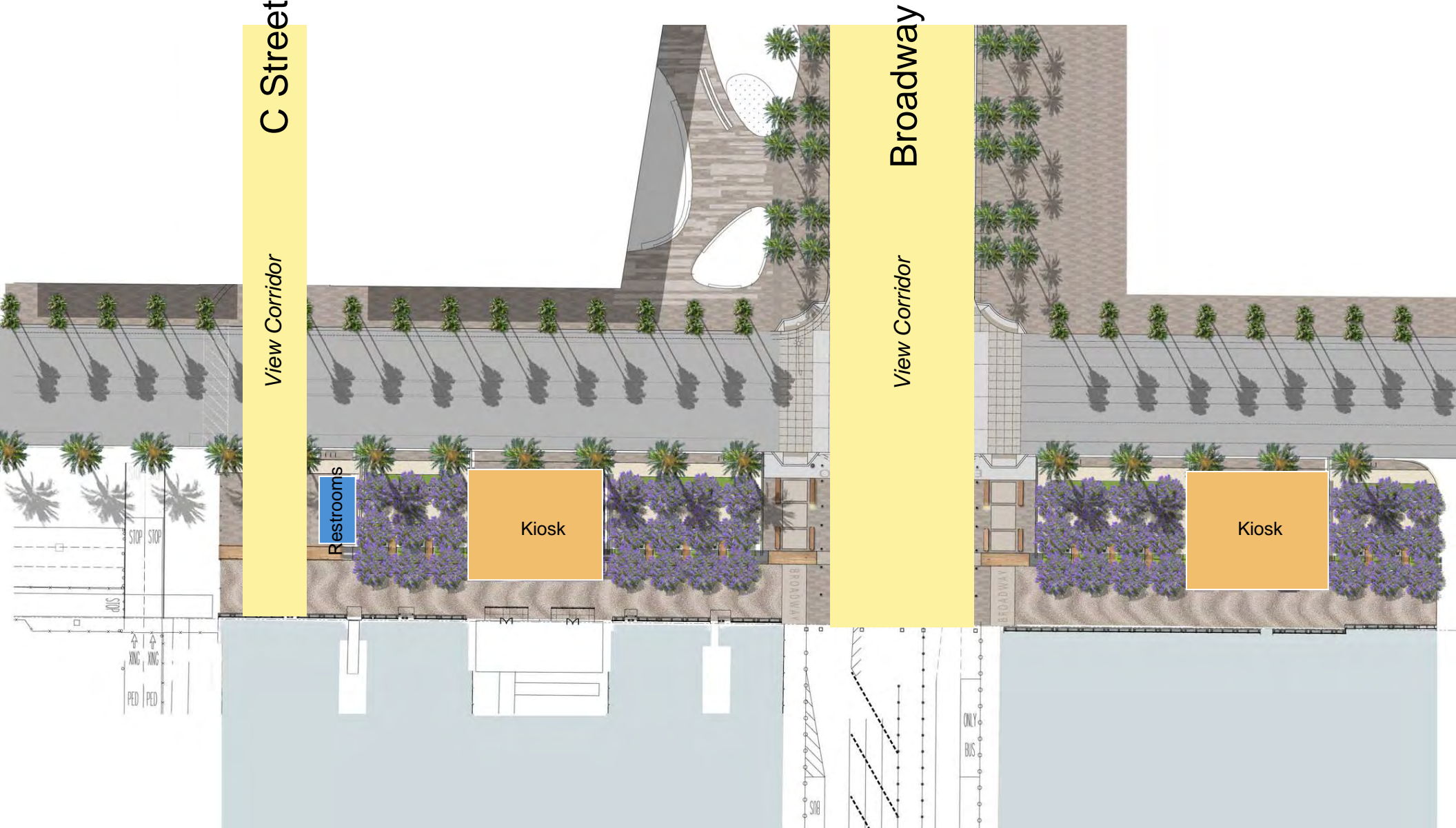
Section – Looking North

## Exhibit 2: Site Plan



**Exhibit 3:**

**Restroom Located Outside of 40-Foot Wide C Street Right-of-Way Clear Zone**



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Port of San Diego / Star & Crescent Boat Company  
Bay Cafe Building Demolition and Platform Resurfacing Project  
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**ATTACHMENT 3**  
**CEQA MITIGATION MONITORING AND REPORTING PROGRAM**





