

334
A
5/15

RESOLUTION NUMBER R- 305857
DATE OF FINAL PASSAGE MAY 18 2010

A RESOLUTION CERTIFYING THAT ENVIRONMENTAL IMPACT REPORT [EIR] NO. 146803, HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 [CEQA] AND STATE CEQA GUIDELINES, AND THAT SAID EIR REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF SAN DIEGO AS LEAD AGENCY STATING FOR THE RECORD THAT THE FINAL EIR HAS BEEN REVIEWED AND CONSIDERED PRIOR TO APPROVING THE PROJECT; AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM AS IT RELATES TO THE HAZARD CENTER REDEVELOPMENT PROJECT - PROJECT NO. 146803.

WHEREAS, on May 1, 2008, Oliver McMillan, Applicant, submitted an application to the City of San Diego for a site development permit, planned development permit, vesting tentative map, including easement abandonments, and amendments to the First San Diego River Improvement Project [FSDRIP] Specific Plan and the Mission Valley Community Plan, an element of the General Plan; and

WHEREAS, the permit was set for a public hearing to be conducted by the City 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 18 2010 ; and

WHEREAS, the matter was set for public hearing on MAY 18 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Environmental Impact Report [EIR] No. 146803; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it be, and it is hereby certified, that EIR No.146803, in connection with Site Development Permit [SDP] No. 515727, Planned Development Permit [PDP] No. 515728, Vesting Tentative Map [VTM] No. 515726; including Easement Abandonments, and Amendments to the FSDRIP Specific Plan and the Mission Valley Community Plan, an element of the General Plan, No. 518905 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 Administrative Codes 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.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Administrative Code section 15091, the City Council hereby adopts the Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

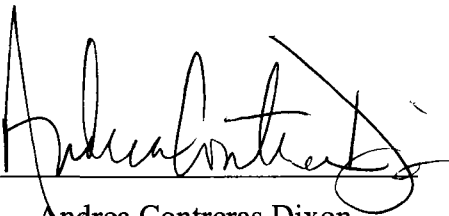
BE IT FURTHER RESOLVED, that pursuant to California Administrative Code section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a

copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code, 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 body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto 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: JAN I. GOLDSMITH, City Attorney

By: 
Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
04/22/10
05/05/10 COR. COPY
05/07/10 COR. COPY 2
Or.Dept:DSD
R-2010-774
MMS: #11219

ATTACHMENTS: Exhibit A, Findings of Fact and Statement of Overriding Considerations
Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

FINDINGS OF FACT AND STATEMENTS OF OVERRIDING CONSIDERATIONS

R-305857

DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR HAZARD CENTER REDEVELOPMENT PROJECT

PROJECT NUMBER 146803

SCH No. 2008061058

INTRODUCTION

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. It is the exclusive discretion of the decision maker certifying the EIR to determine the adequacy of the proposed candidate findings. It is the role of staff to independently evaluate the proposed candidate findings and to make a recommendation to the decision maker regarding their legal adequacy. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement

should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Final Environmental Impact Report for the Amendments to the First San Diego River Improvement Project (FSDRIP) Specific Plan and Mission Valley Community Plan (MVCP), a component of the City General Plan, Site Development Permit (SDP), Planned Development Permit (PDP), Public Services Easement Abandonment, and Vesting Tentative Map (VTM) for the Hazard Center Redevelopment Project, State Clearinghouse No. 2008061058 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact and Statement of Overriding Considerations (Findings) are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The FEIR for the proposed project;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments in the FEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR, and the FEIR;
- All errata sheets prepared for the FEIR and submitted to the City Council prior to the

City Council hearing.

- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of San Diego, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Development Services Center. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

PROJECT SUMMARY

Project Location

The approximately 14.5-acre Hazard Center Redevelopment project site is located at the southeast corner of Friars Road and State Route 163 within the larger approximately 41.3-acre Hazard Center District of the City's First San Diego River Improvement Project (FSDRIP) Specific Plan area in the City of San Diego, approximately five miles from the Pacific Ocean but outside of the coastal zone, as designated by the California Coastal Commission (FEIR Figures 2-1, *Regional Location Map*, and 2-3, *Aerial of Project Site*). The project site is developed with an existing approximately 151,000 square foot shopping center, a high rise office building, a 300-room hotel, and over 2,000 parking spaces in surface and subterranean lots (FEIR Figure 2-4, *Existing Site Plan*). The property is flanked by a number of public roads, including Friars Road, Frazee Road, Hazard Center Drive, and Caltrans right of way State Route 163. Vehicular access to the site is from four separate driveways. Pedestrian access is available from sidewalks within the public rights-of-way fronting the site and the San Diego Trolley immediately across Hazard Center Drive, south of the site.

Project Background

The Hazard Center Redevelopment Project is the proposed redevelopment and renovation of an existing mixed-use center that was originally constructed in the City of San Diego in the 1980's. The original Hazard Center District is now divided into four distinct developments under separate ownership: 1) the approximately 6.9 acre retail commercial site known as Hazard

Center East between Frazee Road and Mission Center Road; 2) the existing 120-unit residential condominium community called Union Square, south of Hazard Center Drive; 3) the existing 300-room hotel north of Hazard Center Drive; and 4) the proposed project approximately 14.5 acre site between Friars Road and Hazard Center Drive, west of Frazee Road (FEIR Figure 3-1, *Proposed Site Plan*). The existing center consists of approximately 151,000 square feet of retail shops, restaurants, a theatre, a branch of the YMCA, a high rise office building, a 300-room hotel, and parking within approximately 13.8 developed acres. For more than two decades, Hazard Center has served as a Town Center for Mission Valley along Interstate 8.

