

RESOLUTION NUMBER R- 310220

ADOPTED ON JAN 25 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE RESERVE PROJECT NO. 292065.

WHEREAS, on September 20, 2012, Copley Press, Inc. submitted an application to Development Services Department for a Vesting Tentative Parcel Map, Coastal Development Permit, Site Development Permit, and Planned Development Permit for the Reserve Project (Project); and

WHEREAS, the matter was set for public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the matter was heard and approved by the Planning Commission on November 19, 2015; and

WHEREAS, appeals of the Planning Commission's approval were filed on December 14, 2015; 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, the issue was heard by the City Council on January 25, 2016; 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, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 292065 (Report) prepared for this Project; NOW, THEREFORE,


BE IT RESOLVED, by the City Council that it is certified that the Report 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 Report 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 the Project.

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 Report 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 City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN GOLDSMITH, City Attorney

By: 
Shannon M. Thomas
Deputy City Attorney

SMT:als
01/29/2016
Or.Dept: DSD
Doc. No. 1214046

ATTACHMENT: Exhibit A, Mitigation, Monitoring, and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM****Vesting Tentative Parcel Map, Coastal Development Permit, Site Development Permit, and Planned Development Permit**

The Reserve Project No. 292065

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 Environmental Impact Report No. 292065/SCH No. 2014051069 shall be made conditions of Vesting Tentative Parcel Map, Coastal Development Permit, Site Development Permit, and Planned Development Permit as may be further described below.

10.1 GENERAL**Part I – Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director's Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the Environmental Designee 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 of San Diego's 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.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of

required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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: **Qualified Biologist, Qualified Paleontologist.**

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, Project Tracking System (PTS) No. 292065 and /or Environmental Document 292065/SCH No. 2014051069 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's Environmental Designee (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 of compliance with all other agency requirements or permits 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.
NONE REQUIRED

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.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

10.2 SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Biological Resource Protection During Construction

I. Prior To Construction

- A. **Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **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). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. **Resource Delineation** - Prior to construction activities, the 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.
- G. **Education** - Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding 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.).

II. *During Construction*

- A. **Monitoring** - All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction 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. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (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 Construction Measures*

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

10.2.1 BIOLOGICAL RESOURCES

Potential impacts to biological resources would be reduced to below a level of significance through implementation of the following mitigation measures:

MM-BIO-1 Covenant of Easement. Prior to the issuance of any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, Grantor shall execute this Covenant of Easement in favor of the City of San Diego and record this Covenant of Easement against title to the Property with the San Diego County Recorder. In addition, Grantor shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the environmentally sensitive nature of the Conserved Property. In addition, Grantor shall be responsible for implementing the following management activities in order to maintain ecological functions and services of the native vegetation of the Conserved Property:

The COE shall be managed in perpetuity by the property owners (Grantor) and shall include the following elements in addition to the standard language provided in the City COE template: Prior to the issuance of any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, direct impacts to 27 San Diego barrel cactus individuals shall be mitigated through transplantation into the conservation area ("Conserved Property") and preservation of 54 San Diego barrel cactus within the conservation area Conserved Property. Impacts to barrel cactus shall be mitigated pursuant to the a barrel cactus translocation plan, prepared pursuant to the City of San Diego Biological Guidelines Attachment III, General Outline for Conceptual Revegetation/Restoration Plan, which will ensure the success of the mitigation.

Direct impacts to one Nuttall's scrub oak shall be mitigated through preservation of 48 Nuttall's scrub oak individuals within the Conserved Property. The Conserved Property shall be subject to and governed by the Covenant of Easement (COE) on site. This COE is required as a condition of project approval, and shall be placed on the area to be set aside for conservation (Conserved Property), which is approximately 18.80 acres (refer to Figure 5.2-3). The Conserved Property conservation area shall be conserved and maintained by the owners of the individual parcels and is subject to and governed by the COE recorded on the individual parcels.

- The individual property owners or their qualified designee shall be responsible for long-term maintenance and management of the Conserved Property;
- Control weed species on an annual basis, ideally in the spring following germination and seed development of annual weed species. Weeding will be limited to highly invasive species including tree tobacco (*Nicotiana glauca*), eucalyptus trees, pampas grass (*Cortaderia selloana*), and ice

plant. Control should occur prior to seed-set to moderate additional infestation. Weed control should focus on hand-pulling when feasible. Mechanical and chemical control may occur as-needed, and should be performed by persons qualified in such methods. Perennial invasive non-natives will likely require repeat follow-up treatments for complete control.