**North Embarcadero Visionary Plan  
Mitigation, Monitoring and Reporting Program**

Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Land Use/Water Compatibility</b>							
Land Use Compatibility	1. The proposed amendments to the Port Master Plan and the Centre City Community Plan and Planned District Ordinance (PDO) would implement the land use, urban design and development goals and objectives of the proposed Visionary Plan.	Adoption of the respective plan amendments by the lead agencies.	Port District City of San Diego	Prior to issuance of first discretionary permit for Visionary Plan improvement or subsequent project.	Adoption of implementing plan amendments.	Port District City of San Diego	
<b>Urban Design/Visual Quality</b>							
Urban Character	1. Provide a minimum five-foot landscaped setback of parking structures from the property line fronting Pacific Highway. 2. Design all freestanding parking structures consistent with the Visionary Plan Design Guidelines for parking structures. The Visionary Plan provides that above-ground structured parking shall be either completely encapsulated or visually screened by providing street-level uses, substantial perimeter planters, or architectural elements.	Design review to verify that project is consistent with the Development Standards and Design Guidelines, and are incorporated into the final design/site plans.	Port District City of San Diego County of San Diego	Prior to issuance of building permits and occupancy permits.	Approval of final design/site plans. Field notes documenting compliance with the approved design/site plans.	Port District City of San Diego County of San Diego	
<b>Cultural Resources</b>							
Historic Archaeological Resources	1. Prior to development at the former Military Barracks, the golf driving range, the California Street Bungalows, and the Harbor Café, a subsurface mitigation plan shall be developed and implemented. 2. This plan shall be implemented by a qualified archaeologist that includes a detailed review of Sanborn fire insurance maps, directory search, and, if warranted, limited testing of zones within the block having the highest potential within the area impacted. All cultural material recovered and associated records shall be curated at an appropriate San Diego County institution.	Plan preparation, implementation, field monitoring, and submittal of a final archaeological report.	Port District City of San Diego County of San Diego	Prior to issuance of grading permits.	Approval of final Archaeological study report and field notes documenting compliance with subsurface mitigation plan.	Port District City of San Diego County of San Diego	
<b>Hazardous Materials/Public Safety</b>							
Handling, Storage and Treatment	1. A complete site contamination report in conformance with federal, state and local regulations shall be completed for each Visionary Plan public improvement. The report shall include an existing conditions survey, detailed project description and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a risk assessment and remediation efforts shall be conducted in conformance with federal, state and local regulations.	Preparation of and review/approval of contamination report by County Department of Environmental Health (DEH). Field inspection to ensure site remediation is implemented in compliance with applicable laws and permits.	Port District City of San Diego County of San Diego DEH.	Prior to issuance of grading permits.	Written evidence that the site contamination report has been reviewed and approved by the DEH, and that all on-site contamination has been remediated in accordance with applicable laws and regulations.	Port District City of San Diego County of San Diego County of San Diego DEH	

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### North Embarcadero Visionary Plan Mitigation, Monitoring and Reporting Program

Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date Of Completion
<b>Hazardous Materials/Public Safety (continued)</b>							
Contamination Location	1. To mitigate for soil or groundwater contamination sources in areas suspected of containing hazardous materials storage systems, a site-specific soil/groundwater assessment shall be performed by a certified geologist/hydrologist prior to soil disturbance in conformance with federal, state, and local regulations. Such an assessment shall include collecting and analyzing soil and/or groundwater samples. Soil or groundwater contamination shall be remediated, if necessary, according to applicable federal, state and local regulations prior to development of the site.	Consultation with County DEH prior to soil/groundwater sampling. Preparation, submittal and implementation of remediation plan, if required, for DEH review.	Port District City of San Diego County of San Diego DEH.	Prior to issuance of grading permits.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego County of San Diego DEH	
Dewatering	1. In the event that dewatering should be required, the discharge shall meet the effluent limits specified by the RWQCB (Order No. 90-31) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Order No. 90-31 includes a prohibition of the discharge of dewatering effluent to San Diego Bay for new permanent dewatering operations. If the effluent is discharged to the City of San Diego sewer system, then the effluent shall meet the discharge requirements of the City.  2. In the event that dewatering effluent is discharged to surface waters, groundwater quality data will be required in advance and, possibly, a treatment system may be needed to meet federal, state, and local regulations.	Testing and discharge of effluent in compliance with applicable laws and permits.	Port District City of San Diego Regional Water Quality Control Board County of San Diego	Prior to issuance of grading permits.	Written evidence that final Dewatering plan has been reviewed and approved by the RWQCB, and that all on-site contamination has been remediated in accordance with all applicable laws and regulations.  Issuance of RWQCB permit constitutes completion of this requirement.	Port District City of San Diego County of San Diego RWQCB	
Construction/ Demolition	1. A site-specific survey to test for asbestos and lead-based paint in old buildings within the Plan area shall be performed under the direct supervision of a certified asbestos/lead-based paint consultant prior to demolition, renovation, or disturbance. If these materials are found, removal of these materials shall be performed in accordance with the consultant's recommendations.	Review and approval of remediation plan by County DEH. Field inspection to ensure site remediation is implemented in compliance with applicable laws and permits.	Port District City of San Diego County of San Diego	Prior to issuance of demolition permits.	Written evidence that the final remediation plan has been reviewed and approved by the DEH, and that all on-site asbestos and/or lead-based paint has been remediated in accordance with all applicable laws and regulations.	Port District City of San Diego County of San Diego	
Underground Storage Tanks (USTs)	1. Site-specific informational review and geophysical survey, if necessary, to identify locations of USTs.  2. A contingency plan for removal and remediation shall be prepared that addresses contractor procedures in the event that an unknown UST is encountered during site redevelopment.  3. Permits to operate or close tanks must be obtained by the tank owner or operator in conformance with federal, state, and local regulations.	Consultation with County DEH prior to soil/groundwater sampling, and submittal of final report to DEH for review.	Port District City of San Diego County of San Diego  County of San Diego Department of Environmental Health (DEH)	Prior to issuance of grading permits.	Written proof that the final site assessment has been reviewed and approved by the DEH.  Issuance of DEH permits for removal or closure of USTs.	Port District City of San Diego County of San Diego County of San Diego DEH	

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**North Embarcadero Visionary Plan  
Mitigation, Monitoring and Reporting Program**

