

REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO



RESOLUTION NUMBER R- 04598

DATE OF FINAL PASSAGE JAN 16 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE ENVIRONMENTAL IMPACTS RELATING TO THE PROPOSED OWNER PARTICIPATION AGREEMENT ENTERED INTO BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND HORTON LAND LLC, HORTON PLAZA VENTURE LLC AND HORTON PLAZA L.P.

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Horton Plaza Redevelopment Project (Redevelopment Plan) in the Horton Plaza Redevelopment Project Area (Project Area); and

WHEREAS, the Centre City Development Corporation, Inc. (Corporation), acting on behalf of the Agency, has negotiated a proposed Owner Participation Agreement (OPA) with Horton Land LLC, a Delaware limited liability company, Horton Plaza Venture LLC, a Delaware limited liability company and Horton Plaza L.P., a Delaware limited partnership (collectively, Developer), wherein the Developer has agreed to, among other things, prepare and sell to the Agency an approximately 37,000 square-foot site (Sales Parcel) for the development and construction by the Agency of an urban public plaza (Public Plaza), including the rehabilitation of the existing historic Horton Plaza Park (together with the Public Plaza, shall be referred to as Plaza Improvements) and that upon completion of the Plaza Improvements, the Agency would transfer fee title of the Sales Parcel to the City of San Diego (City); and

WHEREAS, pursuant to Resolution No. R-04001 with date of final passage on March 14, 2006, the Agency, acting as the designated “lead agency” for purposes of the California Environmental Quality Act (CEQA), certified the Final Environmental Impact Report for the San Diego Downtown Community Plan and Centre City Planned District Ordinance (2006 Final EIR), on file in the office of the Agency Secretary as Document No. D-04001a, and adopted the Mitigation, Monitoring, and Reporting Program at Volume 1.B of the 2006 Final EIR (MMRP) in connection therewith; and

WHEREAS, pursuant to Resolution No. R-301265 with date of final passage on March 14, 2006, the City Council of the City of San Diego (Council), acting as a “responsible agency” for purposes of CEQA, reviewed and considered the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-04193 with date of final passage on August 3, 2007, the Agency certified the Addendum to the 2006 Final EIR (First Addendum), related to certain amendments to the San Diego Downtown Community Plan and Centre City Planned District Ordinance of the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-04508 with date of final passage on April 21, 2010, the Agency certified the Second Addendum to the 2006 Final EIR (Second Addendum), related to certain amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-04509 with date of final passage on April 21, 2010, the Agency adopted revisions to the original Mitigation, Monitoring and Reporting Program of the 2006 Final EIR (Revised MMRP); and

WHEREAS, pursuant to Resolution No. R-04510 with date of final passage on April 21, 2010, the Agency certified the Third Addendum to the 2006 Final EIR (Third Addendum) in connection with amendments to the Centre City Planned District Ordinance, relating to the Residential Emphasis District; and

WHEREAS, pursuant to Resolution No. R-04544 with date of final passage on August 3, 2010, the Agency certified the Fourth Addendum to the 2006 Final EIR (Fourth Addendum) in connection with a proposed San Diego civic center complex project; and

WHEREAS, the Corporation, on behalf of the Agency, has administered the preparation of the Environmental Secondary Study in connection with the proposed OPA dated December 16, 2010 (Secondary Study), which is attached to CCDC Report No. CCDC-10-01 to the Agency for this action, in accordance with CEQA and state and local guidelines, including the Procedures for Implementation of the California Environmental Quality Act and the State CEQA Guidelines (Agency CEQA Guidelines) adopted pursuant thereto; and

WHEREAS, the Secondary Study, at pages 11 through 13, sets forth certain findings, to the effect that the proposed OPA will not result in new or increased environmental effects compared to what already has been evaluated under the 2006 Final EIR, the First Addendum, Second Addendum, Third Addendum and Fourth Addendum (collectively, Addenda) thereto, and the Revised MMRP; and

