RESOLUTION NUMBER R- 309951

DATE OF FINAL PASSAGE AUG 17 2015

ITEM # 335
SUB-A
8/4/15

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR AMENDMENTS TO THE DEL MAR MESA, CARMEL VALLEY (NEIGHBORHOOD 8A), PACIFIC HIGHLANDS RANCH, RANCHO PENASQUITOS, TORREY HIGHLANDS LAND USE PLANS AND THE ADOPTION OF THE CARMEL MOUNTAIN/DEL MAR MESA PRESERVES NATURAL RESOURCES MANAGEMENT PLAN.

WHEREAS, on August 12, 2012, the City of San Diego Park and Recreation Department - Open Space Division submitted an application to Development Services Department for a review of the amendments to the Del Mar Mesa, Carmel Valley (Neighborhood 8A), Pacific Highlands Ranch, Rancho Penasquitos, and Torrey Highlands land use plans; public access easement vacations and adoption of the Carmel Mountain/Del Mar Mesa Preserves Natural Resources Management Plan (NRMP) (Project); and

WHEREAS, the issue was heard by the City Council on August 4, 2015; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. SCH No. 2014031065 (Declaration) prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, 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 Declaration, 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 the Project.

BE IT FURTHER RESOLVED, that the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

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 Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
7/16/2015
Or. Dept: Park & Rec.
Doc. No. 1020531_2

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 04 2015.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 8/14/15
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

AMENDMENTS TO THE DEL MAR MESA, CARMEL VALLEY (NEIGHBORHOOD 8A), PACIFIC HIGHLANDS RANCH, RANCHO PENASQUITOS, TORREY HIGHLANDS LAND USE PLANS AND THE ADOPTION OF THE CARMEL MOUNTAIN/DEL MAR MESA PRESERVES NATURAL RESOURCE MANAGEMENT PLAN.

MITIGATED NEGATIVE DECLARATION SCH No. 2014031065

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. The City of San Diego, Park and Recreation Department – Open Space Division and the Development Services Department are jointly responsible for ensuring that this program is carried out as may be further described below.

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to the issuance Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS**."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

   http://www.sandiego.gov/development-services/industry/standtemp.shtml

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting

by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Archaeological Consultants and Native American Monitor
Biological Consultants/ Monitor
Restoration Biologist/Contractor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, SCH No. 2014031065 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note:
Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process (when applicable to the NRMP activity) shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

US Fish & Wildlife Service; California Department of Fish & Wildlife, US Army Corps of Engineers; Regional Water Quality Control Board

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction

plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

Issue Area	*Document submittal*	*Associated Inspection/Approvals/Note*
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at Preconstruction Meeting
Archaeology	Archaeology Reports	Archaeology observation
Biology	Biology Reports	Biological observation
Final MMRP	Final monitoring reports	Final MMRP inspection

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PLEASE NOTE THAT THE FOLLOWING MITIGATION FRAMEWORK APPLIES ONLY TO FUTURE NON-RESTORATION/ENHANCEMENT PROJECTS INSIDE THE PRESERVES OR ANY FUTURE OPEN SPACE PARK ACTIVITIES WHICH HAVE THE POTENTIAL TO IMPACT SENSITIVE BIOLOGICAL OR HISTORICAL RESOURCES. ADOPTION OF THE CPA'S, LCP AMENDMENTS AND NRMP ARE NOT CONSIDERED DEVELOPMENT ACTIVITIES WHICH REQUIRE PERMITTING OR IMPLEMENTATION OF MITIGATION MEASURES CONTAINED IN THIS MND.

LAND USE (MSCP/MHPA, ESL REGULATIONS & HISTORICAL RESOURCES REGULATIONS)

Mitigation Framework (Compliance with Applicable Regulations)

LU-1a: Future projects implemented in accordance with the CPA Trails Plan and NRMP shall be subject to environmental review at the project-level in accordance with the Mitigation Framework HIST-1 (Historical Archaeological Resources) and the Cultural Resources Management Guidelines of the NRMP.

LU-1b: Future projects implemented in accordance with the CPA Trails Plan and NRMP shall not impact Environmentally Sensitive Lands (ESL) such as sensitive vegetation, wetlands or vernal pools and shall be subject to the Mitigation Framework BIO-1 through BIO-4 (Biological Resources) and further guided by the Biological Resources Area Specific Management Directives (ASMDs) of the NRMP.

