

RESOLUTION NUMBER R-302121

ADOPTED ON NOVEMBER 27, 2006

WHEREAS, on November 27, 2006, Matt Dinofia submitted an application to the City of San Diego for a coastal development permit/site development permit (hereinafter referred to as the Dinofia Project); and

WHEREAS, said Dinofia Project was assigned Project Number 5596 by the City of San Diego Development Services Department; and

WHEREAS, on November 27, 2002, the City of San Diego, through the Development Services Department, determined that the application for Project Number 5596 was complete and, therefore, was deemed complete on said date; and

WHEREAS, on July 26, 2006, the City of San Diego, as Lead Agency, through the Hearing Officer granted all approvals and adopted Mitigated Negative Declaration No. 5506, which concludes that the Dinofia Project would have no adverse effects on the environment; and

WHEREAS, on August 9, 2006, the Hearing Officer's decision to approve the Dinofia Project was appealed to the Planning Commission of the City of San Diego; and

WHEREAS, in accordance with CEQA (Public Resources Code section 21151(c)), and Section 112.0520 of the San Diego Municipal Code, James Eischen, Jr., Attorney for Kathleen Vaughan and John Treadway [Appellant] appealed the Environmental Determination for the Dinofia Project to the Council of the City of San Diego [City Council]; and

WHEREAS, the appeal was set for a public hearing to be conducted by the City Council on July 31, 2006; and

WHEREAS, the issues on appeal were heard, and evidence in the form of testimony and other evidence were accepted into the record, by the City Council on November 27, 2006; and

WHEREAS, the City Council considered, in light of the whole record, the Mitigated Negative Declaration for the Dinofia Project, the potential environmental impacts associated with the Dinofia Project, the issues raised on appeal and the issues brought up at the hearing through testimony and public participation; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

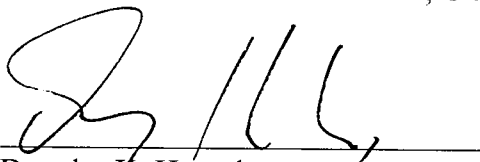
BE IT RESOLVED, by the Council of the City of San Diego, upon consideration of the whole record before it, that it is determined that Mitigated Negative Declaration No. 5596 has been completed in compliance with CEQA and the CEQA Guidelines, that the declaration reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the Development Services Department staff report and testimony and comments received during the public testimony process have been reviewed and considered by this City Council in connection with the appeal of the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, that the City Council finds, based upon the representations of City staff, public testimony and the whole record before it, the following:

1. That the appeal is denied and the environmental determination of Mitigated Negative Declaration No. 5596 is upheld.
2. There is no substantial evidence supporting a fair argument that the project may result in a significant environmental impact.

BE IT FURTHER RESOLVED, that the Environmental Determination of the Planning Commission is sustained, and the appeal of James Eischen, Jr. is denied.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Douglas K. Humphreys
Deputy City Attorney

DKH:pev
11/29/06
Or. Dept: Clerk
R-2007-632
MMS #4109

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Coastal Development Permit, Site Development Permit, Lot Line Adjustment, and
Variance

Project No. 5596

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 (Project No. 5596) shall be made conditions of Coastal Development Permit and Site Development Permit as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

General measures which must be completed prior to any authorization to proceed:

1. The Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "The Dinofia Residence Project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions contained in the MND (Project No. 5596)."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Paleontologist, the biologist, and the Resident Engineer, and the City's Mitigation Monitoring Coordination (MMC) Section.

General Measures

Prior to preconstruction (precon) meeting

Land Development Review (LDR) Plan Check

Prior to the first Precon Meeting, the Assistant Deputy Director (ADD) of LDR shall verify that the requirements for Paleontological and Biological monitoring and mitigation for sensitive biological resources that have been noted on the appropriate construction documents.

Paleontological Resources

1. Letters of Qualification have been submitted to the ADD
 - a. Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ADD 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.
2. 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.
3. 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 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

The qualified Paleontologist shall be present full time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or more (measured from existing grade), and shall document activity via the Consultant Site Visit Record (form). This form shall be sent to the RE, or BI as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC.

2. Monitoring of Trenches Will Include Mainline, Laterals, and all Appurtenances

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource at depths of 10 feet or greater as detailed on the plans or in the contract documents, identified by drawing number or plan file number. It is the contractor's responsibility to keep the monitors up-to-date with current plans.

3. 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 3.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 3.b, will be followed, with the exception \ that the RE will contact MMC by 8 A.M. the following morning to report and discuss the findings.

- d. If night work becomes necessary during the course of construction
 - (1) The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - (2) The RE, or BI, as appropriate, will notify MMC immediately.
- e. All other procedures described above will apply, as appropriate.