WHEREAS, the Agency has considered any written evidence and/or testimony received in support of or in opposition to the proposed OPA and the Secondary Study, as well as the entire record prepared by Agency and City staff; NOW, THEREFORE,

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

1. That the Agency finds and determines that all recitals set forth in this Resolution are true and correct and fully incorporated herein by this reference.
2. That the Agency has previously certified that the 2006 Final EIR and the Addenda were prepared in compliance with CEQA and state and local guidelines adopted pursuant thereto.
3. That, consistent with the analysis contained in the Secondary Study, the environmental effects of the OPA were adequately addressed in the 2006 Final EIR and the Addenda, and the OPA is within the scope of the development program described therein.
4. That the Agency adopts the following findings and determinations, as set forth at pages 11 through 13 of the Secondary Study, with respect to the environmental effects of the OPA:
  - a. No substantial changes are proposed with respect to the circumstances under which the OPA is being undertaken will require important or major revisions of the 2006 Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of significant environmental effects previously identified in the 2006 Final EIR or the Addenda.
  - b. No substantial changes have occurred with respect to the circumstances under which the OPA is being undertaken which will require major revisions of the 2006 Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of significant environmental effects previously identified in the 2006 Final EIR or the Addenda;
  - c. No new information of substantial importance which was not known or could not have been known at the time the 2006 Final EIR was certified as complete, shows any of the following:

(1) The OPA will have one or more significant environmental effects not discussed in the 2006 Final EIR or Addenda;

(2) Significant environmental effects previously examined will be substantially more severe than shown in the 2006 Final EIR or the Addenda;

(3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the OPA, but the OPA proponents (i.e., the Agency or the City) decline to adopt the mitigation measures or alternatives; or

(4) Mitigation measures or alternatives which are considerably different from those analyzed in the 2006 Final EIR or the Addenda would substantially reduce one or more significant environmental effects, but the OPA proponents decline to adopt the mitigation measures or alternatives.

d. Based on the above-described findings and determinations, no conditions calling for the preparation of a subsequent EIR, a supplemental EIR or a negative declaration under CEQA Guidelines sections 15162 or 15180 are present with respect to the OPA.

e. An explanation of the decision not to prepare a subsequent or supplemental EIR is included in the Secondary Study, and the explanation is supported by substantial evidence.

5. That, pursuant to Section 507 of the Agency CEQA Guidelines, the Agency adopts the project specific Mitigation, Monitoring and Reporting Program incorporated into the Secondary Study as Attachment A, in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

6. That the Agency's Executive Director or designee, is directed to prepared and file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the OPA.

APPROVED: JAN I. GOLDSMITH, General Counsel

By Monique R. Tayyab  
Monique R. Tayyab  
Deputy General Counsel

MRT:hm  
12/28/10  
Or.Dept:Redev. Agency  
RA-2011-63  
Comp. R-2011-598  
PL#2010-01468

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of JAN 11 2011.

REDEVELOPMENT AGENCY

By Jeannette Santos  
Jeannette Santos, Deputy Secretary

Approved: 1-16-11  
(date)

JSL  
JERRY SANDERS, Executive Director

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

\_\_\_\_\_  
JERRY SANDERS, Executive Director

EXHBIT "A"

MITIGATION, MONITORING AND REPORTING PROGRAM

[Behind this page]

**ATTACHMENT A**  
**MITIGATION MEASURES**  
**FOR THE PROPOSED**  
**HORTON PLAZA PARK REVITALIZATION PROJECT**

**December 2010**



**ATTACHMENT A**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
<b>AIR QUALITY (AQ)</b>				
<b>Impact AQ-B.1:</b> Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)	<p><i>Mitigation Measure AQ-B.1-1:</i> Prior to approval of a Grading or Demolition Permit, the City shall confirm that the following conditions have been applied, as appropriate:</p> <ol style="list-style-type: none"> <li>Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 miles per hour, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold.</li> <li>Dust suppression techniques shall be implemented including, but not limited to, the following: <ol style="list-style-type: none"> <li>Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the CCDC.</li> <li>On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized.</li> <li>Material transported offsite shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.</li> <li>The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.</li> </ol> </li> <li>Vehicles on the construction site shall travel at speeds less than 15 miles per hour.</li> <li>Material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, shall be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.</li> </ol>	Prior to Demolition or Grading Permit (Design)	Developer	City