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Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Water Quality</b>							
Aquifers (Dewatering)	<ol style="list-style-type: none"> <li>1. A project-specific geotechnical study by a qualified geologist/hydrologist shall be conducted prior to any dewatering activities to provide a detailed analysis and recommendations for site dewatering in conformance to federal, state and local regulations.</li> <li>2. In the event that dewatering should be required, the discharge shall meet the effluent limits specified by the RWQCB (Order No. 90-31) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Order No. 90-31 includes a prohibition of the discharge of dewatering effluent to San Diego Bay for new permanent dewatering operations. If the effluent is discharged to the City of San Diego sewer system, then the effluent shall meet the discharge requirements of the City.</li> </ol>	Preparation of dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District City of San Diego County of San Diego RWQCB	Prior to issuance of grading permits.	Written evidence that dewatering plan has been reviewed and approved by the RWQCB in accordance with all applicable laws and regulations.  Implementation of dewatering plan.	Port District City of San Diego County of San Diego County of San Diego DEH RWQCB	
Construction/ Grading	<ol style="list-style-type: none"> <li>1. Soil/groundwater testing shall be performed prior to soil disturbance in conformance with federal, state, and local regulations, and subject to the approval of the jurisdictional agency (i.e., City of San Diego or Port District). Such an assessment shall include collecting and analyzing soil and/or groundwater samples. Soil or groundwater contamination shall be remediated according to applicable federal, state and local regulations prior to development of the site. Implementation of BMPs to control erosion during construction shall be required regardless of whether or not the soil/groundwater is contaminated.</li> <li>2. All earthwork activities shall be governed by the provisions of the NPDES general construction permit, which includes the preparation and implementation of a SWPPP and BMPs to control runoff and sedimentation during construction.</li> </ol>	Preparation and implementation of construction SWPPP. BMPs shall be documented on final grading plans.	Port District City of San Diego County of San Diego RWQCB	Prior to issuance of grading permits.	Copy of issued permit and field notes documenting permit condition implementation.	Port District City of San Diego County of San Diego RWQCB	
Soil contamination	<ol style="list-style-type: none"> <li>1. Additional assessment of soil and/or groundwater shall be performed prior to soil disturbance in conformance with federal, state and local regulations.</li> <li>2. Remediation shall be conducted according to applicable federal, state and local regulations prior to development of the site.</li> </ol>	Consultation with County DEH prior to soil/ groundwater sampling, Preparation and submittal of Remediation Plan for DEH review.  Implementation of approved Remediation Plan.	Port District City of San Diego County of San Diego RWQCB	Prior to issuance of grading permits.	Issuance of grading permits constitutes completion of this requirement.	Port District City of San Diego County of San Diego RWQCB	

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**North Embarcadero Visionary Plan  
Mitigation, Monitoring and Reporting Program**

Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Marine Biological Resources</b>							
Loss of Open Water	1. Mitigation program to replace the loss of approximately 1.6 acres (from piers) of open water and associated foraging habitat shall create an equivalent number of acres of habitat at a 1:1 ratio, in San Diego Bay.	Preparation, review and approval of final mitigation plans. Implementation of these mitigation measures shall be confirmed by District Construction Inspection staff, and reporting and documentation of such implementation shall be performed in accordance with District Administrative Procedure No. 750.	Port District City of San Diego County of San Diego	Prior to issuance of Army Corps of Engineers Permit  Prior to issuance of Coastal Development Permit.	Written proof that final monitoring plan has been approved by USFWS and that all required mitigation has been implemented to the satisfaction of the U.S. Fish and Wildlife Service.  Document completion per Port District Administrative Procedure No. 750 prior to occupancy.	Port District City of San Diego County of San Diego	
<b>Air Quality</b>							
Construction	1. Enhanced dust control measures shall be implemented including: increased watering frequency at least twice daily, cover haul trucks or maintain at least two feet of freeboard, pave a site access apron and install wheel washers, sweep/wash public streets at the end of the workday, pave or regularly water all parking and staging areas, and suspend excavation when winds exceed 25 mph.	Preparation of dust control plan and field inspection to ensure that all dust control measures are implemented.	Port District City of San Diego County of San Diego	Prior to issuance of grading permits. Implementation during grading and construction.	Issuance of grading permit and site inspection field notes to verify implementation of dust control measures.	Port District City of San Diego County of San Diego	
Hazardous/Toxic Contaminant Releases	1. Contaminated soil and asbestos/lead-based paint remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies. A survey to test for asbestos-containing building materials and lead-based paint shall be performed prior to demolition, renovation, or disturbance of any existing building. The survey is subject to the approval of the jurisdictional agency (i.e., City of San Diego or Port District). All activities associated with asbestos shall be conducted under the direct supervision of a certified asbestos consultant.	Preparation and implementation of asbestos/lead based paint survey approved by DEH. Field inspection to ensure site remediation is completed in compliance with applicable laws and regulations.	Port District City of San Diego County of San Diego	Prior to issuance of demolition and building permits.	Written proof that the final survey has been reviewed and approved by DEH, and that all on-site contamination has been remediated in accordance with applicable laws and regulations.	Port District City of San Diego County of San Diego	

