

RESOLUTION NUMBER R-298227

ADOPTED ON JULY 22, 2003

WHEREAS, Citymark Development, LLC, Owner/Permittee, submitted an application to the City of San Diego for a Site Development Permit No. 012921, and Tentative Map No. 012922 for the Egyptian project; and

WHEREAS, on May 29, 2003, the Planning Commission of the City of San Diego considered Site Development Permit No. 012921, and voted to approve the Permit; and

WHEREAS, the project was appealed to the City Council of the City of San Diego; and

WHEREAS, on July 22, 2003, the City Council of the City of San Diego voted to deny the appeal and upheld the Planning Commission's May 29, 2003, decision to approve the 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 July 22, 2003; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration 5331; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the appeal is denied and the decision of the Planning Commission, certifying Mitigated Negative Declaration No. 5331, is upheld.

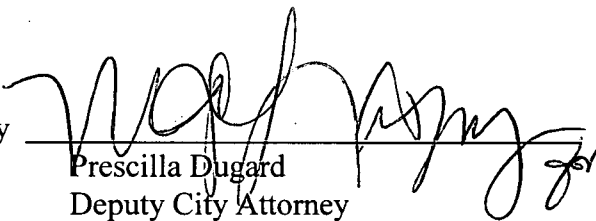
BE IT FURTHER RESOLVED, that it is certified that Mitigated Negative Declaration No. 5331, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State 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 the land use actions for The Egyptian 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 herein 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 as Exhibit A, 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 
Prescilla Dugard
Deputy City Attorney

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Or.Dept:Dev.Svcs.
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
THE EGYPTIAN
TENTATIVE MAP and SITE DEVELOPMENT PERMIT (TM/SDP)
PROJECT NO. 5331

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 Mitigated Negative Declaration No. 5331 shall be made conditions of TENTATIVE MAP/SITE DEVELOPMENT as may be further described below.

MMRP Deposit

1. After project approval by the Decisionmaker and prior to issuance of any discretionary approval(s), the applicant shall submit a deposit of \$3200.00 to the Development Project Manager in Development Services Department to cover the City's costs associated with implementation of the Mitigation, Monitoring and Reporting Program (MMRP).

HISTORICAL RESOURCES (ARCHITECTURAL)

The following monitoring program incorporates all requirements necessary for the demolition, documentation, treatment and preservation associated with the Park Theatre/Bush Egyptian Theatre. This program is in compliance with the City of San Diego's Historical Resources Regulation and the Treatment Plan prepared by Alexander Bevil entitled "Recommendations for the Treatment of the 1926-Era Bush Egyptian Theatre Monumental Entry" (September 2002).

Demolition, Documentation, Treatment and Preservation Program

Prior to preconstruction (precon) meeting

1. Land Development Review (LDR) Plan Check
Notes on plan
 - A. Prior to the issuance of any permits, including but not limited to, the first Grading/Demolition Permit, the Environmental Review Manager (ERM) shall verify that the requirement for historical monitoring during demolition/partial demolition, construction and reconstruction have been noted on the appropriate construction documents.
 - B. The applicant shall implement the Documentation (DP) and Treatment Plans (TP) as indicated in Items 4 and 5 below.
 - C. The DP Program can be implemented prior to Precon Meeting.

However, monitoring can not begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.

- D. Physical description, including the year and type of structure, and extent of demolition shall be noted on the plans.
 - E. Demolition work can not begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.
2. Letters of Qualification have been submitted to ERM
- A. Prior to the issuance of any permits, including but not limited to, a grading permit or other discretionary action, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified Historian and/or Architectural Historian, as defined in the City of San Diego Historical Resources Guidelines (HRG), has been retained to implement the demolition monitoring program, DP and TP for as noted on the plans.
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) of LDR and shall include the name of the Principal Investigator (PI) and all persons involved in the historical monitoring of this project and shall be approved by ERM prior to the first Precon Meeting.
 - B. MMC will provide Plan Check with a copy of both the first and second letter.
4. Documentation Program (DP)
Prior to the first Precon Meeting and/or issuance of a Demolition or Grading Permit, the DP shall be submitted to the Environmental Analysis Section (EAS) for approval by the ERM of LDR and shall include the following:
- A. Photo Documentation
 - (1) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible.
 - (2) Xerox copies of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board, the Land Development Review Division and the South Coastal Information Center. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and other historical society or groups, if applicable. Timing

for distribution of the entire DP to the above groups must be coordinated with EAS.