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	<ol style="list-style-type: none"> <li>5. Where vehicles leave the construction site and enter adjacent public streets, the streets shall be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface. Any visible track-out extending for more than fifty (50) feet from the access point shall be swept or washed within thirty (30) minutes of deposition.</li> <li>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</li> <li>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</li> <li>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</li> <li>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</li> <li>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</li> <li>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure (HPLV) spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</li> <li>12. If construction equipment powered by alternative fuel sources (LPG/CNG) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</li> <li>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</li> <li>14. During demolition activities, safety measures as required by</li> </ol>			

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	<p>City/County/State for removal of toxic or hazardous materials shall be utilized.</p> <p>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</p> <p>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p> <p>17. If alternative-fueled and/or particulate filter-equipped construction equipment is not feasible, construction equipment shall use the newest, least-polluting equipment, whenever possible.</p>			
<b>HISTORICAL RESOURCES (HIST)</b>				
<p><b>Impact HIST-B.1:</b> <b>Development in downtown could impact significant buried archaeological resources. (Direct and Cumulative)</b></p>	<p><i>Mitigation Measure HIST-B.1-1:</i> If the potential exists for direct and/or indirect impacts to significant buried archaeological resources, the following measures shall be implemented in coordination with a Development Services Department designee and/or City Staff to the Historic Resources Board (HRB) ("City Staff") in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code. Prior to issuance of any permit that could directly affect an archaeological resource, City Staff shall assure that all elements of the MMRP are performed in accordance with all applicable City regulations and guidelines by an Archaeologist meeting the qualifications specified in Appendix B of the San Diego Land Development Code, Historical Resources Guidelines. City Staff 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. Archeological resources which also meet the definition of historical resources or unique archaeological resources under CEQA or the SDMC shall be treated in accordance with the following evaluation procedures and applicable mitigation program:</p> <p>Step 1-Initial Evaluation</p>	<p>Prior to Demolition or Grading Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	<u>City Staff</u>

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	<p>An initial evaluation for the potential of significant subsurface archaeological resources shall be prepared to the satisfaction of City Staff as part of an Environmental Secondary Study for any activity which involves excavation or building demolition. The initial evaluation shall be guided by an appropriate level research design in accordance with the City's Land Development Code, Historical Resources Guidelines. The person completing the initial review shall meet the qualification requirements as set forth in the Historical Resources Guidelines and shall be approved by City Staff. The initial evaluation shall consist, at a minimum, 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 and maps that identify historical properties or archaeological sites, and a records search at the South Coastal Information Center for archaeological resources located within the property boundaries. Historical and existing land uses shall also be reviewed to assess the potential presence of significant prehistoric and historic archaeological resources. 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, Save Our Heritage Organization (SOHO), local historical and archaeological groups, the Native American Heritage Commission (NAHC), designated community planning groups, and other individuals or groups that may have specific knowledge of the area. 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 City Staff. If the NAHC Sacred Lands File search is positive for Native American resources within the project site, then additional evaluation must include participation of a local Native American consultant in accordance with CEQA Sections 15064.5(d), 15126.4(b)(3) and Public Resources Code Section 21083.2.</p> <p>No further action is required if the initial evaluation demonstrates there is no</p>			

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	<p>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 monitoring during construction.</p> <p>The testing program shall be performed by a qualified Historical Archaeologist meeting the qualifications specified in Appendix B of the San Diego Land Development Code, Historical Resources Guidelines. The Historical Archaeologist must be approved by City Staff prior to commencement. Before commencing the testing, a treatment plan shall be submitted for City Staff approval that reviews the initial evaluation results and includes a research design. The research design shall be prepared in accordance with the City's Historical Resources Guidelines and 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 City Staff and shall include the research design, testing results, significance evaluation, and recommendations for further treatment. Final determination of significance</p>			