Project Description

The proposed project addresses the City and regional housing needs and smart growth goals. The proposed project includes renovation of the existing Hazard Center retail and the addition of residential development and public park and recreation facilities on site. To accomplish this project, the project applicant is requesting approval of a Specific Plan Amendment (SPA) to the FSDRIP Specific Plan, an amendment to the Mission Valley Community Plan (MVCP), a component of the City's General Plan. Implementation of the proposed project would also require approval of a Site Development Permit (SDP), Planned Development Permit (PDP), Vesting Tentative Map and approval of a Public Easement Abandonment.

Approval of the proposed Hazard Center Redevelopment project would allow the addition of multi-family residential uses to the existing mid-rise buildings along Hazard Center Drive. This would include row houses with flats above, for a total of 73 units in 5 stories, a 22-story high-rise building (Tower 1) north of Hazard Center Drive to include 198 flats on the upper 18 floors (with new commercial uses, public plazas, residential amenities and a lobby below), and a 21-story high-rise building (Tower 2) at the corner of Friars Road and Frazee Road to include 202 flats. Of the 473 proposed dwelling units, 48 units would be set aside as affordable housing per agreement with the City's Housing Commission. Building heights would not exceed 250 feet above grade.

To serve the residential units, a total of 93,518 square feet of exterior useable open space is proposed in the form of private balconies and common plazas and terraces. In addition to the provision of on-site useable open space, the proposed project includes the dedication of a 0.63-acre area to the City for public park use.

Overall, an additional 4,205 net square feet of commercial space would be added to the existing Hazard Center through the expansion and relocation of existing commercial uses. The existing 33,275 square foot movie theater will be removed and approximately 10,000 square feet of restaurant space will be relocated on site.

Additionally, the redevelopment project includes circulation improvements to enhance vehicular travel, pedestrian linkages and public transportation services in and around the property. Enhancements in pedestrian access are also proposed to reduce local dependence on single-

occupancy vehicles, including the integration of sidewalks, walkways and connections to the trolley.

Discretionary Actions

7510 Hazard LLC as project applicant has submitted applications for a Specific Plan Amendment (SPA) to the FSDRIP Specific Plan, an amendment to the Mission Valley Community Plan (MVCP), a component of the City's General Plan, which was initiated by the City Planning Commission on July 12, 2007 through the adoption of Resolution No. 4280-PC. The project applicant is also seeking approval of a Site Development Permit (SDP) and Planned Development Permit (PDP) for the entire project. In addition, a Vesting Tentative Map is proposed to subdivide the property into 21 lots and 473 residential, 5 commercial/retail and 10 common use (private drives, access, parking, storage, etc.) air rights parcels.

To approve the project, the City must take the following discretionary actions, as discussed in Section 3.0 of the FEIR:

- Certify the FEIR.
- Approve Findings and Statement of Overriding Considerations.
- Adopt the MMRP.
- Plan amendments/PDP/SDP/VTM approval.
- Public Easement Abandonment approval.

In addition, the City may use the FEIR to approve other discretionary actions, including but not limited to: a development agreement, subdivision maps, master plans, park plans, an affordable housing plan, grading permits, conditional use permits, and approval of assessment districts. The FEIR may also be used by responsible and trustee agencies in connection with project-related approvals, including without limitation a National Pollutant Discharge Elimination System (NDPES) General Construction permit approval from the Regional Water Quality Control Board (RWQCB), agreements between SANDAG, MTS and the applicant for transit facilities, encroachment permits from Caltrans for road improvements, and FAA approval of building heights.

Statement of Objectives

As described in Section 3.2 of the FEIR, the primary objectives of the Hazard Center Redevelopment project include:

1. Meet City and regional housing affordability needs by providing a minimum of ten percent low-income housing units through set-asides as required in the City's Inclusionary Housing Ordinance, and through a mix of studio, one- and two-bedroom units that offer a variety of housing options and costs.

2. Implement the General Plan City of Village's strategy and regional smart growth principles by providing high density housing in a mixed-use setting close to transit and employment opportunities.
3. Achieve optimal water conservation through advanced water conservation design that results in on-site per capita water savings and reduction of regional dependence on imported and uncertain water supplies.
4. Contribute to accomplishing the sustainable development goals of the General Plan by building with materials that maximize environmental performance, and through green building practices that include smart siting, compact building design, green roofs, advanced water and energy efficiencies, waste reduction and recycling, and natural daylighting and ventilation.
5. Contribute to meeting statewide and local goals to reduce global warming by incorporating sustainable design and building practices (such as green roofs, transit ridership encouragement, bicycle and alternate fuel vehicle facilities, natural daylighting, and ventilation) that would reduce construction and operational emissions of greenhouse gases.
6. Exceed City goals to reduce waste and conserve regional landfill space by incorporating design measures that satisfy Leadership in Energy and Environmental Design (LEED) criteria for 50 to 75 percent diversion (reuse, recycling) of construction and operational waste.

ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City prepared an Initial Study (IS) for the proposed project and, based on that IS, determined that the proposed project may have a significant effect on the environment and that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the proposed project.

On June 10, 2008, in accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of an Environmental Impact Report to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. The NOP, NOP distribution list, and NOP comments received during the 30-day public review period are contained in Appendix A to the FEIR. On June 2, 2008, the City held an advertised public scoping meeting to provide: (i) information regarding the proposed project, and (ii) an opportunity for public input regarding project issues that should be addressed in the Draft EIR. Comments received during the public involvement process and the IS/NOP scoping period were considered in the preparation of the Draft EIR.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a public review period that began on September 28, 2009 and concluded on November 12, 2009. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse and the Draft EIR was circulated to State agencies for

review through the State Clearinghouse, Office of Planning and Research (SCH No. 2008061058). A notice of availability of the Draft EIR for review was mailed to residents in the vicinity of the project site and non-residential property owners. The notice of availability was also filed with the City Clerk and required notice was provided to the public.

As noted, the public comment period on the Draft EIR concluded on November 12, 2009. The City received numerous comments on the proposed project. The City completed responses to those comments in January 2010. Those responses have been incorporated into the FEIR.

On March 25, 2010, the City of San Diego Planning Commission ("Planning Commission") held a public hearing on the project, the Planning Commission recommended approval of the project and certification of the FEIR, adoption of the MMRP, and approval of these Findings and the accompanying Statement of Overriding Considerations. The City Council held a public hearing to consider the project and voted to certify the FEIR, approve these Findings of Fact and the accompanying Statement of Overriding Considerations, adopt the MMRP, and approve the project.

GENERAL FINDINGS

The City hereby finds as follows:

- The City is the "Lead Agency" for the proposed project evaluated in the FEIR.
- The Draft EIR and FEIR were prepared in compliance with CEQA and the Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and FEIR, and these documents reflect the independent judgment of the City Council and the City of San Diego.
- The City of San Diego's review of the Draft EIR and the FEIR is based upon CEQA, the CEQA Guidelines, and the City's January 2007 Significance Determination Thresholds.
- An MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is incorporated herein by reference and is considered part of the record of proceedings for the proposed project;
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;

- The City reviewed the comments received on the Draft EIR and FEIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or FEIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the FEIR;
- The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR;
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the FEIR, nor has the City previously committed to a definite course of action with respect to the proposed project;
- Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

SUMMARY OF IMPACTS

Findings Regarding Impacts

The FEIR concludes that the proposed project will have no significant impacts with respect to the following issues without mitigation: Agricultural Resources, Mineral Resources, and Paleontological Resources.

Potentially significant impacts from the proposed project on the following issues will be mitigated to below a level of significance by existing regulations/standard conditions, project design features/special development requirements, and/or mitigation measures that will be made conditions of project approval: Land Use (MHPA Adjacency), Traffic/Circulation, Noise, Biological Resources (construction-related), Public Utilities (Solid Waste), Geology and Soils, and Cultural Resources.

Impacts with respect to the on-site park land dedication related to Land Use, Noise, and Air Quality will remain significant despite the adoption of all feasible mitigation measures.

Section 1

California Environmental Quality Act Findings

In making each of the findings below, the City has considered the Project Design Features and Plans, Programs, and Policies listed in the FEIR. The Project Design Features described in the FEIR are part of the Project that the City has considered, and are explicitly made conditions of Project approval. The Plans, Programs, and Policies discussed in the FEIR are existing regulatory plans and programs the Project is subject to, and, likewise, are explicitly made conditions of Project Approval.

FINDINGS PURSUANT TO §21081(a)(1) AND §15091(a)(1)

The City, having reviewed and considered the information contained in the FEIR, finds pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), that the following findings regarding the significant land use, traffic intersection, biological resources, noise, public utilities, cultural resources, and effects of the proposed project are adopted, as follows:

- (1) *Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below:***

A. LAND USE (MHPA Adjacency)

Potentially Significant Effect

The proposed project would potentially result in significant indirect impacts to the adjacent Multiple Habitat Preserve Area (MHPA) from project construction and operation.

Facts in Support of Finding (1)

The project's potentially significant indirect short- and long-term impacts to the adjacent MHPA would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.1.5.3 of the FEIR. Implementation of this mitigation would require, prior to issuance of any grading permits and/or the first pre-construction meeting, a qualified biologist to be retained to implement a biological resources mitigation program.

The applicant is required to provide a letter of verification to the Assistant Deputy Director (ADD) of the Entitlements Division (ED) stating that a qualified biologist, as defined in the City's Biological Resource Guidelines (BRG), has been retained to implement the biological resources mitigation program. Additionally, at least 30 days prior to the pre-construction meeting, a second letter is required to be submitted to the Mitigation Monitoring Coordination (MMC) section, which includes the name and contact information of the biologist and the names of all persons involved in the biological monitoring of the project. Also at least 30 days prior to the

pre-construction meeting, the qualified biologist is required to verify that any special reports, maps, plans and time lines, such as, but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated. Thereafter, the biologist is required to attend the first pre-construction meeting. In addition, the project is required to implement measures related to the MHPA Land Use Adjacency Guidelines, as discussed in the following paragraph.

