

RESOLUTION NUMBER R- 296951

ADOPTED ON AUG 05 2002

WHEREAS, on July 23, 2000, Dassons-Cielo Del Mar, Ltd., submitted an application to the City of San Diego for a tentative map, street vacation, planned development permit, site development permit, neighborhood use permit and coastal development permit; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on AUG 05 2002; and

WHEREAS, the City Council considered the issues discussed in Findings to a Master Environmental Impact Report No. 40-0513; NOW, THEREFORE,

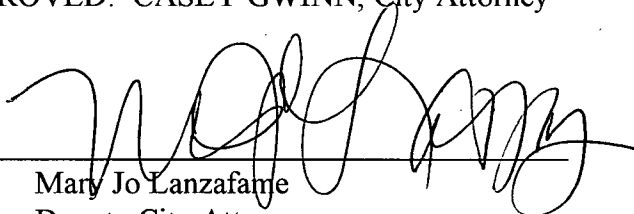
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Findings to a Master Environmental Impact Report No. 40-0513, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a tentative map, street vacation, planned development permit, site development permit, neighborhood use permit and coastal development permit for Cielo Del Mar.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
7/19/02
Or.Dept:DSD
R-2003-167
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EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
CIELO DEL MAR
APPROVAL OF
TENTATIVE MAP, STREET VACATION, PLANNED DEVELOPMENT PERMIT, SITE
DEVELOPMENT PERMIT AND COASTAL DEVELOPMENT PERMIT
TM/SV/PDP/SDP/CDP No. 1863 (LDR No. 40-0513)

This Mitigation, Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Cielo Del Mar TM/SV/PDP/SDP/CDP as may be further described below. It should be noted that when the City determines that a project is in conformance with a Master EIR, no new mitigation measures are required. The measures listed below are intended to implement the Master EIR mitigation measures on a project-specific basis.

General Measures

1. Prior to recordation of the permit, the owner/permittee shall submit a deposit of \$3,200.00 to cover the City's costs associated with ensuring the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
2. Prior to issuance of any grading permits, the Environmental Review Manager (ERM) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading, *Environmental Requirements*: "The Cielo del Mar Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the environmental document Findings to Master EIR (PTS No. 1863). The project is conditioned to include the monitoring of grading operations by a biologist, archaeologist and a paleontologist, as detailed in said document."
3. Prior to issuance of any grading permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the monitoring biologist, archaeologist and paleontologist, and staff from the City's Mitigation Monitoring Coordination Section.

Aesthetics/Neighborhood Character

4. Prior to the issuance of grading permits, the applicant shall submit a grading plan to the satisfaction of the City Engineer which incorporates contour grading of manufactured slopes as shown on the TM and PDP Exhibit A.

5. Prior to issuance of any grading permits, the ERM of LDR shall verify that the grading plans specify that the manufactured slopes adjacent to the MHPA shall be revegetated with a non-invasive, drought-tolerant plant palette.

Air Quality

6. Prior to the issuance of any grading permits, the ERM shall verify that the following measures have been incorporated into the grading plans as appropriate:
 - a. All unpaved construction areas shall be sprinkled with water or other acceptable San Diego APCD dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents shall be applied during dry weather or windy days until dust emissions are not visible.
 - b. Trucks hauling dirt and debris shall be covered to reduce windblown dust and spills.
 - c. On dry days, dirt or debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
 - d. On-site stockpiles of excavated material shall be covered or watered.