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	<p>shall be made in consultation with City Staff, 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 in accordance with Step 3 shall be undertaken prior to construction. If the existence or probable likelihood of Native American human remains or associated grave goods area discovered through the testing program, the Qualified Archaeologist shall stop work in the area, notify the City Building Inspector, City staff, and immediately implement the procedures set forth in CEQA Guidelines Section 15064.5 and the California Public Resources Code (PRC) Section 5097.98 for discovery of human remains. This procedure is further detailed in the Mitigation, Monitoring and Reporting Program (Step 4). City Staff must concur with evaluation results before the next steps can proceed.</p> <p>Step 3-Data Recovery</p> <p>For any site determined to be significant, a Research Design and Data Recovery Program (RDDR) shall be prepared in accordance with the City's Historical Resources Guidelines, approved by City Staff, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify City Staff 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. Native American burial resources shall be treated in the manner agreed to by the Native American representative or be reinterred on the site in an area not subject to further disturbance in accordance with CEQA section 15164.5 and the Public Resources Code section 5097.98. 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 to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information</p>			

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	<p>Center at San Diego State University. Any human bones and associated grave goods of Native American origin encountered during Step 2-Testing, shall, upon consultation, be turned over to the appropriate Native American representative(s) for treatment in accordance with state regulations as further outlined under Step 4-Monitoring (Section IV. Discovery of Human Remains).</p> <p>A draft Data Recovery Report shall be submitted to City Staff 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, and a general statement indicating the disposition of any human remains encountered during the data recovery effort (please note that the location of reinternment and/or repatriation is confidential and not subject to public disclosure in accordance with state law). Finalization of draft reports shall be subject to City 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> <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 Precon Meeting, whichever is applicable, City Staff shall verify that the requirements for Archaeological Monitoring and Native American monitoring, where the project may impact Native American resources, have been noted on the appropriate construction documents.</p> <p>B. Letters of Qualification have been submitted to City Staff</p>			

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	<ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to City Staff 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.</li> <li>2. City Staff will provide a letter to the applicant confirming that the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.</li> <li>3. Prior to the start of work, the applicant must obtain written approval from City Staff for any personnel changes associated with the monitoring program.</li> </ol> <p><b>II. Prior to Start of Construction</b></p> <p><b>A. Verification of Records Search</b></p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to City Staff 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.</li> <li>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</li> <li>3. The PI may submit a detailed letter to City Staff requesting a reduction to the 1/4 mile radius.</li> </ol> <p><b>B. PI Shall Attend Precon Meetings</b></p> <ol style="list-style-type: none"> <li>1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), the Native American representative(s) (where Native American resources may be impacted), Building Inspector (BI), if appropriate, and</li> </ol>			



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	<p>City Staff. The qualified Archaeologist and the Native American consultant/monitor 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 City Staff, 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 (with verification that the AMP has been reviewed and approved by the Native American consultant/monitor when NA resources may be impacted) which describes how the monitoring would be accomplished for approval by City Staff and the Native American monitor. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to City Staff 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 City Staff through the RE indicating when and where monitoring will occur.</p> <p>(d) The PI may submit a detailed letter to City Staff 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>			

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	<p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> <li>1. The Archaeological monitor shall be present full-time during all soil disturbing 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 City Staff of changes to any construction activities.</li> <li>2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME, and provide that information to the PI and City Staff. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Processes detailed in Sections III.B-C, and IVA-D, shall commence.</li> <li>3. The archeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to City Staff.</li> <li>4. The PI may submit a detailed letter to City Staff 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 that 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 all soil disturbing activities, including but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is</li> </ol>			

