

RESOLUTION NUMBER R- 303790
DATE OF FINAL PASSAGE MAY 27 2008

WHEREAS, on February 4, 2008, Burgener-Clark, LLC, Applicant, submitted an application to the City of San Diego for a site development permit/planned development permit and tentative map for the Bay View Plaza project; and

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

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on MAY 27 2008 ; and

WHEREAS, the City Council considered the issues discussed in Addendum No. 149101 to Mitigated Negative Declaration No. 5540; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum No. 149101 to Mitigated Negative Declaration No. 5540, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public

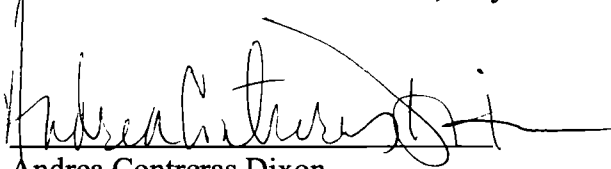
review process, has been reviewed and considered by this Council in connection with the approval of a site development permit/planned development permit and tentative map for the Bay View Plaza project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Addendum to Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

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

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
04/30/08
05/13/08 COR.COPY
Or.Dept:DSD
R-2008-988
MMS #6154
ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit, Planned Development Permit and Tentative Map

PROJECT NO. Addendum No 149101 to Project No. 5540

DEP NO. 1316

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/Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Addendum No. 149101 to Mitigated Negative Declaration No. 5540) shall be made conditions of Site Development Permit, Planned Development Permit and Tentative Map as may be further described below.

Human Health/Public Safety

1. Prior to the issuance of any demolition permits, proper testing shall be conducted by the applicant, to the satisfaction of the City Engineer, to determine if asbestos or lead-based paints exist within the structures slated for demolition. If testing shows the presence of asbestos or lead-based paints, then proper precautions shall be made during the removal and disposal of these materials, as regulated by state agencies during the removal and disposal of these materials, as regulated by state agencies (Cal-OSHA and Cal-EPA) and the San Diego Air Pollution Control District Rule 361.145 Standard for Demolition and Renovation, to ensure that no hazards to the demolition crew, adjacent residents, or other individuals are created.

Solid Waste

LDR Plan Check – Prior to the issuance of any permit, including but not limited to, any discretionary action, grading, or any other construction permits, the Assistant Deputy Director (ADD) shall verify that all the requirements of the Waste Management Plan have been shown and/or noted on the Demolition and/or Grading Plan (Construction documents).

- 1) Prior to the issuance of a demolition permit, the permittee shall be responsible to arrange a preconstruction meeting. This meeting shall be coordinated with Mitigation, Monitoring Coordination (MMC) to verify that implementation of the Waste Management Plan shall be performed in compliance with the plan approved by LDR and the San Diego Environmental Services Department (ESD), to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
- 2) The plan (construction documents) shall include the following elements for grading, construction, and occupancy phases of the project as applicable.

- a) tons of waste anticipated to be generated,
 - b) material type of waste to be generated,
 - c) source separation techniques for waste generated,
 - d) how materials will be reused off-site,
 - e) name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused onsite,
 - f) a “buy” recycled program,
 - g) how the project will aim to reduce the generation of construction/demolition debris,
 - h) a plan of how waste reduction and recycling goals will be communicated to subcontractors,
 - i) a time line for each main phase of the project as stated above.
- 3) The plan shall strive for a goal of 50% waste reduction.
- 4) The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals. The permittee shall notify MMC and ESD when:
- a) A construction permit is issued.
 - b) When construction begins.
 - c) The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic visits during construction to inspect the progress of the project’s waste diversion efforts. Notification shall be sent to:

<p>MMC/Tony Gagitano Mitigation Monitoring Coordination 9601 Ridgehaven Court Ste. 320, MS 1102B San Diego, CA 92123-1636 (619) 980-7122 or (858) 627-3360</p>	<p>Angelee Mullins Environmental Services Department 9601 Ridgehaven Court Ste. 320, MS 1103B San Diego, CA 92123-1636 (858) 492-5010</p>
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 - d) When Demolition ends.
- 5) Prior to the issuance of a grading permit, the applicant shall receive approval from the ADD that the Waste Management Plan has been prepared, approved, and implemented. Also, prior to the issuance of the grading permit, the applicant shall

submit evidence to the ADD that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how the goal was achieved, etc.

Preconstruction Meeting

- 1) At least thirty days prior to beginning any work on the site, demolition and/or grading, for the implementation of the MMRP, the Permittee is responsible to arrange a Preconstruction Meeting that shall include, the Construction Manager or Grading Contractor, MMC, and ESD and the Resident Engineer (RE), if there is an engineering permit.
- 2) At the preconstruction Meeting, the Permittee shall submit Three (3) reduced copies (11" x 17") of the approved Waste Management Plan to MMC (2) copies and to ESD (1) copy.
- 3) Prior to the start of demolition, the Permittee/Construction Manager shall submit a construction schedule to MMC and ESD.

During Construction

The Permittee/Construction Manager shall call for inspection by both MMC and ESD who will periodically visit the construction site to verify implementation of the Waste Management Plan.

Post Construction

- 1) After completion of the implementation of the MMRP, a final results report shall be submitted to MMC to coordinate the review by the ADD and ESD.
- 2) Prior to final clearance of any demolition permit, issuance of a Certification of Occupancy, the applicant shall provide documentation that the ADD of LDR and ESD, that the Waste Management Plan has been effectively implemented.

Traffic

- 1) Prior to the issuance of the first building permit, the applicant shall assure by permit and bond the restriping of Denver Street between Clairemont Drive and Ingulf Street to remove on-street parking and provide a center two-way left turn lane to the satisfaction of the City Engineer.
- 2) The applicant shall provide and maintain an additional four (4) parking spaces (above the minimum required) on-site to replace the four parking spaces on the west side of Denver Street that would be lost due to the restriping of Denver Street to provide a center two-way left turn lane.

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.