

MITIGATION MONITORING FRAMEWORK

By law¹, agencies must adopt a mitigation monitoring program at the time of project approval for any project which necessitated the preparation of either a Negative Declaration or an Environmental Impact Report after January 1, 1989. Such a monitoring program must ensure that every mitigation measure required to reduce a significant or potentially significant impact of the project is implemented, and that the effectiveness of each mitigation is documented and reported to the CEQA Lead Agency. The intent of mitigation monitoring requirements are to guarantee that mitigation and conditions, which have been required as part of a project's approval, are actually implemented. The mitigation monitoring framework for the proposed project is provided in the following table.

¹ Assembly Bill 3180.

Exhibit 4: Mitigation Monitoring Program

MITIGATION MONITORING AND REPORTING PROGRAM MATRIX

MITIGATION ID	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	TIMING/ FREQUENCY	COMPLIANCE CHECK	VERIFICATION
MMV-1.	<p>If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities at any of the four project sites, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Coastal Conservancy.</p> <p>If human remains of Native American origin are discovered during project construction, compliance with state laws, which fall within the jurisdiction of the Native American Heritage Commission (Public Resource Code Sec. 5097), relating to the disposition of Native American burials will be adhered to. If any human remains are discovered or recognized in any location other than a dedicated cemetery, excavation or disturbance of the site shall stop, including any nearby area reasonably suspected to overlie adjacent human remains, until:</p> <p>a. The coroner of the county has been informed and has determined that no investigation of the cause of death is required; and</p> <p>b. If the remains are of Native American origin,</p> <ol style="list-style-type: none"> 1. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or 2. The Native American Heritage Commission was unable to identify a descendant or the descendant 	State Coastal Conservancy	On-Site Contractor and, if appropriate Native American Monitor retained prior to the initiation of construction	Monitor to be present during all grading and site preparation activities	Certification to be provided by contractor responsible for project construction	State Coastal Conservancy Staff

Exhibit 4: Mitigation Monitoring Program

MITIGATION ID	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	TIMING/ FREQUENCY	COMPLIANCE CHECK	VERIFICATION
	<p>failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.</p>					
<i>MMVI-1.</i>	<p>A geological engineer shall be retained to review the proposed project plans and construction specifications and determine what measures are necessary, if any, to prevent the slope failures from being caused by the construction and use of the parking lot at the Pacific Avenue Overlook and improvements proposed for Paseo Del Mar, Waterfront Gateway components and for liquefaction potential at East Wilmington Greenbelt site. All recommended measures shall be implemented during project construction.</p>	State Coastal Conservancy	Registered Geologist on contract to State Coastal Conservancy	Prior to the Issuance of Building or Grading Permits	Prior to the Issuance of Building or Grading Permits	State Coastal Conservancy Staff
<i>MMVI-2.</i>	<p>Materials used for landings shall be permeable, allowing water to percolate naturally into the slope. Surface drainage shall be directed towards the down-slope side of any stairways or landings to prevent water from draining into and saturating the slope.</p>	State Coastal Conservancy	Project Architect and/or Landscape Architect	During Plan Check	Prior to the Issuance of Building or Grading Permits	None Needed
<i>MMVI-3.</i>	<p>Drip irrigation shall be used as needed along Paseo Del Mar and on the Pacific Avenue Overlook/Sunken City site.</p>	State Coastal Conservancy	Project Architect and/or Landscape Architect	During Plan Check	Prior to the Issuance of Building or Grading Permits	None Needed
<i>MMVI-4.</i>	<p>Care shall be taken during construction to avoid destabilizing the slope at the Pacific Avenue Overlook/Sunken City site. Equipment and material storage, as well as construction operations, shall be carried out so that the amount of external</p>	State Coastal Conservancy	General Contractor responsible for site development	Throughout the duration of demolition and construction activities	Staging Areas to be designated on site plans and construction	State Coastal Conservancy Staff or contracted

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	vibration and surcharge to the bluff-top is minimized at all times.				drawings Regular compliance checks on site	professional
<i>MMVI-5.</i>	A geological engineer shall monitor construction to ensure that the slope at the Pacific Avenue Overlook/Sunken City site is not destabilized. Alternative construction methods shall be used, if necessary, as recommended by the geological engineer, to prevent failures.	State Coastal Conservancy	Registered Geologist contracted by State Coastal Conservancy	Throughout the duration of demolition and construction activities	Regular (bi-weekly) compliance checks on site.	State Coastal Conservancy Staff or contracted professional
<i>MMVI-6.</i>	The existing slope at the Pacific Avenue Overlook/Sunken City site shall be monitored on an annual basis after the rainy season and after any significant rainfall or storm event to determine whether significant erosion has occurred near the top of the bluff, along pathways or under any viewing areas or stairs. If these occur, it is an indication that the stability of the slope is being compromised. If these occur, a geologic engineer shall be retained to recommend repairs to re-stabilize the slope and these recommendations shall be implemented.	State Coastal Conservancy	Registered Geologist contracted by State Coastal Conservancy	Once per year, after rainy season	State Coastal Conservancy Staff	State Coastal Conservancy Staff or contracted professional
<i>MMVI-7.</i>	In conjunction with MMVI-4, care shall be taken during construction to avoid erosion of topsoil. Specifically, best management practices related to storm water runoff and construction site management should be incorporated into the project, including the use of straw bales, waddles and other erosion reduction measures.	State Coastal Conservancy	General Contractor responsible for site development	Prior to and throughout the duration of demolition and construction activities	BMPs to be designated on site plans and construction drawings. Regular compliance checks on site.	State Coastal Conservancy Staff or contracted professional
<i>MMXV-1</i>	Prior to project implementation, a traffic and circulation study should be completed to evaluate the effectiveness of utilizing a roundabout at the intersection of Shepard Street and Pacific Avenue to reduce and/or eliminate potential driver confusion and safety considerations associated with the existing off-set nature of the intersection. If a roundabout is found to be an appropriate traffic control device, such an intersection improvement should be designed and implemented as a part of the proposed project.	State Coastal Conservancy	Transportation Engineer or Transportation Planner contracted by State Coastal Conservancy	Prior to finalization of site plans and construction drawings.	State Coastal Conservancy Staff	NA