Prior to initiation of any construction-related grading, the construction foreman is required to discuss the sensitive nature of the adjacent habitat with the crew and subcontractor. The limits of grading are to be clearly delineated by a survey crew prior to brushing, clearing or grading, and the project biologist supervise the placement of orange construction fencing or equivalent along the limits of disturbance to be checked by the biological monitor before initiation of construction grading. To avoid introduction of invasive non-native plant species into areas adjacent to the MHPA, such species can not be included in landscape plans. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. All construction activities (including staging areas and/or storage areas) must be restricted to the development area and no equipment maintenance is allowed within or near the adjacent open space and/or sensitive areas. The project biologist is required to monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance, that natural drainage patterns be maintained as much as possible during construction, and that erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA are required to be directed away from the MHPA, or if not possible, to not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer. Lastly, no trash, oil, parking or other construction related activities will be allowed outside the established limits of grading and all construction related debris is to be removed off-site to an approved disposal facility.

Implementation of these measures would be assured through incorporation into the project's MMRP.

B. TRAFFIC CIRCULATION

Potentially Significant Effect

The proposed project would create significant cumulative impacts to one local intersection: Friars Road and Frazee Road.

Facts in Support of Finding (1)

The project's significant cumulative impact to the intersection of Friars Road and Frazee Road would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.4.3.3 of the FEIR. Implementation of this mitigation would require a fair share contribution in the amount of \$149,492 to the SR-163/Friars Road Interchange project to mitigate the project's intersection impact. This improvement project proposes to substantially improve not only the Interchange but also the intersection of Frazee Road and Friars Road.

In addition to the fair share contribution, implementation of this mitigation requires the provision of additional right-of-way on Friars Road at the intersection of Friars Road and Frazee Road in order to provide dual right hand turn lanes in the eastbound direction at the intersection of Friars Road and Frazee Road. This right-of-way is required to be in the form of an irrevocable offer to dedicate (IOD).

Further, although v/c calculations do not indicate a significant project impact at the intersections of Frazee Road/project driveway and Frazee Road/Hazard Center Drive, the traffic study notes an existing queuing problem along this portion of Frazee Road that degrades the operations of the two traffic signals. In order to improve this situation, the Hazard Center Project shall provide several improvements to Hazard Center Drive along the project frontage. These improvements include capacity enhancing improvements including signal modifications, transitions to two lanes, an additional sidewalk on the southbound side, and median work. The Hazard Center Project shall also provide an additional southbound left-turn lane at the intersection of Frazee Road/Hazard Center Drive.

Implementation of these measures would be assured through incorporation into the project's MMRP.

C. NOISE**Potentially Significant Effect**

Exterior noise levels at the balconies located on the 3rd through 22nd floor on the west side of Tower 2 and the 1st through 22nd-floor on the north side of Tower 2, are projected to exceed 70 CNEL, comprising a significant direct impact.

Facts in Support of Finding (1)

The project's potentially significant interior noise impacts would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.2.5.3 of the FEIR. Implementation of this mitigation would require the project design to incorporate 3.5-foot noise barriers on the balconies located on the 3rd through 22nd floor on the west side of Tower 2 and the 1st through 22nd-floor on the north side of Tower 2.

Implementation of these measures would be assured through incorporation into the project's MMRP.

Potentially Significant Effect

Exterior noise levels would have the potential to cause interior noise levels in the residential buildings to exceed 45 dB(A) CNEL, thus comprising a significant direct impact.

Facts in Support of Finding (1)

The project's potentially significant interior noise impacts would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.2.5.3 of the FEIR. Implementation of this mitigation would require, prior to the issuance of building permits, that a detailed acoustical analysis for the units on the 5th through 22nd floors on the north, south, and west sides of Tower 1, the units on the 10th through 22nd floors on the east side of Tower 1, units on all floors on the north and west side of Tower 2, the units on the 6th through 22nd floors on the east side of Tower 2, the units on the 5th through 22nd floors on the south side of Tower 2, and the row homes, be prepared, to the satisfaction of the City's Acoustical Plan Checker. The analysis shall consider all habitable rooms of the affected units and include possible interior noise attenuation measures required to reduce interior noise levels to 45 CNEL or less. The applicant's final building plans are required to identify all recommendations of the acoustical report

Additionally, implementation of this mitigation requires that the design for the units on the 5th through 22nd floors on the north, south, and west sides of Tower 1, the units on 10th through 22nd floors on the east side of Tower 1, units on all floors on the north and west side of Tower 2, the units on the 6th through 22nd floors on the east side of Tower 2, the units on the 5th through 22nd floors on the south side of Tower 2, and the row homes include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed.

Implementation of these measures would be assured through incorporation into the project's MMRP.

D. BIOLOGICAL RESOURCES (Construction related impacts)

Potentially Significant Effect

The proposed project could create potentially significant construction and indirect impacts to least Bell's vireo residing adjacent to the project site.

Facts in Support of Finding (1)

The project's potentially significant impacts to sensitive species would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.6.3.3 of the FEIR. Implementation of this mitigation would require, prior to the issuance of

any grading permit, the ADD ED to verify that the construction plans include project requirements regarding the least Bell's vireo. The plans are required to include the following statement, "NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ED". Thereafter, specific requirement as discussed below are likewise required to appear on the plans.

