

RESOLUTION NUMBER R- 299696

ADOPTED ON SEP 28 2004

WHEREAS, on November 12, 2003, Del Mar Heritage, LLC submitted an application to the City of San Diego for a Site Development Permit No. 49312, a Map Waiver No. 49311 and Easement Abandonment No. 122086 on the First and Robinson Project [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 September 28, 2004; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 20155; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 20155, 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 a site development permit, a map waiver and an easement abandonment for the First and Robinson Project.

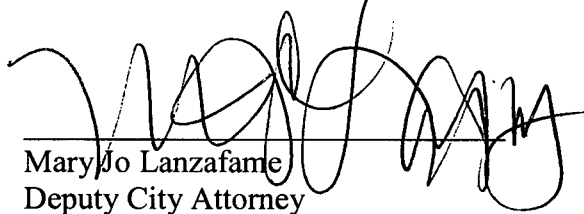
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and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



Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
08/24/04
Or.Dept:DSD
R-2005-211

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
FIRST AND ROBINSON PROJECT
SITE DEVELOPMENT PERMIT, EASEMENT ABANDONMENT AND A MAP
WAIVER
LDR No. 20155, Project No. 20155

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. The City of San Diego, Engineering and Capital Projects Department and the Development Services Department are jointly responsible for ensuring that this program is carried out.

A. Historical Resources (Architectural)

Applies only to 3821 First Avenue which was locally-designated by the City of San Diego Historical Resources Board (HRB) as the Herbert and Ira Howe House, HRB Site #589

Prior to preconstruction (precon) meeting

1. LDR Plan Check

Notes on plan

- a. Prior to the issuance of any permit, including but not limited to, any discretionary action, the Environmental Review Manager [ERM] shall verify that the requirement for historical monitoring during alteration, construction and/or rehabilitation has been noted on the Relocation Plan.
- b. The applicant shall implement the Documentation Program [DP] and Treatment Plan [TP] as indicated in 4 and 5 below.
- c. The DP 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 year, type of structure and extent of work shall be noted on the plans.

2. Letters of Qualification have been submitted to ERM

- a. Prior to the issuance of the relocation permit, the applicant shall provide a letter of verification to the ERM of Land Development Review [LDR] stating that a qualified Historian and/or Architectural Historian, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the DP and TP.

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 names of all persons involved in the historical monitoring of this project and shall be approved by ERM prior to the first Precon Meeting.
- e. MMC will provide Plan Check with a copy of both the first and second letter.

4. Documentation Program [DP]

- a. Prior to the issuance of the relocation permit for the historic house at 3821 First Avenue, the DP shall be submitted to the Environmental Analysis Section [EAS] for approval by the ERM of the LDR and shall include the following:

1. Photo DP

- (a) DP shall include a professional quality photo DP of the Craftsman style single-family home with particular emphasis on the portion to be retained. The photographs shall be 35mm black and white photographs (4x6 standard format), taken of all visually accessible elevations of the single-family home and close ups of select architectural elements of the single-family home such as, but not limited to roof/wall junctions, window treatments, and decorative hardware. Photographs shall be of archival quality and easily reproducible.
- (b) One set of original photographs and negatives shall be submitted for archival storage with the City of San Diego Historical Resources Board.

2. Required Drawings

- (a) Measured drawings of the single family home's original exterior elevations and footprint, including the basement and the rear portions of the house; and floor plans depicting existing conditions, areas that were added to the house post-original condition, and other relevant features shall be produced, with particular emphasis on the portion to be retained, from recorded, accurate measurements. Drawings shall be CAD produced in ink on reproducible bond paper. Drawing size shall be 24" x 36" at 1/4" = 1'0" scale. The architectural drawings of the single family home shall also identify segments of the portion of the structure to be retained that could be dismantled for later reconstruction and/or re-assembly should the retained structure not be relocatable in one piece.
- (b) One set of measured drawings accompanied by a CD of the CAD file shall be submitted for archival storage with the City of San Diego Historical Resources Board.

- b. Prior to the first Precon Meeting, a letter of verification shall be obtained from EAS and copied to MMC verifying that the DP has been approved.

2. Treatment Plan [TP]

a. Before Relocation/Dismantling

Prior to the commencement of work, the documentation specified above of the historic house will be completed and submitted as described in this MMRP.

Prior to the completion of the documentation specified above, the project applicant, architects and engineers, and architectural historian shall determine which of courses of action are appropriate for the safe and effective relocation of the single family structure off site during construction of the rest of the proposed project. The architectural historian shall monitor the project and be involved in decisions about whether the historic house will be relocated intact or dismantled and re-assembled. The decision as to which course of action (relocation intact or dismantling and re-assembly) must receive concurrence of the City of San Diego Environmental Review Manager prior to action commencing.