Biological Resources

7. Prior to the recordation of the first final map and/or issuance of any grading permits, direct impacts to 1.3 acres of southern maritime chaparral, 0.54 acre of disturbed southern maritime chaparral, 0.30 acre of scrub oak chaparral, 0.26 acre of Diegan coastal sage scrub, 0.61 acre of disturbed coastal sage scrub, and 0.37 acre of Diegan coastal sage scrub/chaparral ecotone shall be mitigated at a 1:1 ratio; and direct impacts to 16.59 acres of chamise chaparral, 0.97 acre of disturbed chaparral and 3.56 acres of non-native grassland shall be mitigated at a 0.5:1 ratio, to the satisfaction of the Environmental Review Manager (ERM) of Land Development Review (LDR), through on-site preservation within the MHPA in the following manner:
 - a. The owner/permittee shall record to the satisfaction of the City Manager, either a covenant of easement, or dedicate in fee title to the City of San Diego this acreage within the on-site open space. Of this amount, 2.14 acres must be in Tier I and 11.81 acres may be in Tiers I-III. The easement shall name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, define the location of the mitigation area, and identify the permissible uses and activities and/or restrictions to be placed on preserve areas, including a provision that no clearing, grubbing,

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grading or disturbance of the native vegetation shall occur within the area. Management of the preserved open space shall be the responsibility of the owner/permittee/ trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.

8. Prior to the issuance of any grading permits, the owner/permittee shall provide a letter to the ERM verifying that a qualified biologist has been retained to implement the following biological mitigation program and monitor grading activities as shown on the approved Exhibit A.
 - a. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
 - b. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A.
 - c. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.
 - d. The project biologist shall direct the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures adjacent to all graded areas, and identify locations where trench spoil may be stockpiled in order to prevent sedimentation of the habitat. The project biologist shall oversee implementation of Best Management Practices as needed to prevent any significant sediment transport.
9. If grading is to occur in the eucalyptus woodland mapped in the project Biological Technical Report (HELIX 2002) between February 1 and July 31, a pre-construction survey for raptor nests shall be conducted. If nesting raptors are located, mitigation measures to avoid disrupting breeding behavior shall be submitted and approved by EAS prior to the issuance of the grading permit.

Land Use (Multi-Habitat Planning Area)

10. The Cielo del Mar project is located adjacent to the Multi-Habitat Planning Area (MHPA). Therefore, the following Land Use Adjacency Guidelines will be made conditions of project approval:
 - a. All required lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. Bollard lighting or other lighting alternatives shall be used in place of City pole lights to the

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satisfaction of the ERM and/or City Engineer.

- b. No new, exotic, invasive species shall be utilized in, or adjacent to the MHPA. All non-irrigated hydroseeded revegetation areas and areas adjacent to the MHPA shall consist of native or non-invasive species to the satisfaction of the ERM.
 - c. No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales or detention basins are used as needed during construction. All storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City Engineering Drainage Standards shall be ensured to the satisfaction of the ERM and City Engineer.
 - d. No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of disturbance.
 - e. A six-foot high chain link fence shall be provided around the perimeter trail abutting the MHPA open space area to help control domestic pet predation of native animal species and to limit access by residents into sensitive habitats.
11. Prior to issuance of any engineering permit, the City Manager shall verify that the MHPA boundaries and the following notes regarding the coastal California gnatcatcher (gnatcatcher) are shown on the plans:

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

- a. A QUALIFIED BIOLOGIST SHALL SURVEY THOSE AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 dBA FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THESE SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE A MINIMUM OF FOUR WEEKS (WITHIN THE BREEDING SEASON) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF COASTAL CALIFORNIA GNATCATCHERS ARE PRESENT, THEN ONE OF THE FOLLOWING CONDITIONS MUST BE MET:
 - I. BETWEEN MARCH 1ST AND AUGUST 15TH, NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION

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

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

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with

the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. Such measures include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

b. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE INITIAL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.II SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THESE SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Historical Resources

12. Prior to issuance of any grading permits, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified archaeologist has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff of LDR prior to the preconstruction meeting and shall include the names of all persons involved in archaeological monitoring of this project.
13. Prior to the issuance of any grading permits, the ERM shall verify that the requirement for archaeological monitoring during removal of the cistern has been noted on the grading plans.
14. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the archaeologist, construction manager or grading contractor, resident engineer (RE) and MMC staff. The qualified archaeologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager and/or grading contractor. The archaeologist shall notify MMC staff of the start and end of monitoring.
15. If any cultural material is present, it shall be collected and analyzed, and a report of finding shall be prepared and submitted to MMC for approval by the ERM of

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LDR. The report shall be submitted prior to release of the grading bond, and shall describe the results, analysis and conclusions of the above monitoring program (with appropriate graphic). A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project.