A qualified biologist is required to survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels dB(A) hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met: (1) Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD ED at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or at least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

Construction noise monitoring is required to continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures are required to be implemented in consultation with the biologist and the ADD ED, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already

exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

If least Bell's vireo is not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD ED and applicable resource agencies which demonstrate whether or not mitigation measures such as noise walls are necessary between March 15 and September 15. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then the requirements stated above are required to be adhered to as specified above. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Implementation of these measures would be assured through incorporation into the project's MMRP.

Potentially Significant Effect

The proposed project could create potentially significant construction and indirect impacts to and Coopers Hawk nesting adjacent to the project site.

Facts in Support of Finding (1)

The project's potentially significant impacts to sensitive species would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.6.3.3 of the FEIR. Implementation of this mitigation would require, prior to the issuance of any grading permit, the ADD ED to verify that the construction plans include project requirements regarding the Coopers Hawk. The plans are required to include the following statement, "NO CLEARING, GRUBBING, GRADING OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN FEBRUARY 1 AND SEPTEMBER 15, THE RAPTOR BREEDING SEASON, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ED." Additional requirements, as discussed below, are also required to appear on plans.

If project grading is proposed during the raptor breeding season (February 1-September 15), the project biologist is required to conduct a pre-grading survey for active raptor nests in within 300 feet of the development area and submit a letter report to MMC prior to the preconstruction meeting. If active raptor nests are detected, the report shall include mitigation in conformance with the City's BRG (i.e., appropriate buffers, monitoring schedules, etc.) to the satisfaction of the ADD ED. Mitigation requirements determined by the project biologist and the ADD Environmental Designee shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.

Implementation of these measures would be assured through incorporation into the project's MMRP.

Potentially Significant Effect

The proposed project could create potentially significant impacts to the adjacent MHPA area associated with the San Diego River due to edge effects such as erosion and noise during construction.

Facts in Support of Finding (1)

The project's potentially significant impacts to the San Diego River MHPA would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.6.8.3 of the FEIR. This measure is the same as that identified in Section 4.1.5.3 of the FEIR. Implementation of this mitigation would require, prior to issuance of any grading permits and/or the first pre-construction meeting, a qualified biologist be retained to implement a biological resources mitigation program. The applicant is required to provide a letter of verification to the ADD of the Entitlements Division stating that a qualified biologist, as defined in the City's BRG, has been retained to implement the mitigation program. Additionally, at least 30 days prior to the pre-construction meeting, a second letter is required to be submitted to the MMC section, which includes the name and contact information of the biologist and the names of all persons involved in the biological monitoring of the project. Also, at least 30 days prior to the pre-construction meeting, the qualified biologist is required to verify that any special reports, maps, plans and time lines, such as, but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated. Thereafter, the qualified biologist is required to attend the first pre-construction meeting. In addition, the project is required to implement measures related to the MHPA Land Use Adjacency Guidelines, as discussed in the following paragraph.

Prior to initiation of any construction-related grading, the construction foreman is required to discuss the sensitive nature of the adjacent habitat with the crew and subcontractor. The limits of grading are to be clearly delineated by a survey crew prior to brushing, clearing or grading, and the project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance to be checked by the biological monitor before initiation of construction grading. To avoid introduction of invasive non-native plant species into areas adjacent to the MHPA, such species can not be included in landscape plans. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. All construction activities (including staging areas and/or storage areas) must be restricted to the development area and no equipment maintenance is allowed within or near the adjacent open space and/or sensitive areas. The project biologist is required to monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance, that natural drainage patterns be maintained as much as possible during construction, and that erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, be used to control erosion and deter

drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA are required to be directed away from the MHPA, or if not possible, to not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer. Lastly, no trash, oil, parking or other construction related activities are to be allowed outside the established limits of grading and all construction related debris is to be removed off-site to an approved disposal facility.

Implementation of these measures would be assured through incorporation into the project's MMRP.

E. PUBLIC UTILITIES (SOLID WASTE)

Potentially Significant Effect

The proposed project's generation of large amounts of solid waste (through demolition, construction, and operation) could be potentially significant until implementation of a Waste Management Plan (WMP) to reduce solid waste generation is implemented.

Facts in Support of Finding (1)

The project's potentially significant solid waste impacts would be mitigated to below a level of significance through implementation and verification of the project WMP as directed in the Mitigation Measure identified in Section 4.9.5.3 of the FEIR. Implementation of this mitigation would require the project applicant, prior to City issuance of any construction permit, to receive verification from the City ADD ED that all the requirements of the Refuse and Recyclable Materials Storage Regulations, and all of the requirements of the WMP, are shown and noted on the appropriate construction documents.

The construction documents are also required to include a WMP addressing the goal of 50 percent waste reduction and discussing the information and elements for demolition, construction, and occupancy phases of the project including tons of waste anticipated to be generated, material type of waste to be generated, source separation techniques for waste generated, how materials will be reused on site, name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site, a "buy recycled" program, how the project will aim to reduce the generation of construction/ demolition debris, a plan of how waste reduction and recycling goals will be communicated to subcontractors, a time line for each of the three main phases of the project as stated above, and a list of required progress and final inspections by City staff. The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals. In accordance with the WMP, the applicant is required to notify MMC and Environmental Services Department (ESD) when a demolition permit is issued, demolition begins on-site, and inspections are needed. Additionally, periodic site visits and progress

inspections, as well as a final inspection, are required to inspect the progress of the project's waste diversion efforts.