- B. Required drawings
 - (1) Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36", standard scale is 1/4" = 1 foot.
 - (2) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the Land Development Review Division and the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and other historical society or groups. Timing for distribution of the entire DP to the above groups must be coordinated with EAS.
- C. Completion of DP
 - (1) Prior to the first Precon Meeting, a letter shall be obtained from EAS and copied to MMC verifying that the DP has been approved.
- 5. Treatment Plan (TP)
 - A. Prior to the start of any work, the Historian and/or Architectural Historian shall provide verification to the ERM of LDR that the TP has been completed as indicated on "Exhibit A" of the construction plans and in compliance with the Historical Treatment Report dated September 2002. The TP shall include structural stabilization of the historically designated portions of the building to remain and removal of non-designated portions of the building including existing interior finishes, wiring, plumbing and mechanical devices, interior walls, lighting fixtures and all elements not included in the historical designation in accordance with the September 2002 report by Alexander Bevil. The TP shall also include a historical paint color analysis to ensure compliance with the 2002 Bevil report.
 - B. The TP shall include photo documentation during the preservation, restoration and reconstruction process upon completion. Such documentation shall be included in the Final Results Report (FRR) as indicated below.

Precon Meeting

- 6. Monitor Shall Attend Precon Meetings
At least thirty days prior to the implementation of the monitoring program, the Applicant shall arrange a Precon Meeting which includes the Historian and/or Architectural Historian, Construction Manager, Grading Contractor, Resident Engineer (RE), Building Inspector (BI), as appropriate, and MMC. In addition, the Historian and/or Architectural

Historian shall attend any focused grading-related Precon Meetings at the request of MMC to make comments and/or suggestions concerning the historical monitoring program with the Construction Manager and/or Grading Contractor.

7. **Submit Letter of Verification of approval of DP**
A letter of verification that the DP has been approved by ERM shall be submitted to the RE or BI, as appropriate, at the first Precon Meeting and copy provided to MMC.
8. **Identify Areas to be Monitored**
At the Precon Meeting the Historian and/or Architectural Historian shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored and involved in the DP and TP as noted above.
9. **DP, TP and Construction Monitoring Schedule**
Prior to the start of any work the Historian and/or Architectural Historian shall submit a construction schedule for implementation of the DP and TP 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.

During construction

1. **Monitor Shall be Present During Implementation of DP, TP, Grading/Excavation and/or Demolition**
 - A. The Historian and/or Architectural Historian shall be present during all grading/excavation and/or demolition activities as indicated in B.2., above. The Historian and/or Architectural Historian shall document activity via the Consultant Site Visit Record.
2. **Night Work**
 - A. If night work is included in the contract,
 - (1) The extent and timing shall be presented and discussed at the precon meeting.
 - (2) All work shall be recorded on the Site Visit Record and the RE, or BI, as appropriate, will notify MMC of any unusual circumstances by 9AM the following morning.
 - (3) MMC will coordinate with LDR staff, as appropriate.
 - B. If night work becomes necessary during the course of the project
 - (1) The PI shall notify the RE, or BI, as appropriate a minimum of 24 hours before 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.

Post construction

1. **Final Results Report (Historic DP)**
After completion of the MMRP, the Final Results Report (FRP), including historic DP shall be submitted to MMC for review by the ERM of LDR.
2. **Verification of Historic DP Distribution**
Prior to release of the grading bond and/or issuance of any additional

Building Permits or Certificate of Occupancy, the Historical Consultant shall provide verification to the ERM of LDR that copies of the historic DP have been distributed as indicated in 4. above.

