

RESOLUTION NUMBER R- 304437

DATE OF FINAL PASSAGE NOV 18 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING MITIGATED NEGATIVE
DECLARATION NO. 148904 AND ADOPTING THE
MITIGATION, MONITORING, AND REPORTING
PROGRAM FOR THE PALLADIUM AT AERO
PROJECT.

WHEREAS, Westcore Sandrock, LLC, Owner/Permittee, submitted an application with the City of San Diego for a rezone, General Plan amendment, Kearny Mesa Community Plan amendment, vesting tentative map, public right-of-way vacation, and Site Development Permit for the Palladium at Aero Project [Project] for the development of 412 residential units and four commercial retail units; and

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

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

WHEREAS, the issue was heard by the City Council on November 18, 2008; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration [MND] No. 148904; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that MND No. 148904, 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 report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said MND, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the Project.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study; therefore, MND No. 148904, a copy of which is on file in the Office of the City Clerk, is hereby certified and 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 is incorporated by reference herein.

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 AS TO FORM: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

NMF:mm
11/26/08
Or.Dept:DSD
R-200-604
MMS#6971

EXHIBIT A

MITIGATION, MONITORING, AND REPORTING PROGRAM
Palladium at Aero

Rezone (RZ), General Plan Amendment (GPA), Community Plan Amendment (CPA), Right-of-Way (ROW) Vacation, Vesting Tentative Map (VTM), and Site Development Permit (SDP)

PROJECT NO. 148904

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. The City of San Diego Engineering and Capital Projects Department and Development Services Department are jointly responsible for ensuring that this program is carried out. A record of the Mitigation, Monitoring, and Reporting Program will be maintained at the offices of the Development Services Department, Entitlement Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in Program Environmental Impact Report No. 148904 shall be made conditions of the project as further described below.

General measures which must be completed prior to any authorization to proceed:

The Assistant Deputy Director (ADD) of the City's Entitlement Division shall verify that the following statements are shown on the grading and / or construction plans as notes under the heading "Environmental Requirements:"

1. The Palladium at Aero Project No. 148904 is subject to a Mitigation, Monitoring, and Reporting Program (MMRP) and shall conform to the mitigation conditions in Mitigated Negative Declaration No. 148904.
2. Prior to any site disturbance (excluding survey and utility mark outs), the Owner/ Permittee shall schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the City Resident Engineer, and the City's Mitigation Monitoring Coordination (MMC) section.

Health & Public Safety

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, and Demolition Plans/Permits, the Assistant Deputy Director (ADD) Environmental designee shall verify that the applicant has coordinated with the San Diego County Department of Environmental Health (DEH), has entered into the Voluntary Assistance Program, and has provided a letter from DEH describing the measures required.
2. Prior to preconstruction meeting, the Owner/ Permittee shall provide the DEH letter to MMC and shall be prepared to discuss the work and schedule at the preconstruction conference.
3. Prior to the issuance of the building permit, a letter from DEH confirming that human health, water resources, and the environment are adequately protected

from any contamination that may have been present on the site shall be provided to the ADD environmental designee.

Public Utilities (Solid Waste)

A. Land Development Review (LDR) Plan check

1. Prior to the issuance of any construction permit, including but is not limited to, demolition, grading, building or any other construction permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the all the requirements of the Refuse & Recyclable Materials Storage Regulations and all of the requirements of the waste management plan are shown and noted on the appropriate construction documents. All requirements, notes and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.
2. The construction documents shall include a waste management plan that addresses the following information and elements for demolition, 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 on site,
 - e. name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site,
 - 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 of the three main phases of the project as stated above,
 - j. a list of required progress and final inspections by City staff.
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.
5. The Plan shall include notes requiring the Permittee to notify MMC and ESD when:
 - a. a demolition permit is issued,
 - b. demolition begins on site,
 - c. inspections are needed.
6. 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 site visits during demolition and construction to inspect the progress of the project's waste diversion efforts. When demolition ends, notification shall be sent to:

Mitigation Monitoring Coordination (MMC) Environmental Review Specialist
9601 Ridgehaven Court, Ste. 320, MS 1102 B
San Diego, CA 92123 1636
(619) 980 7122

Development Service Department, Environmental Services Department (ESD)
9601 Ridgehaven Court, Ste. 320, MS 1103 B
San Diego, CA 92123 1636
(858) 627-3303

7. Prior to the issuance of any grading or building permit, the applicant shall receive approval, in writing, from the ADD of LDR environmental designee (MMC) that the waste management plan has been prepared, approved, and implemented. Also prior to the issuance of any grading or building permit, the applicant shall submit written 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, how that goal was achieved, etc.

B. Pre-Construction [Precon] Meeting

1. Demolition Permit - Prior to issuance of any demolition permit, the permittee shall obtain written verification from MMC indicating that the permittee has arranged a pre-construction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager; Demolition/Building/Grading Contractor; MMC; and the City Environmental Services Department (ESD) and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by LDR and ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
2. At the Precon Meeting, the Permittee shall submit Three (3) reduced copies (11"x 17") of the approved waste management plan, to MMC (2) and ESD (1).
3. Prior to the start of demolition, the Permittee/Construction Manager shall submit a construction/demolition schedule to MMC and ESD.
4. Grading and Building Permit - Prior to issuance of any grading or building permit, the Permittee shall arrange a pre-construction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager; Building/Grading Contractor; MMC; and ESD and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by LDR and ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
5. At the Precon Meeting, the Permittee shall submit reduced copies (11"x 17") of the approved waste management plan to the RE, BI, MMC and ESD.
6. Prior to the start of construction, the Permittee/Construction Manager shall submit a construction schedule to the RE, BI, MMC and ESD.
7. The Permittee/Construction Manager shall call for inspections by the RE/BI and both MMC and ESD, who will periodically visit the demolition/construction site

to verify implementation of the waste management plan. The Consultant Site Visit Record (CSV) shall be used to document the Daily Waste Management Activity progress. Within 30 days after the completion of the implementation of the MMRP, for any demolition or construction permit, a final results report shall be submitted to both MMC and ESD for review and approval to the satisfaction of the City. MMC will coordinate the approval with ESD and issue the approval notification.

8. Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond, and/or issuance of any Certificate of Occupancy, the Permittee shall provide documentation to the ADD of LDR that the waste management plan has been effectively implemented.
9. This Mitigation, Monitoring, and Reporting Program will require additional fees and/or deposits to be paid prior to the issuance of building permits, certificates of occupancy, and/or final maps to ensure the successful completion of the monitoring program.