

RESOLUTION NUMBER R- 302296

DATE OF FINAL PASSAGE JAN 22 2007

WHEREAS, on February 10, 2003, Clews Land & Livestock, LLC submitted an application to the City of San Diego for a rezone, coastal development permit/site development permit/planned development permit, and multi-habitat planning area boundary line adjustment for construction of two single-family residences for the Clews Horse Ranch 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, 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on JAN 22 2007; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 5568; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 5568, 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,

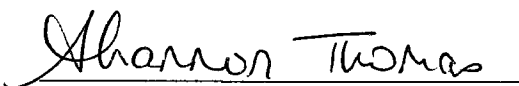
has been reviewed and considered by this Council in connection with the approval of a rezone, coastal development permit/site development permit/planned development permit and multi-habitat planning area boundary line adjustment for Clews Horse Ranch project.

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 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: MICHAEL J. AGUIRRE, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

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12/29/06  
02/05/07 REV.COPY  
Or.Dept:DSD  
R-2007-679  
MMS#4191

ENVIRONMENTAL - MND

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

Coastal Development Permit, Site Development Permit, Planned Development Permit, Rezone, Local Coastal Program Amendment, and Multi-Habitat Planning Area Boundary Adjustment  
MND NO. 5568

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. 5568) shall be made conditions of the Coastal Development Permit, Site Development Permit, Planned Development Permit, Rezone, Local Coastal Program Amendment and Multi-Habitat Planning Area Boundary Adjustment as may be further described below.

#### **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 Clews Horse Ranch Project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the MND (Project No. 5568)."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist, Historian, Paleontologist, Archaeologist, Park and Recreation Department Trails Manager, and the City's Mitigation Monitoring Coordination (MMC) Section.

#### **Paleontological Resources**

##### **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 Paleontological Monitoring 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 paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
  2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

R- 302296

3. Prior to the start of work, the applicant shall 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 has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution 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.

### 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 paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological 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  
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME 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 conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, 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 as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **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

(CSVV). The CSVV'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 trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological 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 shall evaluate the significance of the resource.
    - 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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
    - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) 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 (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
    - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### IV. 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 CSVV 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.

- 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 Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum 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 Fossil Remains
  - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  - 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 two copies of the Final Monitoring Report 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.

**Biological Resources: General**

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:
  - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the LDR stating that a qualified Biologist, as defined in the City of San Diego Biological Resources Guidelines, has been retained to implement the on-site slope restoration and Soledad Canyon (Mira Mesa) Mitigation Site revegetation plans.
  - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.
  - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special report, maps, plans and timelines, avian or other wildlife protocol surveys, impact avoidance areas or other such information have been completed and updated.
  - D. The qualified biologist shall supervise the placement of construction fencing (orange construction fencing, silt fencing, or other appropriate barriers) along the limits of disturbance as shown on the approved Exhibit A prior to any clearing or grading activities to protect the off-site sensitive vegetation.
  - E. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The qualified biologist shall inspect all construction fencing prior to construction and shall monitor construction activities to avoid impacts on adjacent sensitive vegetation.
  - F. Avian noise mitigation measures shall apply to both the proposed Clews Ranch and the Soledad Canyon Mitigation sites.
  - G. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

*Avian Noise Mitigation Measures*

***Coastal California Gnatcatcher (Federally Threatened), least Bell's Vireo (State Endangered/Federally Endangered), and Southwestern Willow Flycatcher (Federally Endangered) Mitigation***

Coastal California Gnatcatcher (Federally Threatened), least Bell's vireo (State Endangered/Federally Endangered), and Southwestern Willow Flycatcher Mitigation as outlined below shall be required for any grading or clearing activities.

