

RESOLUTION NUMBER R- 297096

ADOPTED ON SEP 24 2002

WHEREAS, on May 28, 1999, Western Pacific Housing - Torrey Meadows, LLC, submitted an application to the City of San Diego for an amendment to the Progress Guide and General Plan and the Torrey Highlands Subarea IV Plan; a tentative map and open space easement abandonment, a rezone, and a planned residential development/resource protection ordinance permit for the Shaw Property project; 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 SEP 24 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 99-0518; NOW, THEREFORE,

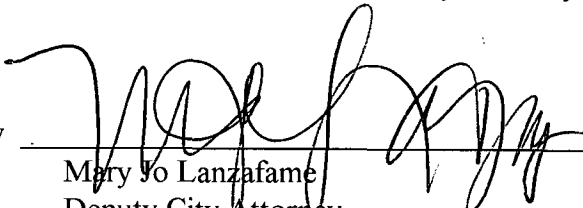
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 99-0518, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the 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 the Shaw Property project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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
8/19/02
Or.Dept:DSD
R-2003-275
Form=mandr.frm

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SHAW PROPERTY

EASEMENT VACATION, REZONE, VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT, HILLSIDE PROTECTION, TORREY HIGHLANDS SUBAREA IV PLAN AMENDMENT, AND RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0518

LDR NO. 99-0518

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration LDR No. 99-0518 shall be made conditions of EASEMENT VACATION, REZONE, VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT, HILLSIDE PROTECTION, TORREY HIGHLANDS SUBAREA IV PLAN AMENDMENT, AND RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0518 as may be further described below.

General

1. The mitigation monitoring and reporting program will require an additional \$5,000.00 deposit to be collected after project approval and prior to recordation of any permit(s) or final map(s) to ensure the successful completion of the monitoring program.

Paleontological Resources

1. Prior to the recordation of the first final map, and/or issuance of a Notice To Proceed (NTP), grading permit, or demolition permit, the applicant shall provide a letter of verification to the Assistant Deputy Director (ADD) of Land Development Review (LDR) stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A second letter shall be submitted to Mitigation Monitoring Coordination (MMC) 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.

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2. Prior to the issuance of the first grading permit, the ADD of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
3. Prior to beginning construction (any work on site) the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. 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 11"X17") that identifies areas to be monitored. The paleontologist also shall submit a construction schedule indication when monitoring is to occur. The paleontologist shall notify MMC of the start and end of monitoring.
4. The qualified paleontological monitor 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. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
5. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City Resident Engineer (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 appropriate LDR staff contact for consultation.
6. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. 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.
7. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

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8. Prior to the release of the grading bond, two monitoring results reports (even if negative), that describe the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR and one copy sent to the RE.

Hydrology/Water Quality

1. Prior to the issuance of the first grading permit, the Assistant Deputy Director of Land Development Review (ADD of LDR) shall verify that the following measures have been incorporated into the grading and/or landscaping plans and/or project design as appropriate:

Hydrology/Water Quality: Construction Phase (Short Term Mitigation Measures)

- A. Prior to issuance of any grading permits, development of this project shall comply with all requirements of the State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), and the owner/permittee shall submit evidence to the satisfaction of the ADD of LDR. In accordance with said permit, 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.

Prior to issuance of any grading permits, 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; 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.

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. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

- B. A Dewatering Discharge Permit (NPDES No. CA1018804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions, pursuant to direction from the RWQCB.
- C. The SWPPP shall identify all applicable erosion control devices to be used during construction. These may include (but may not be 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.
- D. Grading plans shall clearly identify the type and location of erosion control devices to preclude any potential erosion impacts to the sensitive habitats to be preserved (including wetlands) within and adjacent to the project footprint as shown on the approved Exhibit A.
- E. Prior to issuance of any grading permits, the owner/permittee shall provide a letter to the ADD of LDR verifying that a qualified biologist has

been retained to monitor grading activities (and ensure implementation of water quality measures as needed) adjacent to the sensitive habitat to be preserved, as shown on the approved Exhibit A. The project biologist shall also be responsible for the monitoring of any other grading activities (and ensure implementation of water quality measures as needed) adjacent to off-site sensitive habitats, as shown on the approved Exhibit A.