Implementation of this mitigation additionally requires the applicant, prior to issuance of any construction permit, to obtain written verification from MMC indicating that the preconstruction meeting has been arranged to coordinate the implementation of the Mitigation, Monitoring, and Reporting Program (MMRP). The preconstruction meeting is required to include: the Construction Manager (CM), Demolition/Building/Grading Contractor; MMC, ESD and the Building Inspector (BI) and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the WMP is performed in compliance with the plan approved by MMC and ESD.

Implementation of this mitigation additionally requires the applicant, prior to the start of demolition and/or construction to submit a construction/ demolition schedule to MMC and ESD.

Throughout construction, this mitigation requires periodic inspections by the RE/BI and both MMC and ESD, who will periodically visit the demolition/construction site to verify implementation of the WMP.

Within 30 days of completion of demolition and/or construction pursuant to any demolition or construction permit, this mitigation requires the applicant to submit a final results report 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. Specifically when demolition ends, the applicant is required to send notification to MMC Environmental Review Specialist and the ESD, at the addresses included in the FEIR.

Implementation of this mitigation requires the applicant, 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 to provide documentation to the ADD ED that the WMP has been effectively implemented. Additionally, the applicant is required to submit written evidence to the ADD ED that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the WMP elements.

Implementation of these measures would be assured through incorporation into the project's MMRP.

F. GEOLOGY AND SOILS

Potentially Significant Effect

The project site contains geological conditions, including compressible soils and liquefaction, which could pose significant impacts if not properly treated.

Facts in Support of Finding (1)

The project's potentially significant geological hazard impacts would be mitigated to below a level of significance with implementation of the Mitigation Measures identified in Section 4.8.3.3 of the FEIR. Implementation of this mitigation would require, as a condition of the grading permit, the project engineering to include design measures for the overexcavation of on-site alluvium and compaction of suitable fill soil in the resulting volume. Additionally, as a condition of the grading permit, additional geotechnical analyses of liquefaction, including soil borings and sample collection, are required to be performed for the purpose of providing estimated settlements, foundation considerations, and ground improvement recommendations, as necessary.

Implementation of these measures would be assured through incorporation into the project's MMRP.

G. CULTURAL/HISTORICAL RESOURCES**Potentially Significant Effect**

Grading for the proposed project could result in significant impacts to intact cultural deposits within undisturbed floodplain soils.

Facts in Support of Finding (1)

The project's potentially significant cultural resources impacts would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.7.3.3 of the FEIR. Implementation of this mitigation would require that prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or prior to the first preconstruction meeting, whichever is applicable, the ADD ED verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents. Also prior to permit issuance, the applicant is required to submit a letter of verification to MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). MMC will respond to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. Prior to the start of work, the applicant is required to obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to start of construction, implementation of this mitigation requires the PI to provide verification, to MMC that a site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed, and identification of any pertinent information concerning

expectations and probabilities of discovery during trenching and/or grading activities. Prior to beginning any work that requires monitoring, this mitigation requires the applicant to arrange a preconstruction meeting including the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. Additionally, the qualified Archaeologist and Native American Monitor shall attend any grading/excavation related preconstruction meetings to make comments and/or suggestions concerning the Archaeological Monitoring program. If the PI is unable to attend, the applicant is required to schedule a focused preconstruction meeting with MMC, the PI, RE, CM or BI, if appropriate prior to the start of any work that requires monitoring.

Implementation of this mitigation requires the PI, prior to the start of any work, to submit an Archaeological Monitoring Exhibit (AME) identifying the areas to be monitored including the delineation of grading/excavation limits, and a construction schedule to MMC through the RE indicating when and where monitoring will occur. The PI may request a modification to the monitoring program based on relevant information which indicates site conditions such as depth of excavation and/or site graded to bedrock, etc., may reduce or increase the potential for resources to be present.

Implementation of this mitigation requires the Archaeological Monitor to be present full-time during grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. Additionally, the Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. Thereafter, the CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities. Included in this mitigation is the requirement that the monitor document field activity via the Consultant Site Visit Record (CSVR), which is to be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of ANY discoveries. The RE shall forward copies to MMC. The mitigation provides that the PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance, post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

Implementation of this mitigation requires a discovery notification process whereby the Archaeological Monitor is required to direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate, and PI (unless Monitor is the PI). Additionally, the PI is required to immediately notify MMC by phone of the discovery, and submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation provides a protocol for the determination of significance of resources found. Specifically, the PI and Native American monitor are required to evaluate the significance of the resource, notify MMC by phone to discuss significance determination and submit a letter to

MMC indicating whether additional mitigation is required. If the resource is considered significant, the PI is required to submit an Archaeological Data Recovery Program (ADRP) 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. If resource is not significant, the PI is required to submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

If human remains are discovered, implementation of this mitigation requires that work stop in that area and the procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) are followed. These are also detailed in the FEIR.