Water Quality (Long and Short Term Mitigation Measures)

16. Prior to issuance of any grading permits, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB, satisfactory to the City Engineer. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall also be filed with the City of San Diego when received.

The SWPPP and grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into Carmel Creek, Los Peñasquitos Lagoon, and other waters. Such BMPs must fulfill the intent of City Clerk Document No. 00-17068, "Erosion Control Measures for North City Areas Draining Into Los Peñasquitos or San Dieguito Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons" (City of San Diego Municipal Code)," and shall include the following:

- a. Construction phase erosion control measures shall be employed including, but not limited to: earthen berms, gravel bags, silt fences, temporary storm drains, desilting basins, energy dissipating devices, bladed swales, geotextile mats, plastic sheeting, and hydroseeding or other vegetation and irrigation practices along all graded areas to minimize sediment transport. Erosion and runoff control measures shall be in place prior to major grading activities. Rice straw or sterilized hay bales shall be used to reduce the risk of introducing non-native invasive plant species into natural open space.
- b. Surface drainage shall be designed to collect and move runoff into natural stream channels or drainage structures, which are adequately sized for a 100-year storm or as required by the City Engineer.
- c. Surface and subsurface drainage shall preclude ponding outside of designated areas and sheet flow down slopes.
- d. Runoff diversion facilities (e.g., inlet pipes, grass-lined swales, french drains, and brow ditches) shall be used, where appropriate to preclude runoff flow down graded slopes.

- e. Energy-dissipating structures (e.g., detention ponds, rip rap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all drainage channels to reduce velocity and prevent erosion.
 - f. Developed areas shall be surfaced with pervious (porous) materials where ever feasible to increase infiltration and decrease surface runoff.
 - g. Drainage from the inside portion of perimeter lots, internal lots, and the internal circulation system shall be directed to grass-lined swales or equivalent measures designed to filter runoff. Drainage from the off-site roadway shall be directed to privately-maintained mechanical filtering devices.
 - h. Specified vehicle fueling, maintenance procedures and hazardous materials storage areas shall be clearly designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). The SWPPP shall include measures to preclude spills and provide for the containment of any hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
17. Prior to issuance of any grading permits, the applicant shall provide a SWPPP which includes a site plan on which the grading footprint (development area) is identified as shown on the approved Exhibit A.
18. All construction activities (including staging areas) shall be restricted to the development area. Development shall comply with all requirements of the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In addition, the permittee/owner(s) and subsequent permittee/owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.
19. Grading shall be minimized during the rainy season (October 31 to April 1). If grading is conducted during this period, the contractor shall install temporary erosion control measures such as silt fences, hay bales, debris basins, etc., as required by the City Engineer to prevent erosion damage.
20. A maintenance and follow-up program shall be implemented which considers disposal locations for sediment removed from control structures, wet-weather emergency plans, a 24-hour phone maintenance person contact, methods and the responsible party for removal of temporary control structures.
21. The owner/permittee shall hydroseed all applicable areas within 90 days of

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completion of grading activities with appropriate ground cover vegetation (e.g., use of native or noninvasive plants) to the satisfaction of the ERM of LDR in conformance with the requirements of Chapter 14 of the City's Land Development Code (Landscape Standards).

Paleontological Resources

22. Prior to issuance of the grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff of LDR at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the paleontological monitoring of this project.
23. Prior to the issuance of any grading permits, the ERM shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
24. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction manager or grading contractor, resident engineer (RE), and MMC staff. The qualified paleontologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17 inches) that identifies areas to be monitored. The paleontologist also shall submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.
25. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City RE shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principal investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.
26. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.

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27. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
28. Prior to the release of the grading bond, two copies of the monitoring results report which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphic) shall be submitted to MMC for approval by the ERM of LDR. A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.