BIOLOGICAL RESOURCES

Mitigation Framework

The following Mitigation Framework is required to assure compliance with the ASMD's of the Biological Resources Management Guidelines in the NRMP, ESL Regulations and the MSCP Subarea Plan. All impacts to sensitive biological resources shall be avoided to the maximum extent feasible and minimized when avoidance is not possible. Adherence to the Mitigation Framework and the ASMDs in the NRMP are anticipated to minimize impacts to sensitive biological resources.

Restoration or revegetation undertaken in the MHPA shall be performed in a manner acceptable to the City. Where covered species status identifies the need for Carmel Mountain and Del Mar Mesa NRMP reintroduction and/or increasing the population, the covered species will be included in restoration/revegetation plans, as appropriate. Restoration or revegetation proposals shall be required to prepare a plan that includes elements addressing financial responsibility, site preparation, planting specifications, maintenance, monitoring and success criteria, and remediation and contingency measures. Wetland restoration/revegetation proposals are subject to permit authorization by federal and state agencies.

BIO-1:

1. Restoration Goal: The Park and Recreation Department – Open Space Division Biologist shall be responsible for assuring, implementing and meeting the restoration goals established in the NRMP and associated Appendices.

2. Responsibilities: The Park and Recreation Department – Open Space Division shall be responsible for all restoration activities including, but not limited to, installation of plant materials and native seed mixes, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period as detailed in the NRMP (Appendix 2, 5 and 6). Standard Best Management Practices as further described in the NRMP shall be implemented to insure that sensitive biological resources are not impacted.

3. Biological Monitoring Requirements: All biological monitoring in or adjacent to wetlands shall be conducted by a qualified wetland biologist. The biologist shall conduct construction monitoring during all phases of the restoration project. Orange flagging shall be used to protect sensitive habitat. Restoration activities shall be limited to the established corridor identified on the restoration plans. Performance Criteria and all the maintenance requirements shall be conducted in accordance with the NRMP and documented in the Management Actions Report as part of the MSCP Annual Report.

4. Completion of Restoration Activities Specific to Short-leaved Dudleya and/or Vernal Pools: At the end of the fifth year, a final report shall be prepared which demonstrates the success of the restoration effort. The report shall make a determination of whether the requirements of the NRMP have been achieved. If the final report indicates that the mitigation has been in part, or whole, unsuccessful, the Park and Recreation Department – Open Space Biologist shall prepare a revised or supplemental plan for restoration of the problem areas. The Park and Recreation Department shall be responsible for the long-term maintenance and monitoring of the restoration areas in accordance with the NRMP (Appendix 5 and 6) and document such efforts in the Management Actions Report as part of the MSCP Annual Report.

BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

BIO-2:

The following measures shall be incorporated into restoration documents to avoid and/or minimize direct impacts on wildlife movement, nesting or foraging activities and shall include preconstruction protocol surveys to be conducted during established breeding seasons, construction noise monitoring and implementation in order to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, State Fish and Game Code, and/or the ESL Regulations.

I. Prior to Restoration

A. **Field Meeting and Restoration Team Education** – In accordance with the NRMP, the Park and Recreation Department – Open Space Division Qualified Biologist shall conduct a field meeting and conduct an on-site educational session regarding the restoration program, the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.), and arrange to perform any fauna/flora surveys/salvage.

B. **Restoration Plan** – The Park and Recreation Department – Open Space Division Qualified Biologist shall prepare a restoration/revegetation plan which includes plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist.

C. **Avian Protection Requirements** - To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during

the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). If nesting birds are detected, the Park and Recreation Department – Open Space Qualified Biologist shall halt work in the area and identify measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided.

D. **Resource Delineation -** Prior to restoration activities, the Park and Recreation Department – Open Space Division Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

II. During Restoration Activities

A. **Monitoring-** All restoration activities (including access/staging areas) shall be restricted to areas previously identified by the Park and Recreation Department – Open Space Division Qualified Biologist. The Qualified Biologist shall monitor construction activities as needed to ensure that restoration activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Restoration Measures

A. **Biological Documents** – Upon completion of the restoration activities, the Park and Recreation Department – Open Space Division Qualified Biologist shall prepare a final report or provide information necessary to be included in the Management Actions Report as part of the MSCP Annual Report.