Implementation of this mitigation requires that if night and/or weekend work is included in the contract, all information be discussed at the preconstruction meeting. In the event that no discoveries were encountered during night and/or weekend work, the PI is required to record the information on the CSV and submit to MMC via fax by 8 AM of the next business day. All discoveries are required to be processed and documented using the existing procedures detailed in the Discovery Notification Process identified in the mitigation measure.

Upon completion of construction, the PI is required to submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the City's Historical Resources Guidelines describing the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics), including the ADRC, to MMC for review and approval within 90 days following the completion of monitoring. This mitigation requires the PI to record any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report. The MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report. The PI shall submit revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

With respect to artifacts found, implementation of this mitigation requires the PI to be responsible for ensuring that all cultural remains collected are cleaned and catalogued, all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the property owner.

The PI is responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution, completed in consultation with MMC and the Native American representative, as applicable.

The PI is also required to include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

Implementation of this mitigation, lastly requires the PI to submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Implementation of the monitoring program/mitigation measures would be assured through incorporation into the project's MMRP.

FINDINGS PURSUANT TO §21081(a)(3) AND §15091(a)(3)

The City, having reviewed and considered the information contained in the FEIR, finds pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), that the following findings regarding significant land use compatibility, exterior noise, and air quality impacts, and alternatives to the proposed project, are adopted, as follows:

- (3) *Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained works, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below***

Infeasibility of Mitigation for Significant Impacts:

A. LAND USE (Park)

Potentially Significant Effect

In relation to the proposed park site, the Hazard Center Redevelopment project FEIR concluded that the project would have significant impacts with regard to project consistency with the existing adopted City General Plan (2008) Land Use and Community Planning Element. Specifically, locating the on-site park adjacent to the SR-163 creates a potentially significant unmitigable land use impact, as open space/park land uses are not designated near the SR-163. As described in the FEIR, converting existing land uses on-site to the uses envisioned in the proposed plan, specifically a park site adjacent to SR-163, would result in significant noise and air impacts (discussed below). Because these impacts would remain significant and unmitigated it comprises a related (secondary) significant and unmitigated land use impact.

Facts in Support of Finding (3)

Implementation of all mitigation measures included in the MMRP would reduce significant impacts associated with the proposed land use plan amendments to below a level of significance, with the exception of noise and air quality. Therefore, land use incompatibility associated with the significant and unmitigated noise and air quality impacts would also remain significant and unmitigated.

B. NOISE (Park)**Potentially Significant Effect**

The proposed project would locate a park site adjacent to SR-163 where exterior noise levels are projected to exceed the City's threshold of 65 CNEL, comprising a significant impact.

Facts in Support of Finding (3)

The project's significant noise impacts could be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.2.5.3 of the FEIR.

Implementation of this mitigation would require the construction of noise attenuation barriers ranging from 8 to 14 feet in height. These barriers would be too tall for practical use of the park. Therefore, should a future park be constructed on the park site, noise impacts associated with park use would remain significant and unmitigated. The unavoidable impact is overridden by the benefits of the project to provide needed park facilities within the Mission Valley community, as set forth in the statement of overriding considerations.

C. AIR QUALITY (Park)**Potentially Significant Effect**

The proposed project would expose future park-site users to significant air quality impacts due to projected cancer risk from diesel emissions associated with traffic on SR-163.

Facts in Support of Finding (1)

The project's significant diesel related impacts to air quality would remain significant and unmitigated. There are no feasible mitigation measures to reduce this impact to less than significant levels. The unavoidable impact is overridden by the benefits of the project to provide needed park facilities within Mission Valley, as set forth in the statement of overriding considerations.

FINDINGS REGARDING ALTERNATIVES

Because the proposed project will cause unavoidable significant environmental effects related to Land Use, Noise, and Air Quality, the City must consider the feasibility of any environmentally superior alternatives to the proposed project, evaluating whether these alternatives could avoid

or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives. As described in Section 3.2 of the FEIR, the objectives sought by the project include:

1. Meet City and regional housing affordability needs by providing a minimum of ten percent low-income housing units through set-asides as required in the City's Inclusionary Housing Ordinance, and through a mix of studio, one- and two-bedroom units that offer a variety of housing options and costs.
2. Implement the General Plan City of Village's strategy and regional smart growth principles by providing high density housing in a mixed-use setting close to transit and employment opportunities.
3. Achieve optimal water conservation through advanced water conservation design that results in on-site per capita water savings and reduction of regional dependence on imported and uncertain water supplies.
4. Contribute to accomplishing the sustainable development goals of the General Plan by building with materials that maximize environmental performance, and through green building practices that include smart siting, compact building design, green roofs, advanced water and energy efficiencies, waste reduction and recycling, and natural daylighting and ventilation.
5. Contribute to meeting statewide and local goals to reduce global warming by incorporating sustainable design and building practices (such as green roofs, transit ridership encouragement, bicycle and alternate fuel vehicle facilities, natural daylighting, and ventilation) that would reduce construction and operational emissions of greenhouse gases.
6. Exceed City goals to reduce waste and conserve regional landfill space by incorporating design measures that satisfy Leadership in Energy and Environmental Design (LEED) criteria for 50 to 75 percent diversion (reuse, recycling) of construction and operational waste.