- F. The SWPPP shall include a site plan on which the grading footprint (development area) is identified as shown on the approved Exhibit A. All construction activities (including staging areas) shall be restricted to the development area of this or other fully permitted project. 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.
- G. The owner/permittee shall hydroseed all applicable areas within 90 days of completion of grading activities with appropriate ground cover vegetation (e.g., use of native or non-invasive plants) to the satisfaction of the ADD of LDR in conformance with the City's *Landscape Standards*. Permanently irrigated slopes shall be maintained for a minimum period of 90 days and non-permanently irrigated areas shall be maintained for a minimum period of 25 months, to the satisfaction of the City Manager. Re-vegetated areas shall be inspected monthly by a qualified biologist/landscape architect until vegetation is considered to have established to the satisfaction of the City Manager.

Hydrology/Water Quality: Post-Construction/Operational (Long Term Mitigation Measures)

- 2. Prior to the issuance of any grading permits, the Assistant Deputy Director of Land Development Review (ADD of LDR) shall verify that the type and location of post-construction Best Management Practices (BMPs) are clearly identified on the site plan(s). All runoff shall be routed through catch basin filter inserts or equivalent structural BMPs prior to flowing into the natural draw and/or conveyance into the public drainage system. All surface runoff shall be filtered/treated for removal of sediment, and oil/grease prior to leaving the site.
- 3. Prior to the issuance of the first Certificate of Occupancy, the following mitigation measures shall be incorporated into the project design to the satisfaction of the ADD of LDR and the City Engineer:
 - A. Grass-lined swales, detention basins, and rip-rap energy dissipaters shall be constructed to reduce (infiltrate) sediment and pollution in storm water prior to entering the public storm drain system. These BMPs shall be maintained as necessary by the property owner(s).
- 4. The subdivider shall show the type and location of all post-construction BMPs on the final construction drawings.
- 5. The subdivider shall prepare a report to be submitted with the final construction drawings addressing the BMPs maintenance schedule, maintenance costs, and who will be responsible for the future maintenance and associated costs. This report will also describe the types of pollutants that would be generated post-development, the pollutants to be

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captured by the BMPs, and the quality of the resultant discharge.

Biological Resources

1. Prior to the issuance of the first final map and/or issuance of the first grading permit, the City Manager shall verify that impacts to sensitive biological resources has been mitigated through the following methods:
 - A. Acquisition of 0.9 acres of Diegan coastal sage scrub and/or coyote brush scrub habitat within the Subarea IV Multi-Habitat Planning Area (MHPA); or acquisition of 1.8 acres of Diegan coastal sage scrub and/or coyote brush scrub habitat within the MHPA outside of Subarea IV to mitigate for impacts to 0.9 acres of Diegan coastal sage scrub and/or coyote brush scrub habitat outside of the MHPA; and
 - B. Acquisition of 9.74 acres of non-native annual grassland habitat within the Subarea IV MHPA, not including McGonigle Canyon; or acquisition of 9.74 acres of higher Tier (I, II, or IIIA), native habitat within the McGonigle Canyon MHPA; or acquisition of 19.4 acres of non-native grassland habitat within the MHPA, outside of Subarea IV to mitigate for impacts to 9.74 acres of non-native annual grassland habitat outside of the MHPA; and/or
 - C. Payment into the City of San Diego's Habitat Acquisition Fund (Fund No. 10571) for a portion of the impacts may be accepted. The approximate cost per acre of mitigation land is \$45,000, with a 10% administrative fee added to the mitigation costs.
2. An additional amount of grading may occur off-site to the north of Unit 1 for construction of the sewer line connection that would include 0.7 acres of Diegan coastal sage scrub impacts located within the MHPA, and 0.2 acres of Diegan coastal sage scrub, 0.9 acres of non-native annual grassland, and 0.2 acres of chamise chaparral impacts located outside of the MHPA. This sewer connection is to serve four proposed developments south of McGonigle Canyon, connecting to the existing trunk sewer in McGonigle Canyon. The first of the four projects to apply for and receive approved grading plans shall submit a biological resources report quantifying the impacts to biological resources, and propose and provide mitigation for any impacts. Should this project not be the first to apply for and/or receive approved plans, the applicant shall submit to the ADD of LDR documentation that another owner/permittee has provided this report and mitigation. Whichever project is first permitted (grading permits approved) is responsible for mitigating impacts resulting from construction of the sewer line connection, at the appropriate mitigation levels and consistent with the Subarea IV EIR as described in the Initial Study.
3. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall provide a letter to the ADD of LDR verifying that a qualified biologist has been retained to implement the biological mitigation measures as outlined below:
 - A. If construction occurs during the breeding season of the California gnatcatcher, March 1 through August 15, the following measures shall be implemented:
 - i) Prior to the commencement of grading, the project biologist shall survey those areas of the MHPA within 500 feet of any construction activity in accordance with the USFWS protocol for determining the presence/absence of gnatcatchers and shall notify the ADD of the results.
 - ii) If no California gnatcatchers are found to be present, then no additional measures are required.