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**North Embarcadero Visionary Plan  
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Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Air Quality (continued)</b>							
Vehicular Emissions	2. Transportation Demand Management (TDM) measurements, including Regional Air Quality Strategy (RAQS)-mandated trip/Vehicle Miles Traveled (VMT) reduction and land use measures, shall be implemented for high occupancy events at the hotels. Plan-related traffic is less than previously incorporated into the RAQS, which concludes that as long as forecast levels of growth and associated traffic are not exceeded, the RAQS contains enough mitigation of such growth to allow regional air quality standards to be met.	TDM plan for North Embarcadero.	Port District City of San Diego County of San Diego	Prior to issuance of building occupancy permits.	Written evidence that TDM plan has been approved by the Port and City. Site inspection/field notes to verify implementation of TDM measures.	Port District City of San Diego County of San Diego	
<b>Noise</b>							
Vehicular Traffic	1. Compliance with Title 24 of the California Code of Regulations, which includes establishing permissible horizontal sound transmission through shared walls, as well as vertical transmission of impulsive noise through floor ceiling assemblies. In addition, the use of upgraded interior finishing and heavy window glass are standards required by Title 24. Compliance with these regulations meets the required 45 dBA CNEL interior levels even if the 65 dBA exterior levels are not met. Documentation of compliance shall be provided when building plans are filed.	Plan check to verify that building plans comply with Title 24 regs. Field inspection to verify construction in accordance with approved plans.	Port District City of San Diego County of San Diego	Prior to issuance of building permits and occupancy permits.	Issuance of building and occupancy permits and site inspection field notes documentation compliance.	Port District City of San Diego County of San Diego	
Coaster Horn	1. Compliance with Title 24 of the California Code of Regulations, which includes establishing permissible horizontal sound transmission through shared walls, as well as vertical transmission of impulsive noise through floor ceiling assemblies. In addition, the use of upgraded interior finishing and heavy window glass are standards required by Title 24. Compliance with these regulations meets the required 45 dBA CNEL interior levels even if the 65 dBA exterior levels are not met. Documentation of compliance shall be provided when building plans are filed.	Plan check to verify that building plans comply with Title 24 regs. Field inspection to verify construction in accordance with approved plans.	Port District City of San Diego County of San Diego	Prior to issuance of building permits and occupancy permits.	Issuance of building and occupancy permits and site inspection field notes documentation compliance.	Port District City of San Diego County of San Diego	
Construction Noise	1. All construction activities shall comply with the City of San Diego's Noise Ordinance, which limits the allowable hours and establishes performance standards for construction activities. 2. Use pre-drilled piles or vibratory drivers if subsurface conditions can accommodate such methods. 3. Perform all pile driving activities driving on weekdays between 9:00 a.m. and 5:00 p.m.	Plan check and site inspection to verify compliance with City noise ordinance.	Port District City of San Diego County of San Diego	Prior to issuance of demolition and grading permits.	Issuance of demolition and grading permits; site inspection/field notes documentation compliance.	Port District City of San Diego County of San Diego	

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**North Embarcadero Visionary Plan  
Mitigation, Monitoring and Reporting Program**

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Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Seismic/Geologic Hazards</b>							
Bay Deposits	1. Pile driving shall extend past the loose and unconsolidated bay deposits to the depth of the Bay Point Formation, which is suitable for the support of proposed piles.	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC and recommendations of approved Geotechnical Report.	Port District City of San Diego County of San Diego	Prior to issuance of building permits.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District City of San Diego County of San Diego	
Strong Ground Motion and Surface Rupture	1. A comprehensive geotechnical evaluation, which includes site-specific subsurface exploration and laboratory testing, shall be conducted prior to the site-specific design and construction of all structures. The evaluation's findings and recommendations shall be incorporated into all final building plans. 2. A site-specific fault evaluation study, which includes analysis of subsurface data, shall be prepared by a certified geologist for each human-occupancy structure during the design phase. The study shall reasonably demonstrate that there are no active faults below the structures. 3. All structures shall be designed in accordance the recommendation of the geotechnical evaluation, and with applicable requirements of the U. B. C. for Seismic Zone 4. Project specific design recommendations to limit structural damage or maintain function during an earthquake include foundation design parameters and specifications for deep foundations.	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC and recommendations of approved Geotechnical Report.	Port District City of San Diego County of San Diego	Prior to issuance of building permits.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District City of San Diego County of San Diego	
Liquefaction and Seismically Induced Settlement	1. It is expected that large structures will be founded on some type of deep foundation system, which may consist of driven or cast-in-place piles embedded into the underlying Bay Point Formation. 2. All structures shall be reinforced and supported using ground modification (e.g., dynamic compaction or over-excavation) or deep foundation piles. 3. Remedial grading or surcharging and monitoring by means of settlement monuments shall be incorporated into construction within the project area.	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC. Requirements and recommendation of approved Geotechnical Study.	Port District City of San Diego County of San Diego	Prior to issuance of building permits.	Issuance of building permit and site inspection/field notes field notes documentation compliance.	Port District City of San Diego County of San Diego	

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**North Embarcadero Visionary Plan  
Mitigation, Monitoring and Reporting Program**

Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Seismic/Geologic Hazards (continued)</b>							
Corrosive Soils	<ol style="list-style-type: none"> <li>The corrosive characteristics of the soils shall be evaluated during the design phase. The recommendations identified in the evaluation shall be implemented for future development projects.</li> <li>All structural steel reinforcement shall be protected from the corrosive effects of the marine environment. Special consideration shall be given to the use of plastic pipe or heavy gauge, corrosion protected, underground steel pipe or culverts, if any are planned. Special concrete designs and other anti-corrosive design features shall be incorporated into the project to mitigate for the corrosive marine environment. A corrosion specialist shall be consulted for further recommendations if necessary.</li> </ol>	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC. Requirements and recommendation of approved Geotechnical Study.	Port District City of San Diego County of San Diego	Prior to issuance of building permits.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District City of San Diego County of San Diego	
Subsidence	<ol style="list-style-type: none"> <li>Evaluation of the effect of dewatering on nearby structures shall occur during the design phase. Mitigation measures may include monitoring of ground surface elevations and adjacent buildings during dewatering.</li> </ol>	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC. Requirements and recommendation of approved Geotechnical Study.	Port District City of San Diego County of San Diego	Prior to issuance of building permits.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District City of San Diego County of San Diego	

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Issue Area	Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>Public Services</b>							
Solid Waste	<p>1. The project applicant shall prepare a waste management plan in consultation with the City Environmental Services Department (ESD), which shall also approve the plan. The waste management plan shall include the following elements:</p> <ul style="list-style-type: none"> <li>• The type and quantity of solid waste expected to enter the waste stream.</li> <li>• Source separation techniques to be used and the location of on-site storage for separated materials as required by Municipal Code Section 101.2001.</li> <li>• The method of transport and destination of separated waste and/or construction debris not re-used on-site.</li> <li>• A "buy-recycled" program for the project.</li> <li>• An impact analysis spreadsheet completed by an ESD analyst. A copy of the waste management plan shall be submitted to ESD and the Port District. With respect to construction/demolition debris, the amount of this material being deposited in the landfill could be reduced by implementing any or all of the following mitigation techniques.</li> <li>• On-site re-use of demolition material in the construction of the development activities.</li> <li>• Separating construction debris for recycling/re-use by others.</li> <li>• Using recycled materials in the construction of the development activities.</li> </ul>	<p>Preparation and implementation of solid waste management plan. Approved by City ESD.</p>	<p>Port District City of San Diego County of San Diego</p>	<p>Prior to issuance of demolition permits and building permits for construction debris. Prior to issuance of occupancy permit for individual development.</p>	<p>Issuance of demolition and building permits. Site inspection and field notes documentation compliance.</p>	<p>Port District City of San Diego County of San Diego</p>	