Revised (2002) monitoring language for Historical Resources (Archaeology) and Paleontological Resources:

Historical Resources (Archaeology)

Prior to Preconstruction (Precon) Meeting

1. Land Development Review (LDR) Plan Check
Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for archaeological monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been Submitted to ERM
Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the monitoring program.
3. Second Letter Containing Names of Monitors has been sent to MMC.
 - h. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to Mitigation Monitoring Coordination (MMC) which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Archaeological Monitoring of the project.
 - i. MMC will provide Plan Check with a copy of both the first and second letter.
4. Records Search Prior to Precon Meeting
At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

1. Monitor Shall Attend Precon Meetings
 - a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - b. If the Monitor is not able to attend the Precon Meeting, the RE or BI, if

appropriate, will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

2. Identify Areas to be Monitored

At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.

3. When Monitoring Will Occur

Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. Monitor Shall be Present During Grading/Excavation

The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

2. Discoveries

a. Discovery Process

In the event of a discovery, and when requested by the Archaeologist, or the PI if the Monitor is not qualified as a PI, the RE or BI, as appropriate, shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The PI shall also immediately notify MMC of such findings at the time of discovery. MMC will coordinate with appropriate LDR staff.

b. Determination of Significance

The significance of the discovered resources shall be determined by the PI in consultation with LDR and the Native American Community, if applicable. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared, approved by DSD and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

3. Human Remains

If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) as follows:

a. Notification

- (1) Archaeological Monitor shall notify the RE or BI as appropriate, PI, if the Monitor is not qualified as a PI, and MMC. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
 - (2) The PI shall notify the County Coroner after consultation with the RE, either in person or via telephone.
- b. Stop work and isolate discovery site
- (1) RE or BI, as appropriate, shall stop work immediately in the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the County Coroner in consultation with the PI concerning the origin of the remains and the cause of death.
 - (2) The County Coroner, in consultation with the PI, shall determine the need for a field investigation to examine the remains and establish a cause of death.
 - (3) If a field investigation is not warranted, the PI, in consultation with the County Coroner, shall determine if the remains are of Native American origin.
- c. If Human Remains are Native American
- (1) The Coroner shall notify the Native American Historic Commission (NAHC).
(By law, **ONLY** the Coroner can make this call.)
 - (2) NAHC will identify the person or persons it believes to be the Most Likely Descendent (MLD).
 - (3) The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment, with appropriate dignity, of the human remains and any associated grave goods (PRC 5097.98).
- d. If Human Remains are not Native American
- (1) The PI shall contact the NAHC and notify them of the historical context of the burial.
 - (2) NAHC will identify the person or persons it believes to be the MLD.
 - (3) The MLD may make recommendations to the land owner or PI responsible for the excavation work to determine the treatment of the human remains (PRC 5097.98).
 - (4) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner, the NAHC and the Museum of Man.
- e. Disposition of Human Remains
- The land owner, or his authorized representative, shall reinter the Native American human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface

disturbance, IF:

- (1) 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;
- (2) 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.

4. Night Work

- a. If night work is included in the contract
 - (1) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - (2) The following procedures shall be followed.
 - (a) No Discoveries
In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.
 - (b) Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures under **During Construction**; 2., a. & b, will be followed, with the exception that the PI will contact MMC by 8AM the following morning to report and discuss the findings.
- b. If night work becomes necessary during the course of construction
 - (1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - (2) The RE, or BI, as appropriate, will notify MMC immediately.
- c. All other procedures described above will apply, as appropriate.

5. Notification of Completion

The Archaeologist shall notify MMC and the RE or the BI, as appropriate, in writing of the end date of monitoring.

Post Construction

1. Handling and Curation of Artifacts and Letter of Acceptance
 - a. The Archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 - b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.
3. Final Results Reports (Monitoring and Research Design And Data Recovery

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Program)

- a. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Archaeological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.
- b. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the Final Results Report.
- c. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

4. Recording Sites with State of California Department of Park and Recreation

The Archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Results Report.