5. Notification of Completion

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

Post Construction

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 ADD 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
 - f Within three months following the completion of grading/trenching, 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 ADD of

LDR and one additional copy shall be sent to the RE or BI, as appropriate.

- g MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.

Biological Resources

1. Prior to the First Preconstruction (Precon) Meeting
 - A Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Assistant Deputy Director (ADD) of Land Development Review (LDR) verifying that the applicant has mitigated impacts to .30 acres of Diegan coastal sage scrub by contribution to the City of San Diego's Habitat Acquisition Fund.
 - B Prior to the first Precon meeting, the Assistant Deputy Director (ADD) of Land Development Review (LDR) shall verify that the requirements for Biological Monitoring have been noted on the appropriate construction documents (plans and specifications).
 - C Prior to the first Precon meeting, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Biologist, as defined by the City of San Diego Biological Resources Guidelines (July 2002) has been retained to implement the monitoring program.
 - D At least thirty days prior to the Precon meeting, a second letter shall be submitted to the Mitigation Monitoring Coordination (MMC) which shall include the name of the Biologist and the names of all persons involved in the Biological monitoring of the project.
2. Tasks to be Conducted During or in Conjunction With Precon Meeting
 - A Prior to the beginning any work that requires monitoring, the applicant shall attend a Precon meeting that shall include the Biologist, Construction Manager and Grading Contractor, Resident Engineer (RE) and MMC. The qualified Biologist shall attend any grading related Precon meetings to make comments and/or suggestions concerning the Biological monitoring program with the Construction Manager and/or Grading Contractor.
 - B Prior to issuance of grading permits a qualified biologist shall determine the presence or absence of occupied raptor nests within the project site, with written results submitted to the Assistant Deputy Director (ADD) Environmental designee of Land Development Review Division (LDR).

C Prior to Start of Construction

If active raptor nests are identified during the pre-grading survey and project construction has the potential to impact raptors during the raptor breeding season (February 1 – September 15) an appropriate avoidance area must be identified and flagged as determined by a qualified biologist and acoustician.

This restriction shall be noted on all grading and construction plans. Weekly biological monitoring of these nests shall be conducted by the project biologist during the breeding season (February 1 through September 15) with written results submitted to the ADD Environmental designee of LDR.

D If the Monitor is not able to attend the Precon meeting, the RE 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.

E At the Precon meeting, the Biologist shall submit to MMC a copy of the site/grading plan (reduced to 11 x 17) that identifies areas to be protected, fenced and monitored.

F At the Precon meeting, the Biologist shall also submit a construction schedule to Mitigation Monitoring Coordination (MMC) through the RE, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

3. Tasks to be Conducted During Construction

A No clearing, grubbing, or grading of habitat shall be permitted within areas restricted from such activities that have been staked or fenced under the supervision of a qualified biologist.

B The qualified Biologist shall be present full-time during the first stages of grading/excavation and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE. The RE will forward copies to MMC.

C If raptor nests are discovered during construction activities, the biologist shall notify the Resident Engineer (RE).

D The RE shall stop work in the vicinity of the nests. The qualified biologist shall mark all pertinent trees and delineate the appropriate "no construction" buffer area as determined by a qualified biologist. - Raptors measure, around any nest sites, satisfactory to the ADD Environmental designee of LDR. The buffer shall be

maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD Environmental designee of LDR that any young birds have fledged.

E The Biologist shall notify MMC and the RE in writing of the end date of monitoring.

4. Tasks to be Conducted After Construction

The Biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up. Associated requirements are as follows:

A Within three months following the completion of monitoring, two copies of the Final Biological monitoring Report (even if negative) and/or evaluation report if applicable, which describes the results, analysis, and conclusions of the Biological monitoring Program (with appropriate graphics) shall be submitted to MMC for approval by the ADD of LDR.

B For any unforeseen additional Biological resources impacted during monitoring, the rehabilitation, revegetation or other such follow up action plans shall be included as part of the Final Biological Monitoring Report. Additional mitigation measures would be required and subject to review by agencies with jurisdiction.

C The biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that focused surveys are completed, as appropriate.

D Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted to Mitigation Monitoring Coordination (MMC) for approval by the ADD Environmental designee of LDR.

E This report shall address findings of active/inactive nests and any recommendations for retention of active nest, removal of inactive nests and mitigation for offsetting loss of breeding habitat.

F MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.

- b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of 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) shall be undertaken:

- 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 shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the 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.
- C. 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 shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall 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.

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 internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. 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 no discoveries were encountered during night work, The PI shall record the information on the

CSV and submit to MMC via fax by 9am the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

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, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and

Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring 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.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on NOV 27 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 27 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 302121