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## Attachment A

### North Embarcadero Visionary Plan Phase 1 Coastal Access Features Project Mitigation Monitoring and Reporting Program

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>TRANSPORTATION/TRAFFIC/PARKING</b>						
<p>1. The following features of the parking management program required in the MEIR (Pages 4.2 –9 through 4.2-11) shall be implemented as a part of the NEVP Phase 1 Coastal Access Features Project. Other features of the parking management program required by the MEIR would need to be implemented as a part of other NEVP projects to offset potential loss of parking associated with implementation of the overall NEVP.</p> <ul style="list-style-type: none"> <li>• Promote subsidized transit pass for employees of study area businesses.</li> <li>• Provide information to downtown hotel guests regarding the location of the North Embarcadero area and the availability of transit usage.</li> <li>• Plan for shuttle stops at two locations on Harbor Drive within the Plan area such as at Ash Street and at Broadway.</li> <li>• Promote pedi-cab use and provide areas for pick-up and drop-off.</li> <li>• Provide trailblazing (i.e., signs showing directions to the North Embarcadero area from downtown and transit locations), directions at local kiosks, and transit/shuttle stops.</li> </ul>	Plan preparation, implementation	Port District City of San Diego	Prior to issuance of a grading permit.	Approval of parking management plan	Port District City of San Diego	

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>CULTURAL RESOURCES</b>						
<p>1. Prior to development, a subsurface mitigation plan shall be developed and implemented.</p> <p>2. This plan shall be implemented by a qualified archaeologist that includes a detailed review of Sanborn fire insurance maps, directory search, and if warranted, limited testing of zones within the block having the highest potential within the area impacted. All cultural material recovered and associated records shall be curated at an appropriate San Diego County institution.</p> <p>In addition, the Port would implement the following monitoring program that is typically required by the City of San Diego and the Centre City Development Corporation when a project has the potential to disturb subsurface resources.</p> <p><i>Mitigation Measure</i> Prior to issuance of any permit that could directly affect an archaeological resource, the Port shall assure, in coordination with qualified City staff when applicable, that all elements of the MMRP are performed in accordance with all applicable City ordinances and guidelines and by a qualified Historical Archaeologist. The Port shall also require that the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities.</p> <p>Step 1-Initial Evaluation</p> <p>An initial evaluation for the potential of significant subsurface archaeological resources shall be prepared to the satisfaction of the Port as part of an Environmental Secondary Study for any activity which involves excavation or building demolition and</p>	<p>Plan preparation, implementation, field monitoring and submittal of a final archaeological report.</p>	<p>Port District City of San Diego</p>	<p>Prior to issuance of a grading permit.</p>	<p>Approval of final Archaeological study report and field notes documenting compliance with subsurface mitigation plan.</p>	<p>Port District City of San Diego</p>	