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	<p>the PI) of the discovery.</p> <ol style="list-style-type: none"> <li>3. The PI shall immediately notify City Staff by phone of the discovery, and shall also submit written documentation to City Staff within 24 hours by fax or email with photos of the resource in context, if possible.</li> <li>4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.</li> </ol> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> <li>1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.               <ol style="list-style-type: none"> <li>(a) The PI shall immediately notify City Staff by phone to discuss significance determination and shall also submit a letter to City Staff indicating whether additional mitigation is required.</li> <li>(b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor when applicable, and obtain written approval from City Staff and the Native American representative(s), if applicable. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</li> <li>(c) If the resource is not significant, the PI shall submit a letter to City Staff 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.</li> </ol> </li> </ol> <p>IV. Discovery of Human Remains</p> <p>If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in CEQA Section 15064.5(e), the California</p>			

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	<p>Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> <li>1. Archaeological Monitor shall notify the RE or BI as appropriate, City Staff, and the PI, if the Monitor is not qualified as a PI. City Staff will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery process.</li> <li>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</li> </ol> <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> <li>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 provenance of the remains.</li> <li>2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.</li> <li>3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.</li> </ol> <p>C. If Human Remains are determined to be Native American</p> <ol style="list-style-type: none"> <li>1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, <b>ONLY</b> the Medical Examiner can make this call.</li> <li>2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..</li> <li>3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e) and the California Public Resources and Health &amp; Safety Codes.</li> <li>4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition</li> </ol>			

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	<p>with proper dignity, of the human remains and associated grave goods.</p> <p>5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and if:</p> <p>(a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 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, THEN,</p> <p>(c) In order to protect these sites, the Landowner shall do one or more of the following:</p> <p>(1) Record the site with the NAHC;</p> <p>(2) Record an open space or conservation easement on the site;</p> <p>(3) Record a document with the County.</p> <p>6. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are not Native American</p> <p>1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</p> <p>2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</p> <p>3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with City Staff, the applicant/landowner</p>			

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	<p style="text-align: center;">and the San Diego Museum of Man.</p> <p><b>V. Night and/or Weekend Work</b></p> <p>A. If night and/or work is included in the contract</p> <ol style="list-style-type: none"> <li>1. When night and/or weekend 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 In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to City Staff via fax by 8 am of the next business day.</li> <li>(b) Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.</li> <li>(c) Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.</li> <li>(d) The PI shall immediately contact City Staff, or by 8 am of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</li> </ol> </li> </ol> <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> <li>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify City Staff immediately.</li> </ol> <p>C. All other procedures described above shall apply, as appropriate.</p> <p><b>VI. Post Construction</b></p>			

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	<p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the Historical Resources Guidelines and Appendices which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to City Staff, for review and approval within 90 days following the completion of monitoring.               <ol style="list-style-type: none"> <li>(a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</li> <li>(b) Recording sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</li> </ol> </li> <li>2. City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>3. The PI shall submit revised Draft Monitoring Report to City Staff for approval.</li> <li>4. City Staff shall provide written verification to the PI of the approved report.</li> <li>5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> </ol> <p>B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.</li> <li>2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the</li> </ol>			

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	<p>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 City Staff 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 City Staff 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 City Staff.</p> <p>3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance in accordance with section IV – Discovery of Human Remains, subsection 5.(d).</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 City Staff (even if negative), within 90 days after notification from City Staff that the draft report has been approved.</p> <p>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from City Staff which includes the Acceptance Verification from the curation institution.</p>			



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<b>PALEONTOLOGICAL RESOURCES (PAL)</b>				
<p><b>Impact PAL-A.1:</b>  Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)</p>	<p><i>Mitigation Measure PAL-A.1-I:</i> In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by CCDC.</p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> <li>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, Centre City Development Corporation (CCDC) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.</li> </ol> <p>B. Letters of Qualification have been submitted to CCDC</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.</li> <li>2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.</li> <li>3. Prior to the start of work, the applicant shall obtain approval from CCDC for any personnel changes associated with the monitoring program.</li> </ol> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to CCDC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</li> <li>2. The letter shall introduce any pertinent information concerning</li> </ol>			