Mitigation for Short-term Impacts to Sensitive Species from Project Implementation

Specific measures necessary for reducing potential construction-related noise impacts to the coastal California gnatcatcher, least Bell's vireo, and the California cactus wren are further detailed in BIO-2, BIO-3, and the NRMP.

Mitigation Framework - Migratory Wildlife

BIO-3: Measures to reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the NRMP Preserves, shall be implemented prior to the start of restoration efforts. The Open Space Biologist shall identify results of protocol surveys and recommendations for additional measures to be implemented during restoration activities; shall identify the limits of any identified local-scale wildlife corridors or habitat linkages and analyze potential impacts in relation to local fauna, and the effects of conversion of vegetation communities (e.g., non-native grassland to riparian or agricultural to developed land) to minimize direct impacts on sensitive wildlife species and to provide for continued wildlife movement through the corridor.

Measures that shall be incorporated into project-level restoration plans to minimize direct impacts on wildlife movement, nesting or foraging activities shall be identified by the Open Space Biologist and shall include recommendations for preconstruction protocol surveys to be conducted during established breeding seasons, construction noise monitoring and implementation of any species specific mitigation plans in order to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, State Fish and Game Code, and/or the ESL Regulations.

Mitigation Framework for Impacts to Wetlands

Wetland Restoration activities implemented in accordance with the NRMP are exempt from the Environmentally Sensitive Lands (ESL) Regulations, do not require a Site Development or Neighborhood Development Permit and therefore, are not subject to CEQA. The Park and Recreation Department Open Space Division Qualified Biologist shall be required to implement Mitigation Framework BIO-1, 2 and 3, and Biological Resources Management Guidelines contained in the NRMP.

BIO-4: Vernal Pools and Vernal Pool Species

Restoration of vernal pools shall be accomplished in accordance with the provisions outlined in Appendix 6 of the NRMP and shall include salvage of sensitive species from vernal pools to be impacted, introduction of salvaged material into restored vernal pool habitat where appropriate (e.g., same pool series) and maintenance of salvaged material pending successful restoration of

the vernal pools. Salvaged material shall not be introduced to existing vernal pools containing the same species outside the vernal pool series absent consultation with and endorsement by vernal pool species experts not associated with the project (e.g., independent expert). The restoration sites shall include preservation of the entire watershed and a buffer based on functions and values; however, if such an analysis is not conducted, there shall be a default of a 100-foot buffer from the watershed.

In accordance with the provisions in the NRMP (Appendix 6), the Park and Recreation Department – Open Space Division shall prepare and submit a detailed restoration plan to the Wildlife Agencies for consultation and approval prior to issuance of any permit, authorization to proceed or other action that would allow impacts to wetlands.

HISTORICAL RESOURCES

Mitigation Framework for Historical Resources (Archaeology)

Future projects implemented in accordance with the CPA Trails Plan and NRMP which result in, or have the potential to impact Historical Resources (Archaeology) shall be subject to review in accordance with the Mitigation Framework detailed below and compliance with the Cultural Resources Management Guidelines of the NRMP. **Specifically, where future activities within archaeological site CA-SDI-11696 require excavation for fence post-holes or installation of container plants, only archaeological and Native American monitoring will be required; the following Mitigation Framework will be applied to all other activities associated with native plant restoration/installation within the Preserves where there is a potential for encountering unknown/buried archaeological resources.**

HIST-1: Future projects implemented in accordance with the CPA Trails Plan and NRMP that could directly affect an archaeological resource, shall be subject to environmental review at the project-level in accordance with the Mitigation Framework to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities.

INITIAL DETERMINATION

The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g. Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

STEP 1:

Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would

generally include background research, field survey, archaeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.

In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archaeological research in similar areas, models that predict site distribution, and archaeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

STEP 2:
Once a historical resource has been identified, a significance determination must be made. It should be noted that tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required which includes evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effect, the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and

Recreation (DPR) site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.

STEP 3:
Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the Area of Potential Effect of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program (MMRP) included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

STEP 4:
Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover) along with historical resources reports for archaeological sites and traditional cultural properties containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.

STEP 5:

For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. In the event that a prehistoric and/or historic deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the Guidelines.

Passed by the Council of The City of San Diego on AUG 0 4 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Todd Gloria	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☐	☐	☑	☐
Chris Cate	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☑	☐	☐	☐
Marti Emerald	☑	☐	☐	☐

Date of final passage AUG 1 7 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309951