Initial Study

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>guided by an appropriate level research design. The person completing the initial review shall be approved by the Port. The initial evaluation shall consist minimally of a review of the following historical sources: The 1876 Bird's Eye View of San Diego, all Sanborn Fire Insurance Company maps, appropriate city directories that correspond to identify historical properties, and a records search at the South Coastal Information Center that is limited to the property boundaries. Historical and existing land uses shall also be reviewed to assess the potential for significant prehistoric and historic archaeological resources to be present. The person completing the initial review shall also consult with and consider input from local individuals and groups with expertise in the historical resources of the San Diego area. These experts may include the University of California, San Diego State University, San Diego Museum of Man, local historical and archaeological groups, and designated community planning groups. Consultation with these or other individuals and groups shall occur as early as possible in the evaluation process.</p> <p>When the initial evaluation indicates that important archaeological sites may be present on a project site but their presence cannot be confirmed prior to construction or demolition due to obstructions or spatially limited testing and data recovery, the applicant shall prepare and implement an archaeological monitoring program as a condition of development approval to the satisfaction of the Port.</p> <p>No further action is required if the initial evaluation demonstrates there is no potential for subsurface resources. The results of this research shall be summarized in the Secondary Study.</p> <p>Step 2-Testing</p> <p>A testing program is required if the initial evaluation demonstrates that there is a potential for subsurface resources. The testing program shall be conducted during the hazardous materials remediation or following the removal of any structure or surface covering which may be underlain by potential resources. The removal of these structures shall be conducted in a manner which minimizes disturbance of underlying soil. This shall entail a separate phase of investigations from any mitigation</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>monitoring during construction.</p> <p>The testing program shall be performed by a qualified Historical Archaeologist. The Historical Archaeologist must be approved by the Port prior to commencement. Before commencing the testing, a treatment plan shall be submitted for the Port approval that reviews the initial evaluation results and includes a research design. The research design shall include a discussion of field methods, research questions against which discoveries shall be evaluated for significance, collection strategy, laboratory and analytical approaches, and curation arrangements. All tasks shall be in conformity with best practices in the field of historic urban archaeology. A recommended approach for historic urban sites is at a minimum fills and debris along interior lot lines or other areas indicated on Sanborn maps.</p> <p>Security measures such as a locked fence or surveillance shall be taken to prevent looting or vandalism of archaeological resources as soon as demolition is complete or paved surfaces are removed. These measures shall be maintained during archaeological field investigations. It is recommended that exposed features be covered with steel plates or fill dirt when not being investigated.</p> <p>The results of the testing phase shall be submitted in writing to the Port and shall include the research design, testing results, significance evaluation, and recommendations for further treatment. Final determination of significance shall be made in consultation with the Port, and with the Native American community, if the finds are prehistoric. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action is required. If no significant resources are found but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the provisions set forth in Step 4 - Monitoring. If significant resources are discovered during the testing program, then data recovery shall be undertaken prior to construction. The Port must concur with evaluation results before the next steps can proceed.</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>Step 3-Data Recovery</p> <p>For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared, approved by the Port, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify the Port of the date upon which data recovery will commence ten (10) working days in advance.</p> <p>All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center at San Diego State University. Any human bones and associated grave goods of Native American origin shall, upon consultation, be turned over to the appropriate Native American group for reburial, in accordance with state regulations.</p> <p>A draft Data Recovery Report shall be submitted to The Port within twelve months of the commencement of the data recovery. Data Recovery Reports shall describe the research design or questions, historic context of the finds, field results, analysis of artifacts, and conclusions. Appropriate figures, maps and tables shall accompany the text. The report shall also include a catalogue of all finds and a description of curation arrangements at an approved facility. Finalization of draft reports shall be subject to The Port Staff review.</p> <p>Step 4 – Monitoring</p> <p>If no significant resources are encountered, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the following provisions and components:</p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Construction Plan Check</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Port shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.</p> <p>B. Letters of Qualification have been submitted to the Port</p> <p>1. The applicant shall submit a letter of verification to the Port 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.</p> <p>2. The Port will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.</p> <p>3. Prior to the start of work, the applicant must obtain approval from the Port for any personnel changes associated with the monitoring program.</p> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <p>1. The PI shall provide verification to the Port 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 Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</p> <p>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>during trenching and/or grading activities.</p> <p>3. The PI may submit a detailed letter to the Port requesting a reduction to the ¼ mile radius.</p> <p>B. PI Shall Attend Precon Meetings</p> <p>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 the Port. 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.</p> <p>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with The Port, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Archaeological Monitoring Plan (AMP)</p> <p>(a) Prior to the start of any work that requires monitoring; the PI shall submit an Archaeological Monitoring Plan which describes how the monitoring would be accomplished for approval by the Port. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to the Port identifying the areas to be monitored including the delineation of grading/excavation limits.</p> <p>(b) The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>(c) Prior to the start of any work, the PI shall also submit a construction schedule to the Port through the RE indicating when and where monitoring will occur.</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>(d) The PI may submit a detailed letter to the Port 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p> <p><b>III. During Construction</b></p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> <li>1. The monitor shall be present full-time during soil remediation and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and the Port of changes to any construction activities.</li> <li>2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR'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 the Port.</li> <li>3. The PI may submit a detailed letter to the Port during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.</li> </ol> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> </ol>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>3. The PI shall immediately notify the Port by phone of the discovery, and shall also submit written documentation to the Port within 24 hours by fax or email with photos of the resource in context, if possible.</p> <p>C. Determination of Significance</p> <p>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.</p> <p>(a) The PI shall immediately notify the Port by phone to discuss significance determination and shall also submit a letter to the Port indicating whether additional mitigation is required.</p> <p>(b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from the Port. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>(c) If resource is not significant, the PI shall submit a letter to the Port 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.</p> <p><b>IV. Discovery of Human Remains</b></p> <p>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:</p> <p>A. Notification</p> <p>1. Archaeological Monitor shall notify the RE or BI as appropriate, the Port, and the PI, if the Monitor is not qualified as a PI.</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</p> <p>B. Isolate discovery site</p> <p>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.</p> <p>2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.</p> <p>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.</p> <p>C. If Human Remains are determined to be Native American</p> <p>1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, only the Medical Examiner can make this call.</p> <p>2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.</p> <p>3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.</p> <p>4. The PI shall coordinate with the MLD for additional consultation.</p> <p>5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, if:</p> <p>(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;</p> <p>(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.</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>D. If Human Remains are not Native American</p> <ol style="list-style-type: none"> <li>1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</li> <li>2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</li> <li>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 interment of the human remains shall be made in consultation with the Port, the applicant/landowner and the Museum of Man.</li> </ol> <p>V. Night Work</p> <p>A. If night work is included in the contract</p> <ol style="list-style-type: none"> <li>1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.</li> <li>2. The following procedures shall be followed. <ol style="list-style-type: none"> <li>(a) No Discoveries <p>In the event that no discoveries were encountered during night work, the PI shall record the information on the CSVr and submit to the Port via fax by 9am the following morning, if possible.</p> </li> <li>(b) Discoveries <p>All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.</p> </li> <li>(c) Potentially Significant Discoveries <p>If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> <p>The PI shall immediately contact the Port, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other</p> </li> </ol> </li> </ol>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>specific arrangements have been made.</p> <p>B. If night work becomes necessary during the course of construction</p> <p>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify The Port immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p> <p><b>VI. Post Construction</b></p> <p>A. Submittal of Draft Monitoring Report</p> <p>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 the Port for review and approval within 90 days following the completion of monitoring,</p> <p>(a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</p> <p>(b) Recording sites with State of California Department of Parks and Recreation</p> <p>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.</p> <p>2. The Port shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p>						

Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>3. The PI shall submit revised Draft Monitoring Report to the Port for approval.</p> <p>4. The Port shall provide written verification to the PI of the approved report.</p> <p>5. The Port shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable</p> <p>1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.</p> <p>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.</p> <p>3. The PI shall submit a Collections Management Plan to the Port for review and approval for any project which results in a substantial collection of historical artifacts.</p> <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <p>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 the Port and the Native American representative, as applicable.</p> <p>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and the Port.</p> <p>D. Final Monitoring Report(s)</p> <p>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to the Port (even if negative), within 90 days after notification from the Port that the draft report has been approved.</p> <p>The RE shall, in no case, issue the Notice of Completion</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
until receiving a copy of the approved Final Monitoring Report from the Port which includes the Acceptance Verification from the curation institution.						