Prior to the issuance of any authorization to proceed, the ADD of LDR (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher, least Bell's vireo, and Southwestern Willow Flycatcher are shown on the grading and building permit plans:

**No clearing, grubbing, grading or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher; between March 15 and September 15, the breeding season of the least Bell's vireo; and between May 1 and September 1, the breeding season of the Southwestern Willow Flycatcher, until the following requirements have been met to the satisfaction of the ADD of LDR.**

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey habitat areas (only within the MHPA for gnatcatchers) that would be subject to the construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher, least Bell's vireo, and the Southwestern Willow Flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. **If the coastal California gnatcatchers, least Bell's vireo, and/or the Southwestern Willow Flycatcher are present, then the following conditions must be met:**
  - a. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bells vireo habitat, and between May 1 and September 1 for occupied Southwestern Willow Flycatcher habitat, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **AND**
  - b. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bells vireo habitat, and between May 1 and September 1 for occupied Southwestern Willow Flycatcher habitat, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (A) hourly average at the edge of the occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD of LDR at least two weeks prior to the commencement of construction activities; **OR**
  - c. At least two weeks prior to the commencement of clearing, grubbing, grading and/or any construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the aforementioned avian species. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the appropriate breeding season.



*\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

2. If the aforementioned avian species are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD of LDR and applicable resource agencies which demonstrate whether or not mitigation measures such as noise walls are necessary during the applicable breeding seasons of March 1 and August 15, March 15 and September 15, and May 1 and September 1, as follows:
  - a. If this evidence indicates the potential is high for the aforementioned avian species to be present based on historical records or site conditions, then Condition 1-b or 1-c shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to the species are anticipated, no new mitigation measures are necessary.
3. If the permittee begins construction prior to the completion of the protocol avian surveys, then the Development Services Department shall assume that the appropriate avian species are present and all necessary protection and mitigation measures shall be required as described in 1 a, b, and c.

#### **Raptor Mitigation:**

1. **Prior to the Issuance of Grading Permits**  
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) of Land Development Review Division (LDR).
2. **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) within or adjacent to the MHPA, an appropriate avoidance area must be identified and flagged.

This restriction shall be noted on all grading and construction plans. If raptors nests are located within the distances listed above, 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 ERM of LDR. If no raptor nests are discovered in the trees to be removed, no further mitigation is required as long as the trees are not within the avoidance buffer area of any identified raptor nests.

3. **During Construction**
  1. If raptor nests are discovered during construction activities, the biologist shall notify the Resident Engineer (RE).

2. 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 or as noted in Biological Resources - Raptors measure *I.B.* (above), around any nest sites, satisfactory to the ADD of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of LDR that any young birds have fledged.
4. Post Construction
  3. 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.
  4. 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 of LDR.
  5. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation, or other such follow up action plan(s) shall be included as part of the Final Biological Monitoring Report in accordance with the City of San Diego's Land Development Code, Biological Resources Guidelines (July 2002). Additional mitigation measures may also be required.
  6. 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.
  7. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

**Biological Resources/MHPA: Habitat Mitigation:**

Prior the issuance of any grading permit and/or authorization to proceed the ADD of the LDR shall ensure that the following measures are included as notes in the construction plans and grading plans:

The 27.62 acres of on-site MHPA open space lands shall be conveyed to the City's MSCP Preserve through either fee title to the City, conservation easement or covenant of easement granted in favor of the City and wildlife agencies which is recorded on the property. The Owner/Permittee shall manage the preserved areas in perpetuity. All costs associated with the long-term management of the on-site preserved areas shall be the responsibility of the Owner/Permittee or its designated representative.

## **MHPA Conveyance:**

Prior to the issuance of any grading permits, the on-site adjusted MHPA (27.62 acres total) shall be conveyed to the City's MSCP Preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies.

Conveyance of any MHPA land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other storm water control facilities, brush management area, landscape/revegetation areas, and graded slopes; these features shall have conservation easements recorded over them if accepted into the MHPA, with maintenance and management responsibilities retained by the Owner/Permittee, unless otherwise agreed to by the City. A copy of the proposed/final method of MHPA conveyance shall be submitted to DSD and MSCP.