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	<p>expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> <li>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 CCDC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.               <ol style="list-style-type: none"> <li>a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</li> </ol> </li> <li>2. Identify Areas to be Monitored               <ol style="list-style-type: none"> <li>a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</li> </ol> </li> <li>3. When Monitoring Will Occur               <ol style="list-style-type: none"> <li>a. Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.</li> <li>b. The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or</li> </ol> </li> </ol>			

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	<p style="text-align: center;">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 grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and CCDC 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 CCDC.</li> <li>3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.</li> </ol> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> <li>1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> <li>3. The PI shall immediately notify CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.</li> </ol> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> <li>1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> <li>a. The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required.</li> </ol> </li> </ol>			

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	<p>The determination of significance for fossil discoveries shall be at the discretion of the PI.</p> <ul style="list-style-type: none"> <li>b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</li> <li>c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to CCDC unless a significant resource is encountered.</li> <li>d. The PI shall submit a letter to CCDC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</li> </ul> <p><b>IV. Night Work</b></p> <ul style="list-style-type: none"> <li>A. If night work is included in the contract <ul 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. <ul style="list-style-type: none"> <li>a. No Discoveries <ul style="list-style-type: none"> <li>(1) In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to CCDC via fax by 9am the following morning, if possible.</li> </ul> </li> <li>b. Discoveries <ul style="list-style-type: none"> <li>(1) All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</li> </ul> </li> <li>c. Potentially Significant Discoveries <ul style="list-style-type: none"> <li>(1) If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</li> </ul> </li> </ul> </li> </ul> </li> </ul>			

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	<p>d. The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> <li>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify CCDC immediately.</li> </ol> <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> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring. <ol style="list-style-type: none"> <li>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</li> <li>b. Recording Sites with the San Diego Natural History Museum <ol style="list-style-type: none"> <li>(1) The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.</li> </ol> </li> </ol> </li> <li>2. CCDC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>3. The PI shall submit revised Draft Monitoring Report to CCDC for approval.</li> <li>4. CCDC shall provide written verification to the PI of the approved report.</li> <li>5. CCDC shall notify the RE or BI, as appropriate, of receipt of all</li> </ol>			

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	<p>Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Fossil Remains</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.</li> <li>2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate</li> </ol> <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.</li> <li>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and CCDC.</li> </ol> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Final Monitoring Report to CCDC (even if negative), within 90 days after notification from CCDC that the draft report has been approved.</li> <li>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from CCDC which includes the Acceptance Verification from the curation institution.</li> </ol>			
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<b>AIR QUALITY (AQ)</b>				
<p><b>Impact AQ-B.1:</b></p> <p>Dust and construction equipment engine emissions generated during grading and demolition would impact local and</p>	<p><i>Mitigation Measure AQ-B.1-1:</i> Prior to approval of a Grading or Demolition Permit, the City shall confirm that the following conditions have been applied, as appropriate:</p>	<p>Prior to Demolition or Grading Permit (Design)</p>	<p>Developer</p>	<p>City</p>

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regional air quality. (Direct and Cumulative)	<ol style="list-style-type: none"> <li>1. Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 miles per hour, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold.</li> <li>2. Dust suppression techniques shall be implemented including, but not limited to, the following: <ol style="list-style-type: none"> <li>a. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the CCDC.</li> <li>b. On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized.</li> <li>c. Material transported offsite shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.</li> <li>d. The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.</li> </ol> </li> <li>3. Vehicles on the construction site shall travel at speeds less than 15 miles per hour.</li> <li>4. Material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, shall be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.</li> <li>5. Where vehicles leave the construction site and enter adjacent public streets, the streets shall be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface. Any visible track-out extending for more than fifty (50) feet from the access point shall be swept or washed within thirty (30) minutes of deposition.</li> <li>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</li> </ol>			

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	<ul style="list-style-type: none"> <li>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</li> <li>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</li> <li>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</li> <li>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</li> <li>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure (HPLV) spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</li> <li>12. If construction equipment powered by alternative fuel sources (LPG/CNG) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</li> <li>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</li> <li>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</li> <li>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</li> <li>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</li> </ul>			



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	17. If alternative-fueled and/or particulate filter-equipped construction equipment is not feasible, construction equipment shall use the newest, least-polluting equipment, whenever possible.			