- Removal on an annual basis. If significant trash presence is detected at other times of the year it should be removed as needed. Items to be removed include anthropogenic trash as well as weed slash materials. Collected trash shall be disposed of off-site in an appropriate manner.
- Fencing, where installed at the perimeter of the property, is to be inspected on an annual basis. Repairs and maintenance are to be performed as-needed to maintain the structural integrity and function of the fencing to prevent unauthorized vehicular or pedestrian entry.
- Fencing, where installed at the perimeter of the property, and signage shall be maintained to discourage and prevent public access to the native vegetation communities within the Conserved Property. If trespass occurs in areas where signage is not present, additional fencing and signage may be added to problem areas.
- The Zone 2 brush management area will be clearly delineated within the Conserved using T-posts or single-strand wire fence that allows wildlife freedom of passage but that marks the area of Brush Management Zone 2 brush management as shown on Exhibit A. The Zone 2 brush management areas have been included in the Conserved Property due to the species that occur in these areas and the contiguity provided by combining both the mitigation area and the Zone 2 brush management areas.
- Anecdotal observations of flora and fauna observed during annual maintenance activities shall be recorded. Species may be recorded by either scientific or common name. The vegetation condition shall also be reviewed and documented and remediating actions taken if the conservation area declines from its current natural condition.
- Prepare and submit an annual letter report to the City of San Diego Mitigation Monitoring Coordination section of the Development Services Department that describes the tasks and condition of the Conserved Property and any recommendations for future action.

To fulfill any of Grantor's obligations not included above (e.g., restoration in the event of vandalism), Grantor must use a qualified designee. The designee must have the following qualifications:

- Ability to carry out habitat monitoring or mitigation activities
- Fiscal stability, including preparation of an operational budget (using an appropriate analysis technique) for the management of the Conserved Property
- At least one staff member with a biological, ecological, or wildlife management degree, or a Memorandum of Understanding (MOU) with a qualified person with such a degree

- Experience with habitat resource management in Southern California.

As shown in Table 5.2-2, Parcel 2 will have a COE recorded on approximately 1.05 acres and Parcel 3 will have a COE recorded on approximately 17.75 acres, for a total of approximately 18.80 acres placed under a COE for the entire project. Upon recordation of the COE, the Grantor shall be responsible for ensuring that the exact mitigation requirements outlined in Table 5.2-3 for each specific vegetation community are implemented on site within the Conserved Property.

**Table 5.2-3
Mitigation Ratios**

Vegetation Community/Land Cover Type	Mitigation Ratio ^b	Mitigation Required (acres)	Open Space Areas Available for Mitigation (acres) ^c
Scrub oak chaparral	2:1	0.06	11.62
Southern maritime chaparral	2:1	8.04	
Disturbed southern maritime chaparral	2:1	0.68	
<i>Tier I Habitats Subtotal</i>		8.78	
Non-native grassland	1:1	0.16	0.15 ^d
<i>Tier IIIB Habitats Subtotal</i>		0.16	
Disturbed land	0:1	0.00	0.97
Eucalyptus woodland	0:1	0.00	0.20
Ice plant	0:1	0.00	1.66
Ornamental landscaping	0:1	0.00	0.15
Developed land	0:1	0.00	0.03
<i>Tier IV Habitats Subtotal</i>		0.00	
Unvegetated stream channel	2:1	0.00	0.08
<i>Wetlands Subtotal</i>		0.00	

- Impacts include development area (including temporary impacts) and Brush Management Zone 1 acreages combined.
- Mitigation ratio is based on all impacts and mitigation occurring on site, outside the MHPA.
- Habitat situated within Brush Management Zone 2 is not included in this open space acreage identified for mitigation.
- The additional 0.01 acre needed for non-native grassland mitigation is covered by excess Tier I habitat available for mitigation above.

MM-BIO-2 Special-Status Wildlife. 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 (precon) survey shall be conducted within 10 calendar days prior to the start of construction

activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City Development Services Department for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City Development Services Department for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

10.2.2 PALEONTOLOGICAL RESOURCES

Potential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measure.

MM PALEO-1

I. *Prior to Permit Issuance*

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director's 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 Assistant Deputy Director

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 the 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 pre-construction 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 pre-construction meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the CM and/or Grading Contractor.
 - a. If the PI is unable to attend the pre-construction meeting, the applicant shall schedule a focused pre-construction 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 a Paleontological Monitoring Exhibit based on the appropriate construction documents (reduced to 11×17 inches) 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 Paleontological Monitoring Exhibit that could result in impacts to formations with high and moderate resource sensitivity. **The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the PME.**
2. 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.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV 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.

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 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 the 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 pre-construction 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 CSVR and submit to MMC via fax by 8:00 a.m. on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Section 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 8:00 a.m. 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 CM shall notify the RE, or Building Inspector, 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.

Passed by the Council of The City of San Diego on JAN 25 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 25 2016

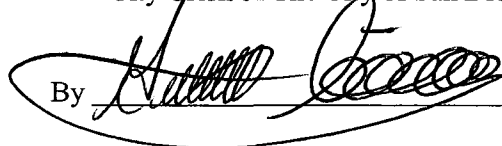
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310220