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- iii) If it is determined that California gnatcatchers are present, construction operations shall be suspended or noise/line of sight barrier(s) shall be constructed to buffer noise at the edge of the occupied habitat. The location of any such barrier(s) shall be determined by the project biologist.
 - iv) Construction noise shall be monitored by an acoustical expert on an ongoing basis to verify that noise at the edge of gnatcatcher occupied areas of the MHPA is maintained below 60 dB hourly average. If the level is exceeded, additional measures, such as restrictions on the simultaneous use of equipment, shall be implemented to the satisfaction of the ADD. If such measures are not effective, construction activities shall cease in the area of occupied habitat within the MHPA.
 - v) Monthly letter reports shall be provided to the ADD with the results of noise monitoring and an assessment of the breeding/nesting behavior of the gnatcatchers.
- B. The qualified biologist shall ensure that all construction taking place within and adjacent to the MHPA is consistent with the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines including:
- i) All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
 - ii) 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 ADD.
 - iii) No direct drainage into the MHPA shall occur during and after construction. The biologist shall ensure that filtration devices, swales, and/or detention basins are used as needed during construction.
 - iv) No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of construction-related activities.
- C. The applicant shall submit a detailed revegetation plan for the project prior to the issuance of the first grading plan. This plan shall include an annual monitoring program for five years or until the revegetation plan is satisfied. The annual monitoring report will be submitted by the applicant's consultant to the ADD of LDR. The ADD will determine when the revegetation plan has been satisfied in consultation with staff from MSCP.

Transportation/Circulation

1. Prior to the issuance of the first building permit, the project shall conform to the Torrey Highlands Subarea IV land use plan dated July 1996, the transportation phasing plan in the Public Facilities Financing Plan dated October 1996, and the final EIR/traffic study dated June 1996.
2. Prior to the recordation of the first final map, the applicant shall construct a traffic signal at the intersection of Torrey Meadows Drive and Private Drive 'Q', satisfactory to the City Engineer.
3. Prior to the recordation of the first final map, the applicant shall construct Private Drive

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- 'Q' with a minimum pavement width of 36 feet within 66 feet of parkway, satisfactory to the City Engineer.
4. Prior to the recordation of the first final map, the applicant shall construct Torrey Santa Fe Road as a standard two-lane collector street with a two-way left-turn lane and with a minimum pavement width of 52 feet within 82 feet of right-of-way along the project's frontage, satisfactory to the City Engineer.
 5. Prior to the recordation of the first final map, the applicant shall construct Torrey Meadows Drive from Torrey Santa Fe to the State Route (SR) 56 bridge as a two-lane collector street with a minimum pavement width of 40 feet within 60 feet of right-of-way, satisfactory to the City Engineer. The applicant shall provide an interim 35-foot curb-to-curb radius within 40 feet of right-of-way at the northeastern end of Torrey Meadows Drive prior to the bridge over SR-56, satisfactory to the City Engineer.
 6. Prior to the recordation of the first final map, the applicant shall construct Torrey Meadows Drive from the SR-56 bridge as a two-lane collector street with a minimum pavement width of 40 feet within 60 feet of right-of-way, satisfactory to the City Engineer. The applicant shall provide an interim cul-de-sac with a 35-foot curb-to-curb radius within 40 feet of right-of-way at the western end of Torrey Meadows Drive prior to the bridge over SR-56, satisfactory to the City Engineer.
 7. Prior to the recordation of the first final map, the applicant shall construct a traffic signal at the intersection of Torrey Santa Fe and Private Drive A/Torrey Santa Fe Court, satisfactory to the City Engineer.
 8. Prior to the recordation of the first final map, the applicant shall design the proposed project to accommodate the planned SR-56 freeway and Torrey Meadows Drive bridge, satisfactory to the City Engineer.
 9. Prior to the recordation of the first final map, the Assistant Deputy Director (ADD) of the Land Development Review (LDR) Division shall assure that the following notes appear on the Vesting Tentative Map:
 - A. The applicant shall coordinate the construction of the interim cul-de-sac on Torrey Meadows Drive with Fairbanks Country Villas (VTM 99-0329).
 - B. A minimum of 100 feet is required for Private Drive unit setbacks to allow for driveway access and parking.