3. MMC will notify the Re or BI, as appropriate, of receipt of the Final Results Report.

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. **If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.**
3. Second Letter Containing Names of Monitors has been sent to Mitigation Monitoring Coordination (MMC)
 - a. At least thirty days prior to the Precon Meeting a second letter shall be submitted to 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 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 the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:
 - a. Notification
 - (1) Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
 - (2) The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
 - b. Isolate discovery site
 - (1) Work will be redirected from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.

- (2) The Medical Examiner, in consultation with the PI, shall determine the need for a field examine to determine the provenience.
 - (3) If a field examination is not warranted, the Medical Examiner, shall determine with input from the PI, if the remains are or are most likely to be of Native American origin
- c. If Human Remains are Native American
If Human Remains are determined to be Native American
- (1) The Medical Examiner shall notify the Native American Historic Commission (NAHC). (By law, **ONLY** the Medical Examiner can make this call).
 - (2) The NAHC will contact the PI within 24 hours of sooner, after the Medical Examiner has completed coordination.
 - (3) NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide.
 - (4) The PI will coordinate with the MLD for additional consultation.
 - (5) Disposition of Native American Human Remains will be determined between the MLD and the PI IF:
 - (a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - (b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the land owner or their authorized representative shall re-inter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.
- d. If Human Remains are **NOT** Native American
- (1) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - (2) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - (3) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the land owner and the Museum of Man.

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.
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 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.
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.

HUMAN HEALTH/PUBLIC SAFETY HAZARDOUS MATERIALS

1. Prior to the preconstruction meeting, the applicant shall provide verification, in letter form to the ERM of LDR that the County of San Diego, Department of Environmental Health has reviewed and approved the proposed work plan for the treatment and disposal of hazardous materials or contaminated soils that may be encountered within the project site.

NOISE

1. Prior to preconstruction meeting, the the ERM of LDR shall verify that the requirement for "Noise Mitigation" has been noted on the appropriate construction documents as part of the Building Plan Check process.
2. Prior to Final Inspection or issuance of the Certificate of Occupancy, the applicant shall incorporate sound attenuation measures as indicated on the Tentative Map, and as described in the Noise Analysis dated September 27, 2002 to the Satisfaction of the City Engineer. Specifically, plans shall indicate a solid four-foot-high sound attenuation barrier around each affected balcony as depicted in the Noise Analysis and on the approved Tentative Map to reduce noise in exterior usable areas to below 60 dBA CNEL. The use of transparent materials, such as acrylic panels is acceptable.
3. Prior to issuance of any building permit, a final acoustical report shall be submitted to the Acoustical Plan Check Section (APCS) which includes measures ensuring that interior noise levels are below 45 dBA CNEL based on the average daily traffic volumes (ADTs) along Park Boulevard and University Avenue. EAS shall not approve any final building plans until the APCS has reviewed the plans to determine conformance with all applicable Municipal Code requirements.

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 Mitigation Monitoring Coordination (MMC).
 - a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to 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.
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.

3. 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 **During Construction 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 **During Construction 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.
 - 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.
4. Notification of Completion
The Paleontologist shall notify MMC and the RE, or BI as appropriate, of the end date of monitoring.

Post Construction

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.

WATER QUALITY

1. Prior to the issuance of any grading permit, the City Engineer shall verify that comprehensive permanent post-construction water quality best management practices (BMPs), consistent with those shown on Exhibit "A," are incorporated into the construction drawings to reduce the amount of pollutants (e.g., oil, grease, heavy metals) and sediments discharged from the site, satisfactory to the City Engineer. BMPs shall include the use of a combination of site design, source control, and treatment control measures as shown on Exhibit "A " and detailed in "Water Quality Technical Report - Capri Condominiums prepared by ProjectDesign Consultants, March 2003" Equivalent alternative available technologies may be approved as BMPs by the City Engineer in lieu of, or in addition to, those shown on Exhibit "A." All permanent BMPs shall be maintained in accordance with the applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure that BMPs are being properly maintained.