**HAZARDOUS MATERIALS/PUBLIC SAFETY**

1. A complete site contamination report in conformance with federal, state, and local regulations shall be completed. The report shall include an existing conditions survey, detailed project description and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a risk assessment and remediation efforts shall be conducted in conformance with federal, state and local regulations.	Preparation, review and approval of remediation plan by County DEH. Field inspection to ensure site remediation is implemented in compliance with applicable laws and permits.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego DEH	
2. To mitigate for soil or water contamination sources in areas suspected of containing hazardous materials storage systems, a site-specific soil/groundwater assessment shall be performed by a qualified geologist/hydrologist prior to soil disturbance in conformance with federal, state and local regulations. Such an assessment shall include collecting and analyzing soil and/or groundwater samples. The presence of soils or groundwater contamination shall be remediated, if necessary, according to applicable federal, state and local regulations prior to development of the site.	Consultation with County DEH prior to soil/groundwater sampling. Preparation, submittal and implementation of Remediation Plan, if required, for DEH review.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final site assessment has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego DEH	
3. A site-specific survey to test for asbestos and lead-based paint in old buildings within the Project Area shall be performed under the direct supervision of a certified asbestos/lead-based paint consultant prior to demolition, renovation, or disturbance. If these materials are found, removal of these materials shall be in accordance with the consultant's recommendations.	Consultation with County DEH prior to testing program, and submittal or final report to DEH for review.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final report on asbestos and lead-based paints has been reviewed and approved by the County DEH.	Port District City of San Diego County of San Diego	

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
4. Site-specific informational review and geophysical survey, shall be conducted, if necessary, to identify locations of USTs. A contingency plan for removal and remediation shall be prepared that addresses contractor procedures in the event that an unknown UST is encountered during site redevelopment. Permits to operate or close tanks must be obtained by the tank owner or operator in conformance with federal, state and local regulations.	Consultation with County DEH prior to survey for UST's	Port District City of San Diego	Prior to issuance of grading permit.	Written proof that the final site assessment has been reviewed and approved by the DEH. Issuance of DEH permits for removal and/or closure of USTs.	Port District City of San Diego County of San Diego County of San Diego DEH	
5. A Phase II investigation shall be conducted to test soils in the Project Area to determine if regulatory action and/or hazardous waste limits are exceeded. This investigation shall include an assessment of human health risks associated with any detected concentrations of the contaminants of concern within areas proposed for development. If levels exceed typical regulatory action and/or waste limits or present a public health concern, the site shall be remediated per government regulations prior to site development.	Prepare Phase II in consultation with County DEH prior to implementation of Phase II report requirements	Port District City of San Diego	Prior to issuance of grading permit.	Written proof that the final site assessment showing compliance with the Phase II report requirements has been reviewed and approved by the DEH.	Port District City of San Diego County of San Diego County of San Diego DEH	

**WATER QUALITY**

1. A project-specific geotechnical study by a qualified geologist/hydrologist shall be conducted prior to any dewatering activities to provide a detailed analysis and recommendations for site dewatering in conformance with federal, state and local regulations.	Preparation of a dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District City of San Diego	Prior to issuance of demolition permits.	Written evidence that the final dewatering plan has been reviewed and approved by the RWQCB, in accordance with applicable	Port District City of San Diego County of San Diego RWQCB	
2. In the event that dewatering should be required, the discharge shall meet the effluent limits specified by the RWQCB (Order No. R9-2007-0034) and Federal National Pollution Discharge Elimination System (NPDES) requirement. Order No. R9-2007-0034 regulates the						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
temporary (during construction) discharge of extracted water to San Diego Bay and does not allow discharge of dewatering effluent to San Diego Bay for new permanent dewatering operations. If the effluent is discharged to the City of San Diego sewer system, then the effluent shall meet the effluent requirements of the City.				laws and regulations. Implementation of a dewatering plan.		
<p>3. Soil/groundwater testing shall be performed prior to soil disturbance in conformance with federal, state and local regulations, and subject to the approval of the jurisdictional agency (i.e., City of San Diego or Port District). Such an assessment shall include collecting and analyzing soil and/or groundwater samples. Soil or groundwater contamination shall be remediated according to applicable federal, state and local regulations prior to development of the site. Implementation of BMPs to control erosion during construction shall be required regardless of whether or not the soil/groundwater is contaminated.</p> <p>4. All earthwork activities shall be governed by the provisions of the NPDES general permit, which includes the preparation and implementation of a SWPPP and BMPs to control runoff and sedimentation during construction and post construction.</p>	Preparation and implementation of construction SWPPP. BMPs shall be documented on final grading plans.	Port District City of San Diego	Prior to issuance of demolition permits.	Copy of issued permit and field notes documenting permit condition implementation	Port District City of San Diego County of San Diego RWQCB	
<p>5. Additional assessment of soil and/or groundwater shall be performed prior to soil disturbance in conformance with federal, state and local regulations.</p> <p>6. Remediation shall be conducted according to applicable federal, State and local regulations prior to development of the site.</p>	Consultation with County of San Diego DEH prior to soil/groundwater sampling, preparation and submittal of Remediation Plan for DEH review. Implementation of approved Remediation Plan.	Port District City of San Diego	Prior to issuance of demolition permits.	Issuance of grading permits constitutes completion of this requirement.	Port District City of San Diego County of San Diego	