Noise

1. Prior to the issuance of the Certificate of Occupancy (COO), the owner/permittee shall incorporate sound attenuation measures as described in the acoustical reports (*Shaw Property-Site Specific Exterior Noise Study*. Dudek & Associates, Inc. May 13, 2001., *North Shaw Noise Attenuation Update*. Giroux & Associates. January 24, 2002., and *South Shaw Noise Attenuation Update*. Giroux & Associates. January 24, 2002.) to the satisfaction of the ADD of LDR. The following lot information is subject to change with further project refinement, however, all noise impacts shall be confirmed to be mitigated to below a level of significance requirements prior to issuance of the COO.
 - A. A five-foot-high soundwall must be constructed along the backyards of lots 1-12, 14-28, and 62-70.
 - B. A six-foot-high soundwall must be constructed along the backyard and sideyard of lot 29.

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- C. A six-foot-high soundwall on top of a six- to 15-foot-high earthen berm must be constructed along Private Drive 'J', and to the north of the backyards/sideyards of lots 48-52 and 59-61.
 - D. A six-foot-high soundwall on top of a three- to five-foot-high earthen berm must be constructed along Private Drive 'N' and along the southern sideyard of building 116.
 - E. All soundwalls must have a minimum surface density of 3.5 pounds per square foot and may consist of masonry material, plexiglass, tempered glass, or a combination of these materials. The soundwalls must be designed with no openings or cracks.
2. Prior to the issuance of building permits, a final acoustical report shall be submitted for Lots 1-12, 14-30, 41-53, and 59 - 61 to determine if the interior CNEL for these lots would exceed 45 dB. If interior noise levels are projected to exceed 45 dB, mitigation recommended in the noise report shall be incorporated into the final plans and specifications prior to the issuance of the project building permit. Potential mitigation would include, but is not limited to, the incorporation of air conditioning and/or mechanical ventilation and possibly sound-rated windows.

Public Safety

- 1. Prior to issuance of certificates of occupancy, the applicant shall contribute a fair share of funding relative as specified in the Subarea IV, Torrey Highlands EIR, Mitigation Monitoring and Reporting Program, which includes funding for the future development of fire stations, schools, parks, libraries.
 - A. Prior to the issuance of each building permit, a fire response time analysis shall be submitted to the ADD of LDR for the building permit in question. If the structure is located outside of a six-minute response time from an existing or planned fire station, a fire sprinkler system shall be installed in the structure(s) satisfactory to the ADD of LDR and the City Fire Marshall.
- 2. In order to reduce the amount of solid waste that is processed at landfills, the City of San Diego has adopted a recycling ordinance and Source Reduction and Recycling Element (SRRE). As required by the Subarea Plan, the project must comply with SRRE recycling measures and City Council Policy 900-06.
- 3. Prior to the issuance of the grading permit, a Phase I site assessment shall be conducted by a qualified hazardous waste consultant. Should contaminated soil be encountered, an industrial hygienist shall be consulted to determine specific health and safety measures for on-site construction workers. The assessment should include soil sampling and analysis for the presence and/or concentration of chlorinated herbicides and pesticides. The Phase I site assessment shall be submitted to the ADD of LDR for review and concurrence and to the County of San Diego Department of Environmental Health for additional guidance.

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,

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the Assistant Deputy Director (ADD) 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 ADD
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 ADD 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
 - 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 Archaeological Monitoring of the project.
 - B. 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 (reference *Archaeological Significance Evaluation of CA-SDI-10, 306 Future Urbanizing Sub-Area IV City of San Diego, California*, August 1999, Figure No. 5) 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.

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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**

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- (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.

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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.
2. Final Results Reports (Monitoring and Research Design And Data Recovery 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 ADD 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.
3. 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.