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<b>PALEONTOLOGICAL RESOURCES (PAL)</b>				
<b>Impact PAL-A.1:</b> Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)	<p><i>Mitigation Measure PAL-A.1-I:</i> In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by CCDC.</p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> <li>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, Centre City Development Corporation (CCDC) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.</li> </ol> <p>B. Letters of Qualification have been submitted to CCDC</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.</li> <li>2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.</li> <li>3. Prior to the start of work, the applicant shall obtain approval from CCDC for any personnel changes associated with the monitoring program.</li> </ol> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to CCDC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</li> <li>2. The letter shall introduce any pertinent information concerning</li> </ol>	<p>Prior to Demolition or Grading Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	City Staff

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	<p>expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> <li>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 CCDC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.               <ol style="list-style-type: none"> <li>a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</li> </ol> </li> <li>2. Identify Areas to be Monitored               <ol style="list-style-type: none"> <li>a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</li> </ol> </li> <li>3. When Monitoring Will Occur               <ol style="list-style-type: none"> <li>a. Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.</li> <li>b. The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or</li> </ol> </li> </ol>			

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	<p style="text-align: center;">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 grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and CCDC of changes to any construction activities.</li> <li>2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to CCDC.</li> <li>3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.</li> </ol> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> <li>1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or PI, as appropriate.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> <li>3. The PI shall immediately notify CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.</li> </ol> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> <li>1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> <li>a. The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required.</li> </ol> </li> </ol>			

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	<p>The determination of significance for fossil discoveries shall be at the discretion of the PI.</p> <ul style="list-style-type: none"> <li>b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</li> <li>c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to CCDC unless a significant resource is encountered.</li> <li>d. The PI shall submit a letter to CCDC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</li> </ul> <p><b>IV. Night Work</b></p> <ul style="list-style-type: none"> <li>A. If night work is included in the contract <ul 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. <ul style="list-style-type: none"> <li>a. No Discoveries <ul style="list-style-type: none"> <li>(1) In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to CCDC via fax by 9am the following morning, if possible.</li> </ul> </li> <li>b. Discoveries <ul style="list-style-type: none"> <li>(1) All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</li> </ul> </li> <li>c. Potentially Significant Discoveries <ul style="list-style-type: none"> <li>(1) If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</li> </ul> </li> </ul> </li> </ul> </li> </ul>			

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	<p>d. The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> <li>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify CCDC immediately.</li> </ol> <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> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring, <ol style="list-style-type: none"> <li>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</li> <li>b. Recording Sites with the San Diego Natural History Museum <ol style="list-style-type: none"> <li>(1) The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.</li> </ol> </li> </ol> </li> <li>2. CCDC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>3. The PI shall submit revised Draft Monitoring Report to CCDC for approval.</li> <li>4. CCDC shall provide written verification to the PI of the approved report.</li> <li>5. CCDC shall notify the RE or BI, as appropriate, of receipt of all</li> </ol>			

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	<p>Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Fossil Remains</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.</li> <li>2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate</li> </ol> <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.</li> <li>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and CCDC.</li> </ol> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Final Monitoring Report to CCDC (even if negative), within 90 days after notification from CCDC that the draft report has been approved.</li> <li>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from CCDC which includes the Acceptance Verification from the curation institution.</li> </ol>			

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JAN 11 2011

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

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 16 2011

AUTHENTICATED BY:

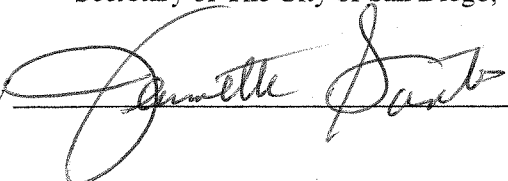
JERRY SANDERS

Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04598