The first course of action (preferred option) would be the relocation of the portion of the structure to be retained in one piece. In order to implement this course of action, this portion of the structure would be internally braced and stabilized; the doors, window sashes and original windows would be removed, crated and stored prior to relocation; wood bracing would be installed where necessary; plywood would be placed over existing window and door frames and the roof would be retained in place. The stabilized structure would then be raised onto cribbing while the underground parking structure is excavated and built, and then lowered onto the deck of the parking structure approximately 9.5 feet forward from the existing location. The exterior siding, fireplace, and wood trim would be protected in place during the relocation and subsequent rehabilitation. The fireplace is to be dismantled and later reconstructed on site.

If it is determined by the project applicant, architects and engineers, and project historian, that the relocation of the portion to be retained would not be a safe and effective option, the second course of action would be the dismantling of this portion into appropriate panels or segments for relocation, interim storage offsite, and later reconstruction and/or reassembly on site. In order to implement this course of action, each panel or segment identified in the DP would be labeled, stabilized and dismantled for relocation and any evidence of original construction methods or original fabric uncovered during this course of action would be photographically documented for a supplemental DP.

If the option to dismantle and re-assemble is pursued, a separate plan shall be prepared by the architectural historian and submitted to the Environmental Review Manger for approval to clearly show the process for documentation, dismantling, labeling, storage, and re-assembly. The material of the exterior walls, from framing to exterior sheathing, must be re-assembled exactly as it exists now. The plan should encourage the preservation of interior wood paneling and built-ins.

b. During Interim Storage

Under the first course of action, the historic house will be raised onto cribbing while the underground parking structure is excavated and built, and then lowered onto the deck of the parking structure. The building will remain secured and not accessible by the public. The windows frames and door frames will remain secured by plywood. The bracing will be inspected by the project

architects and engineers following raising onto the cribbing to make sure that the building is in a stable condition. A protective barrier will be installed to deter entry and vandalism and protect from weather yet allowing the building to “breathe” during storage.

Under the second course of action, the dismantled panels or segments will be moved to an interim storage location off-site during project construction until the project site is ready to receive them for reconstruction and/or re-assembly on site. The stored materials will remain in a secured area not accessible by the public. The bracing of each element will be inspected by the project architects and engineers following the relocation to interim storage to make sure that the elements are in a stable condition. A protective barrier will be installed at the interim storage location to deter entry and vandalism and protect from weather yet allowing the elements to “breathe” during storage.

c. Relocation/Dismantling

Under the first course of action, the new foundation (parking structure lid) will be constructed. The historic house will be set in place and secured to the new foundation with necessary seismic connections, insulation materials and utility connections installed as needed. Following the move, the structure shall be inspected for potential damage. Any repair work required shall be carried out in accordance with the Secretary of the Interior’s Standards for Rehabilitation.

Under the second course of action, the new foundation (parking structure lid) will be constructed. The original elements will be reassembled and/or reconstructed on and secured to the new foundation at the site with necessary seismic connections, insulation materials and utility connections installed as needed. Interior structural elements would be re-constructed with new materials. Following the move, the elements shall be inspected for potential damage. Any repair work required shall be carried out in accordance with the Secretary of the Interior’s Standards for Rehabilitation.

Precon meeting

1. Historian and/or Architectural Historian Shall Attend Precon Meetings

At least thirty days prior to implementation of the MMRP, the applicant shall arrange a Precon Meeting that shall include the Historian and/or Architectural Historian, Construction Manager, Resident Engineer [RE], Building Inspector [BI] and MMC. In addition, the Historian and/or Architectural Historian shall attend any focused precon meetings at the request of MMC to make comments and/or suggestions concerning the historical monitoring program with the construction manager.

2. 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.

3. Identify Areas to be Monitored

At the Precon Meeting the Construction Manger shall submit to MMC a copy of the site plan (reduced to 11x17) that identifies the areas involved in the DP and TP as noted above.

4. DP and TP Construction Schedule

Prior to the start of any work, the Construction Manager shall submit a construction schedule for implementation of the DP and TPs and will notify MMC of the start date.

During construction

1. Monitor Shall be Present During Implementation of TP

The Historian and/or Architectural Historian shall be present during implementation of the TP. The qualified historian shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, every month. RE or BI will forward copies to MMC.

2. Night Work

No night work shall be allowed.

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

Prior to final inspection, the applicant shall provide verification to the Development Services Department and the Historical Resources Board that the relocated/rehabilitated building has been recorded with the County of San Diego under the Assessors Parcel Number (APN) associated with the final site.

B. Historical Resources (Archaeology)

Applies to all soil-disturbing activities including utility work and the improvements to the approximately 240 feet of water line replacement along First Avenue.

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

a. 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

- a. 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

- a. 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:

b. 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.

c. 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 examination 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.
- d. If Human Remains are determined to be Native American
- (1) The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
 - (2) The NAHC will contact the PI within 24 hours or 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 contact information.
 - (4) The PI will coordinate with the MLD for additional coordination.
 - (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 landowner 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.
- e. 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.

c. 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

a. 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

- a. 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.

C. 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 paleontologist, 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.

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 **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.

5. 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 curation 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.