Paleontological Resources

Prior to preconstruction (precon) meeting

1. Land Development Review (LDR) Plan Check
Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Environmental Review Manager (ERM) of LDR shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
2. Letters of Qualification have been Submitted to ERM
Prior to the recordation of the first final map, NTP, and/or, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Archaeologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.
3. Second Letter Containing Names of Monitors has been sent to MMC.
 - a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to Mitigation Monitoring Coordination (MMC) which shall include the name of the Principal Investigator (PI) and the names of all persons involved in the Paleontological Monitoring of the project.
 - b. MMC will provide Plan Check with a copy of both the first and second letter.

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4. **Records Search Prior to Precon Meeting**

At least thirty days prior to the Precon meeting, the qualified Paleontologist shall verify that a records search has been completed, and updated as necessary, and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution, or, if the record search was in-house, a letter of verification from the PI stating that the search was completed.

Precon Meeting

1. **Monitor Shall Attend Precon Meetings**

- a. Prior to beginning of any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Paleontologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building inspector (BI), and MMC. The qualified Paleontologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the Construction Manager and/or Grading Contractor.
- b. If the Monitor is not able to attend the Precon Meeting, the RE, or BI as appropriate, will schedule a focused Precon Meeting for MMC, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

2. **Identify Areas to be Monitored**

At the Precon Meeting, the Paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored.

3. **When Monitoring Will Occur**

Prior to the start of work, the Paleontologist also shall submit a construction schedule to MMC through the RE, or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

During Construction

1. **Monitor Shall be Present During Grading/Excavation**

- a. The qualified Paleontologist shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity, and shall document activity via the Consultant Site Visit Record (form). This record shall be faxed to the RE, or BI as appropriate, and MMC each month.

2. **Discoveries**

a. **Minor Paleontological Discovery**

In the event of a minor Paleontological discovery (small pieces of broken common shell fragments or other scattered common fossils) the Paleontologist

shall notify the RE, or BI as appropriate, that a minor discovery has been made. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist will continue to monitor the area and immediately notify the RE, or BI as appropriate, if a potential significant discovery emerges.

b. **Significant Paleontological Discovery**

In the event of a significant Paleontological discovery, and when requested by the Paleontologist, the city RE, or BI as appropriate, shall be notified and shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified Paleontologist. The Paleontologist with Principal Investigator (PI) level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will coordinate with appropriate LDR staff.

4. **Night Work**

a. If night work is included in the contract

(1.) When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

(2.) The following procedures shall be followed:

(a) **No Discoveries**

In the event that nothing was found during the night work, The PI will record the information on the Site Visit Record Form.

b. **Minor Discoveries**

(1) All Minor Discoveries will be processed and documented using the existing procedures under 2. a., with the exception that the RE will contact MMC by 9 A.M. the following morning.

c. **Potentially Significant Discoveries**

(1) If the PI determines that a potentially significant discovery has been made, the procedures under 2.b., will be followed, with the exception that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.

d. If night work becomes necessary during the course of construction

(1.) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

(2) The RE, or BI, as appropriate, will notify MMC immediately.

e. All other procedures described above will apply, as appropriate.

5. **Notification of Completion**

The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

Post Construction

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

1. **Submit Letter of Acceptance from Local Qualified Curation Facility.**
The Paleontologist shall be responsible for submittal of a letter of acceptance to ERM of LDR from a local qualified curation facility. A copy of this letter shall be forwarded to MMC.

2. **If Fossil Collection is not Accepted, Contact LDR for Alternatives**
If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project Paleontologist shall contact LDR, to suggest an alternative disposition of the collection. MMC shall be notified in writing of the situation and resolution.

3. **Recording Sites with San Diego Natural History Museum**
The Paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

4. **Final Results Report**
 - a. Prior to the release of the grading bond, two copies of the Final Results Report (even if negative), which describes the results, analysis, and conclusions of the above Paleontological Monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR.
 - b. MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

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