## **MHPA Revegetation (Soledad Canyon Site)**

1. Prior to the issuance of any grading permits, the ADD of LDR shall verify that a conservation easement has been recorded over the entire Soledad Canyon site.
2. Prior to any site restoration work at the Soledad Canyon site that could affect sensitive habitat:
  - a. A final signed Soledad Canyon agreement letter with a recorded conservation easement placed over the Soledad Canyon off-site mitigation land shall be provided to the ADD of the LDR.
  - b. The entity/designee selected by the Owner/Permittee to manage the Soledad Canyon restoration shall be acceptable to the City.
3. Prior to the issuance of any grading permits, the Applicant shall provide a final Soledad Canyon Revegetation Plan, including irrigation plans, specifications, monitoring/maintenance requirements and success criteria, satisfactory to the ADD of LDR. The plan shall be in substantial conformance with the Revised Draft Soledad Canyon Restoration Plan (Dated May 9, 2003, revised July 18, 2003 & June 2, 2006 by J. Whalen Associates). Upon successful completion of the revegetation and monitoring program, the property owner may offer this area, in fee, to the City subject to Park and Recreation Department approval.

## **MHPA Revegetation Monitoring Requirements (Soledad Canyon Site):**

1. A minimum five year monitoring program shall be incorporated into the Revegetation Plan for the project. The monitoring program and maintenance of the revegetation are, including weed eradication, supplemental irrigation and replanting (if required) shall be the responsibility of the Applicant.
2. All biological monitoring shall be conducted by the qualified Biologist. The revegetation effort must be visually assessed in September following the first summer after planting to determine mortality of individuals and the initial success of hand-broadcast seeding. The number and species of dead plants must be recorded, along with percent cover. Thereafter, monitoring shall consist of field checks during the spring to assess species composition, percent coverage and size of individuals. Fall monitoring must be

conducted to determine mortality as described above. Permanent photo-documentation stations shall be established to record the progress of the mitigation over the five-year monitoring period.

3. Monitoring shall occur every six months for a minimum of five years.
4. For each monitoring period copies of the interim report shall be submitted to the Applicant. An annual report outlining the results of the interim monitoring surveys shall be submitted by the Applicant to the City of San Diego Development Services Department (Mitigation Monitoring Coordination section) by September 1<sup>st</sup> of each year. The monitoring reports shall describe the current conditions of the site, identify all shortcomings of the revegetation effort, and recommend remedial measures necessary for the successful completion of the mitigation project. Each annual report shall include copies of all previous reports as Appendices. Furthermore, each annual report shall include a Performance Evaluation section where information and results from the monitoring program are used to evaluate the status of the mitigation project in relation to the performance standard approved by the ADD of the LDR in the revegetation plan.
5. At the end of the fifth year, copies of the final report shall be submitted to the City of San Diego Development Services Department (Mitigation Monitoring Coordination section) evaluating the success of the mitigation. The report shall make a determination of whether the requirements of the mitigation plan have been achieved. If the final report indicates that the mitigation has been in part, or whole, unsuccessful, the Applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original mitigation program which were not successful. At such time, the Applicant must consult with the Development Services Department. The Applicant understands that agreed upon remedial measures may result in extensions to the long-term maintenance and monitoring period. Final acceptance of the mitigation shall include the concurrence of the Park and Recreation Department if the land is deeded over to the City.

**MHPA Revegetation Maintenance Requirements (Soledad Canyon site):**

1. The revegetation installation contractor shall be responsible for the maintenance of the mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a weekly basis throughout plant establishment. Maintenance activities shall include all items described in the approved Revegetation Plan (See plan requirements). At the end of this period, the Project Biologist shall review the mitigation area to determine the completion of the Plant Establishment Period. Any punch-list items developed during this review shall be completed by the Contractor prior to acceptance of the mitigation installation and initiation of the five-year mitigation monitoring period.
2. A maintenance contractor shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period. Maintenance visits must be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter. Maintenance activities must include all items described in the approved Revegetation Plan. Plant replacement shall be conducted as recommended by the Project Biologist's technical assessment.

