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(R-2009-295)

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RESOLUTION NUMBER R- 304220

DATE OF FINAL PASSAGE OCT 21 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING AND APPROVING MITIGATED NEGATIVE DECLARATION NO. 114358 AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE NANCY RIDGE BUSINESS PARK PROJECT.

WHEREAS, on October 11, 2006, Nancy Ridge Business Park, LLC., submitted an application to the City of San Diego for a Site Development Permit, Planned Development Permit, Multi-Habitat Planning Area boundary line adjustment, and Rezone for the Nancy Ridge Business Park project; and

WHEREAS, the matter was set for a public hearing to be conducted by the City 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 required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 OCT 07 2008; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No.114358; NOW THEREFORE,

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BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No.114358 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 Administration Code 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 said report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of a site development permit/planned development permit/multi-habitat planning area boundary line adjustment and rezone for the Nancy Ridge Business Park 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 to below a level of significance; therefore, Mitigated Negative Declaration No. 114358, a copy of which is attached hereto and incorporated by reference, is approved.

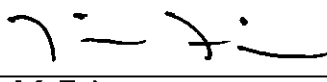
BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

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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



Nina M. Fain
Deputy City Attorney

NMF:mm
10/03/08
Or.Dept:DSD
R-2009-295
MMS#6764

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT, MULTI-HABITAT
PLANNING AREA BOUNDARY LINE ADJUSTMENT AND REZONE

PROJECT NO. 114358

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No.114358) shall be made conditions of the Site Development Permit, Planned Development Permit, Multi-Habitat Planning Area Boundary Line Adjustment and Rezone as may be further described below.

A. GENERAL

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, the Assistant Deputy Director (ADD) of the Entitlements Division shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading **ENVIRONMENTAL MITIGATION REQUIREMENTS**: *"The Nancy Ridge Business Park project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration Project No. 114358."*
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include City of San Diego's Mitigation Monitoring and Coordination (MMC) staff, Resident Engineer, Applicant, Project Paleontologist, Project Biologist, Environmental Consultants and other parties of interest.

B. LAND USE (MULTIPLE SPECIES CONSERVATION PROGRAM)

1. MHPA Boundary Line Adjustment

- a. Prior to the recordation of the first final map and/or issuance of any grading permits, the on-site adjusted MHPA (8.02 acres total) shall be conveyed to the City's MSCP Preserve through either fee title to the City, or 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

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and shall exclude detention basins or other storm water control facilities, brush management areas, landscape/revegetation areas, and graded slopes.

2. Land Use Adjacency Guidelines

The Nancy Ridge Business Park project site is located within and adjacent to the MSCP Subarea Plan's Multi-Habitat Planning Area (MHPA). Therefore, the following MHPA Land Use Adjacency Guidelines shall be made conditions of project approval:

- a. Prior to initiation of any ground disturbing activities, the project biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
- b. Prior to the start of construction, the construction limits shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and orange construction fencing, and checked by the biological monitor before initiation of trenching activities and/or ground disturbing activities.
- c. Prior to the issuance of any construction permit, the City Manager shall review the landscape plans to ensure that no invasive non-native plant species have been proposed for areas adjacent to the MHPA.
- d. All required temporary lighting, including security lighting of the staging areas, or permanent lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
- e. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area. No equipment maintenance shall be conducted within or near the adjacent open space.
- f. The post-construction Best Management Practices are required to be consistent with the approved Water Quality Technical Report, to the satisfaction of the City Engineer. The project biologist shall oversee implementation of Best Management Practices as needed to prevent any significant sediment transport. Training of construction crews and field workers must be conducted to ensure that all conditions are met. All construction/grading plans shall be made available to crews in the field showing these conditions.
- g. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.
- h. No invasive, non-native plant species shall be permitted on-site. The 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.

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- i. Appropriate barriers shall be provided along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
- j. No toxic materials or water used during construction related work shall be allowed to be diverted or drained off-site, into the MHPA, 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.

3. Coastal California Gnatcatcher

- A. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the Coastal California Gnatcatcher are shown on the construction 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, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

1. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER 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 ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - a. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER 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, 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 OCCUPIED GNATCATCHER 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 CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- c. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF 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 COASTAL CALIFORNIA GNATCATCHER. 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 BREEDING SEASON (AUGUST 16).

* 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 City Manager, 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 COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
 - a. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 - b. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

C. BIOLOGICAL RESOURCES

1. General:

- A. 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 the Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see 1 through 3):
 1. At least thirty days prior to the pre-construction meeting, a letter of verification 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.
 2. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
 3. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
- B. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats, as shown on the approved Exhibit A. In addition the biologist shall determine where silt fencing shall be installed, as appropriate
- C. 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.

- D. No grading or clearing activities shall occur within the area defined as Brush Management Zone (BMZ) II, as shown on the approved Exhibit A. Construction activities within BMZ II shall be restricted to hand crews for the purposes of brush zone management maintenance and landscape planting.

2. Mitigation for Potential Impacts to Sensitive Birds

Prior to the Issuance of Grading Permits:

- a. 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, the applicant shall provide a signed letter stating that no grading or any type of habitat destruction shall take place during the typical bird nesting season (February 1 -September 15) or;
- b. The applicant's project biologist shall perform a pre-grading/pre-construction directed survey/report for active nests within 3 days of grading/construction activities to the satisfaction of EAS. If active nests of species are detected the report shall include mitigation to the satisfaction of EAS and/or the USFWS and CDFG as follows:
- c. 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, a qualified biologist shall determine the presence or absence of active or occupied nests within the project site or area adjacent which could be impacted, with written results submitted to the Assistant Deputy Director (ADD) of the Entitlements Division.

Prior to Start of Construction:

- d. If active or occupied sensitive bird nests are identified during the pre-grading survey, or are otherwise noted during the week grading is to commence (see Item 3 below), and project construction has the potential to impact nests during the breeding season (February 1 - September 15), the biologist in consultation with EAS staff shall determine an appropriate buffer (i.e. per the ESL), around the bird nesting area which shall be free from grading or construction activity. The buffer area must be identified and flagged.
- e. These restrictions, as required, shall be noted on all grading and construction plans. If active or occupied nests to be protected are located on, or adjacent to the site, 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 of the Entitlements Division. If no active or occupied nests are discovered on, or adjacent to the project site, no further mitigation is required.

During Construction:

- f. If active or occupied nests are discovered during construction activities, the biologist shall notify the Resident Engineer (RE) and Mitigation Monitoring and Coordination Staff (MMC).
- g. The RE shall stop work in the vicinity of the nests. The qualified biologist shall mark all pertinent trees, holes, or shrubs and delineate the appropriate "no construction" buffer area per City ESL and/or the USFWS/CDFG's direction, around any nest sites, satisfactory to the ADD of the Entitlements Division. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of the Entitlements Division that any young birds have fledged.

Post Construction:

- h. 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.
- i. 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.
- j. For any unforeseen additional biological resources impacted during construction, 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.
- k. This report shall address findings of active/inactive nests and any recommendations for retention of active nests, removal of inactive nests and mitigation for offsetting loss of breeding habitat.

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

D. PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Division 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 of the Entitlements Division 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.
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 (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 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 and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend 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 and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8AM on the next business day.
 - 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 on the next business day 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.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines 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.

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.