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<b>AIR QUALITY</b>						
1. Enhanced dust control measures shall be implemented including: increased watering frequency at least twice daily, cover haul trucks or maintain at least two feet of freeboard, pave a site access apron and install wheel washers, sweep/wash public streets at the end of the work day, pave or regularly water all parking and staging areas, and suspend excavation when winds exceed 15 mph.	Preparation and implementation of dust control measures. Measures shall be documented on final grading plans.	Port District City of San Diego	Prior to issuance of grading permit.	Issuance of grading permits constitutes completion of this requirement.	Port District	
2. Contaminated soil and asbestos/lead-based paint remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies. A survey to test for asbestos-containing building materials and lead-based paint shall be performed prior to demolition, renovation or disturbance of any existing building. All activities associated with asbestos shall be conducted under the direct supervision of a certified asbestos consultant.	Consultation with County DEH prior to testing program, and submittal or final report to DEH for review.	Port District City of San Diego	Prior to issuance of grading permit.	Written evidence that the final report on asbestos and lead-based paints has been reviewed and approved by the County DEH	Port District City of San Diego County of San Diego	
<b>SEISMIC/GEOLOGIC HAZARDS</b>						
1. A comprehensive geotechnical evaluation, which includes site-specific subsurface exploration and laboratory testing, shall be conducted prior to the site-specific design and construction of all structures. The evaluation's findings and recommendations shall be incorporated into all final building plans.	Preparation, review and approval of Geotechnical Report. Plan check, site inspection to verify all structures constructed in accordance with UBC and recommendations of Geotechnical Report.	Port District City of San Diego	Prior to issuance of building permit.	Issuance of building permit and site inspection/field notes documenting compliance.	Port District City of San Diego County of San Diego	
2. A site-specific fault evaluation study, which includes analysis of subsurface data, shall be prepared by a certified geologist for each human-occupancy structure during the design phase. The study shall reasonably demonstrate that there are no active faults below the structures.						

Initial Study

North Embarcadero Visionary Plan—Phase 1 Coastal Access Features Project

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<p>3. All structures shall be designed in accordance with the recommendation of the geotechnical evaluation, and with all applicable requirements of the Uniform Building Code (UBC) for Seismic Zone 4. Project specific design recommendations to limit structural damage or maintain function during an earthquake include foundation design parameters and specifications for deep foundations.</p> <p>4. All structures shall be reinforced and supported using ground modification (e.g., dynamic compaction) or deep foundation piles.</p> <p>5. Remedial grading or surcharging and monitoring by means of settlement monuments shall be incorporated into construction within the Project Area.</p> <p>6. To mitigate impacts associated with hydrostatic uplift, an evaluation of potential hydrostatic uplift activities during the time of geotechnical plan review regarding the design and construction of below-grade basement levels shall occur.</p> <p>7. All structural steel reinforcement shall be protected from the corrosive effects of the marine environment. Special consideration shall be given to the use of plastic pipe or heavy-gauge corrosion-protected underground steel pipe or culverts, if any are planned. Special concrete designs and other anti-corrosive design features shall be incorporated into the project to mitigate for the corrosive marine environment. A corrosion specialist shall be consulted for further recommendations if necessary.</p>						

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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
8. Evaluation of the effect of dewatering on nearby structures shall occur during the design phase. Mitigation measures may include monitoring of ground surface elevations and adjacent buildings during dewatering.	Preparation of a dewatering plan approved by RWQCB. Field inspection to verify plan is implemented in compliance with applicable laws and permits.	Port District City of San Diego	Prior to issuance of demolition permits.	Written evidence that the final dewatering plan has been reviewed and approved by the RWQCB, in accordance with applicable laws and regulations. Implementation of a dewatering plan.	Port District City of San Diego County of San Diego RWQCB	

**UTILITIES/SERVICE SYSTEMS**

1. The Port and the City of San Diego would be the project applicants and shall prepare a waste management plan with consultation with the City of San Diego Environmental Services Department (ESD) which shall also approve the plan. The waste management plan shall include the following elements: <ul style="list-style-type: none"> <li>The type and quantity of solid waste expected to enter the waste stream.</li> <li>Source separation techniques to be used and the location of on-site storage for separated materials as required by Municipal Code Section 101.2001.</li> <li>The method of transport and destination of separated waste and/or construction debris not re-used on site.</li> <li>A "buy-recycled" program for the project.</li> <li>An impact analysis spreadsheet completed by an ESD analyst. A copy of the waste management plan shall be submitted to ESD and the Port District. With respect to</li> </ul>	Preparation and implementation of a solid waste management plan approved by City ESD.	Port District City of San Diego	Prior to issuance of demolition permits and building permits for construction debris. Prior to issuance of occupancy permit.	Issuance of demolition and building permit and site inspection / field notes documenting compliance.	Port District City of San Diego County of San Diego	
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Mitigation Measure(s)	Monitoring Requirement	Responsible for Mitigation Implementation	Time Frame of Mitigation	Completion Requirement	Agency Responsible for Verification	Date of Completion
<p>construction/demolition debris, the amount of this material being deposited in the landfill could be reduced by implementing any or all of the following mitigation techniques.</p> <ul style="list-style-type: none"> <li>Onsite re-use of demolition material in the construction of the development activities.</li> <li>Separating construction debris for recycling/reuse by others.</li> </ul> <p>Consistent with mitigation requirements of the MEIR, the Port shall conduct an assessment of potential sources of hazardous materials within the Proposed Project area prior to construction. If hazardous materials are located recommendations for appropriate disposal of these materials following demolition or renovation activities will be identified.</p>						