**On-site Native Revegetation**

1. Prior to the issuance of any grading permits, the owner/Permittee shall prepare a Final Revegetation Plan for the 0.70-acre of MHPA in the historic area adjacent to CVREP as part of the project's allée planting using only appropriate native species compatible with public safety. The 0.7-acre revegetated area shall be conveyed to the City's MSCP Preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. The Final Plan shall be prepared consistent with City landscape regulations, and shall be approved by the ADD of LDR prior to the initiation of any site preparation/planting activities.
2. Prior to the issuance of any grading permits, the owner/Permittee shall prepare a Final Slope Revegetation Plan for the on-site graded slopes that abut the MHPA/Open Space using only appropriate native species compatible with public safety. The Final Plan shall be prepared consistent with City landscape regulations, and shall be approved by the ADD of LDR prior to the initiation of any site preparation/planting activities. The revegetated slopes (located outside the MHPA) shall be placed in a native landscape easement, conservation easement, or equivalent granted in favor of the City and wildlife agencies (where applicable) consistent with the approved Exhibit A to the satisfaction of the ADD of LDR. Any proposed changes to the said easement shall be approved by the ADD of LDR, in consultation with MSCP and EAS staff.
3. Prior to the issuance of building occupancy permits, the ADD of LDR shall verify that the conservation or native landscape open space easements or equivalent have been appropriately planted with the native palette per the approved Exhibit A. All costs associated with plan preparation and long-term management of the on-site revegetated slope areas shall be the responsibility of the Owner/Permittee or its designated representative.

**Land Use/MHPA Adjacency Requirements:**

Prior to the issuance of any authorization to proceed the ADD of the LDR shall ensure that the following measures are included as notes on the grading plans:

1. A qualified project biologist shall inspect all construction fencing prior to construction and shall monitor construction activities to avoid unauthorized impacts
2. All staging areas shall be located within the developed areas as shown in the biology report and the approved plans. All equipment and/or materials related to construction shall be fenced and stored in these designated areas.
3. All construction and staging area limits shall be clearly delineated prior to construction activity with orange construction fencing or silt fencing to ensure that construction activity remains within the defined construction limits.
4. The biologist shall provide direction to construction personnel regard the need to avoid impacts to adjacent sensitive areas.
5. Any hydroseed mix used for erosion control shall only contain native species and shall only be applied under the supervision of the biologist or a landscape architect.

6. All security lighting of the staging areas shall be shielded and directed away from the MHPA and CVREP.
7. No nighttime construction shall be allowed to preclude impacts to the MHPA.
8. No toxic materials or water used during construction related work shall be allowed to be diverted or drained off-site, into the MHPA and/or CVREP, during and after construction activity. The biologist shall ensure that the appropriate measures and control devices are used as needed during construction to deter any drainage toward sensitive habitat.
9. All construction/grading plans shall be made available to crews in the field showing these conditions.
10. Prior to the issuance of any grading permit, the ADD of LDR shall review the landscape plans to ensure that no invasive, non-native plant species shall be introduced into areas adjacent to the MHPA and CVREP.
11. Prior to the issuance of the first grading permit, the Carmel Valley Community Planning Board shall review the Trail Access and Closure Plan at one of their future meetings, and the MSCP, Long Range Planning, and Park and Recreation staff, and the ADD of the LDR shall approve a Final Trail Access and Closure Plan that depicts the location, width and character of: 1) the one public equestrian trail traversing through the proposed Clew's site and connecting with CVREP; and, 2) the passive closure of the on-site trail connection to Fish Head Trail (appropriate fencing and erosion control but not revegetation). The Final Plan shall clearly show all designated trails, access points, parking, protective fencing for sensitive species, fencing for trail closures, recommended erosion rehabilitation area, connections to existing trails and any other element deemed necessary by Park and Recreation to ensure adequate public access.
12. All permanent lighting adjacent to the MHPA and CVREP shall be shielded, unidirectional, low pressure sodium (or similar) illumination and directed away from these areas using appropriate placement and shields.
13. The exterior surface of the water towers adjacent to the MHPA shall be painted or be of a non-reflective material.
14. Appropriate barriers shall be installed and maintained in good condition to provide a permanent barrier between the active horse ranch and the conserved MHPA open space lands.
15. The Landscape Plan shall include a note indicating that non-native plant species identified as invasive by the California Exotic Pest Plant Council shall not be used in this plant palette. Landscaping in areas adjacent to the MHPA and CVREP shall not contain invasive exotic plant species, and the plant palette use for erosion control (seed mix mixture and plantings) shall reflect those species found in the adjacent MHPA.

#### **Animal Waste Management Plan**

Prior to the issuance of building occupancy permits and/r any applicable county, state or federal permits for livestock on-site, a Final Animal Waste Management Plan prepared consistent with the March 16, 2005 draft plan shall be approved by the City. The Final Plan shall contain a description of the project and the purpose of the plan a supporting figure showing all relevant features to address manure management (e.g., bin locations and size, BMPs, pasture area), the number of horses/livestock proposed on-site, any additional livestock from special events, maintenance routine/schedule of pasture area (cleaning prior to the rainy season, frequency of pick-up, etc.) Copies of all county, state and federal permits pertaining to livestock shall be submitted with the Final Plan.

### **Cowbird Mitigation**

Prior to issuance of the building permit and/or within 30 days of bringing livestock on-site, the project applicant shall provide evidence of a fair share contribution to a cowbird trapping program or have arranged for independent trapping for cowbirds by qualified personnel in coordination with the City of San Diego.

### **Historical Resources**

#### **Prior to preconstruction ( precon) meeting**

1. Prior to the issuance of any permit, including but is not limited to, demolition or any discretionary action, the Assistant Deputy Director (ADD) shall verify that the requirement for historical monitoring during alteration, construction and/or restoration has been noted on the Grading/Demolition Plans.
  - a. The 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 ADD
  - 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 ADD 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 TPs.
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 ADD prior to the first Precon Meeting. MMC will provide Plan Check with a copy of both the first and second letter.
4. Documentation Program (DP)  
Prior to the issuance of a Demolition or Grading Permit, the DP shall be submitted to the Environmental Analysis Section (EAS) for approval by the ADD of LDR and shall include the following:
  - A.. Photo DP
    - (1) DP shall include professional quality photo DP 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, and ~~not~~ 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, and the San Diego Historical Society.

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, 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.
5. 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.
6. Treatment Plan  
Prior to the start of work the Historian and/or Architectural Historian shall provide verification that the DP has been completed.
- a) The cottage and barn shall be disassembled and relocated closer together on the new site, near the milking shed.
  - b) Existing mature trees shall remain in place, as shown on the attached Site Plan and Landscape/Fencing Concept Plan. An allée shall be created along a portion of the private accessway leading to the Chabad property.
  - c) The historical structures shall be reconstructed to the same approximate dimensions and configurations as the existing structures,



using the materials salvaged during the disassembly to retain their historical appearance. Where existing materials cannot be salvaged, such as a corrugated metal roof that is damaged beyond use, new materials may be substituted that are consistent with the historic appearance.

- d) The milking shed shall remain in place.
- e) The tack room shall be relocated intact nearer the proposed east residence (Building 5) for use by the ranch manager; however, due to its poor condition, the tack room may be disassembled and reconstructed in the new location, or may remain in its current location.
- f) Modular stalls shall be placed within the barn to allow for its reuse. These modular stalls may be made of metal or fiberglass or tongue and groove, but shall be independent of the barn structure.

#### **Precon meeting**

- 7. Historian and/or Architectural Historian Shall Attend Precon Meetings  
For all projects: 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 or Grading Contractor, 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 and/or grading contractor.
- 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 the areas involved in the DP and TP as noted above.
- 9. DP and TP Construction 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 TPs and will notify MMC of the start date.

#### **During construction**

- 10. 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.
- 11. 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 qualified Historian and/or Architectural Historian 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**

- 12. 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 ADD of LDR.
- 13. Verification of Historic DP Distribution  
Prior to release of the grading bond and/or issuance of any Building Permits or Certificate of Occupancy, the Historical Consultant shall provide verification to the ADD of LDR that copies of the historic DP have been distributed.

## **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 (CSV). The CSV'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 department and/or Real Estate Assets Department (READ) 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.

R 552296

- 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.

### **Hazardous Waste**

After project approval and prior to the issuance of the building permit, the owner/permittee shall provide a letter to the ADD of LDR verifying that the County of San Diego Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site.

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.

\*Revised 02/05/07