The alternatives presented and considered in the FEIR constitute a reasonable range of alternatives necessary to permit a reasoned choice among the options available to the City and/or the project proponent. Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project:

Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts:

The FEIR for the Hazard Center Redevelopment project examined several project alternatives in terms of their ability to meet the primary objectives of the proposed project, and eliminate or further reduce its significant environmental effects. These project alternatives are summarized below.

A. NO PROJECT ALTERNATIVE

The No Project Alternative would continue to adhere to existing land use plans.

Potentially Significant Effects

The continuation of the project site under the existing land use plans would result in continued impacts to water quality that would be avoided through mitigation measures and upgrades to the existing storm drainage system incorporated into the proposed project.

The continued use of the site, without any further grading, avoid the proposed project's potential significant impacts to land use plan incompatibility, cumulative traffic (intersections), exterior and interior noise, sensitive species and MHPA edge effects, emission of toxic air contaminants, public utilities (solid waste), geological hazards, and subsurface cultural resources that would occur with the proposed project.

Facts in Support of Finding (3)

While the No Project Alternative would maintain the status quo in terms of use of the site as a commercial center resulting in the avoidance of the significant and unmitigated impacts associated with the proposed project, it would not meet many of the objectives of the proposed project. This alternative would not further the City of Villages goal. It would likewise fail to meet the objective of increasing the efficiency of the City's transit infrastructure by increasing density at the existing transit center. Overall, this alternative would not maximize residential density, provide affordable housing, assist the City address its housing shortage, implement the City of Villages concept, minimize greenhouse gas emissions, or utilize current water quality, drainage, water conservation, operation waste reduction or energy efficiency technologies. For these reasons, the No Project Alternative would be considered infeasible.

B. REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative would limit residential height to a range of two to four stories, yielding 55 additional dwelling units as follows: 20 one-bedroom flats, 17 two-bedroom flats, and 18 two-bedroom row houses. The number of affordable housing units would be 6 units or less and no commercial space would be included.

Potentially Significant Effects

The Reduced Project Alternative would result in similar land use and biological edge effects as those identified for the proposed project on the nearby MHPA during construction and operation. Additionally, impacts associated with solid waste, cultural/historical resources, and geological impacts would be the same as the proposed project.

This alternative would eliminate the significant and unmitigated land use, noise and air quality impacts associated with the project-proposed park site in the southwest corner because the

Reduced Project Alternative does not located any sensitive uses in this area/adjacent to the SR-163 freeway. Additionally, the Reduced Project Alternative would add less traffic than the proposed project.

Facts in Support of Finding (3)

While the Reduced project Alternative would avoid those project impacts identified as significant and unmitigated, it would fail to meet many of the project's objectives. This alternative would not provide the City with much needed affordable housing, nor create a sustainable, mixed use design located in proximity to transit. It is therefore, considered infeasible.

C. COMMERCIAL/RETAIL USE ALTERNATIVE

The Commercial/Retail Use Alternative would add additional commercial space as permitted under the existing FSDRIP Specific Plan. This equates to an allowable new commercial area of 39,195 square feet. No additional residential uses would be added to the project site.

Potentially Significant Effects

While the Commercial/Retail Use Alternative would be consistent with the zoning designation in the adopted Specific Plan, it would not implement the goals of the City's General Plan Strategic Framework or Housing Element. Although this alternative would have reduced traffic impacts compared to the proposed project, it does not conform to City land use goals because it fails to meet the required balances of commercial, retail and residential uses.

The Reduced Project Alternative would result in similar impacts on cultural/historical resources, biology, and geology as those identified for the proposed project.

This alternative would avoid significant and unmitigated air quality and noise impacts, and result in decreased impacts associated with solid waste.

Facts in Support of Finding (3)

This alternative would fall short of a number of the project's objectives including the provision of affordable housing, assisting the City in addressing its shortage of housing for workers in the economically diverse industries of Mission Gorge and Mission Valley, and implementing smart growth principles and sustainable development practices through the provision of sustainably designed, high-density residential units in an already urbanized location adjacent to existing public transportation, employment, and other public infrastructure and services. Economic and social considerations thus render this alternative infeasible.

D. ALTERNATIVE CONSIDERED BUT REJECTED**Alternative Project Locations**

CEQA requires that only locations that would avoid or substantially lessen any of the significant effects of the proposed project, and meet project objectives, need be considered for inclusion in the EIR. In order to accomplish the objectives of the proposed project, it would be necessary to identify an alternative infill site of comparable size in proximity to Mission Gorge or Mission Valley, which is appropriately designated and zoned for medium high density residential use and close to transit. While there may be sites that meet these criteria, they are not in the applicant's ownership, and may potentially generate significant environmental impacts greater to those identified for the proposed project. For these reasons, alternative project locations were not considered further.

Section 2

Statement of Overriding Considerations

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and Guidelines Section 15093, the City has balanced the benefits of the proposed project against unavoidable adverse impacts to Land Use, Noise, and Air Quality associated with the proposed project and has adopted all feasible mitigation measures with respect to these significant and unmitigable impacts. The City also has examined alternatives to the proposed project, none of which is both environmentally preferable to the proposed project and meets the basic project objectives.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations which outweigh the unavoidable adverse environmental impacts of the proposed project. Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings.

Housing Benefits:

- The project applicant has agreed to set aside ten percent of the dwelling units on-site as low-income housing pursuant to the City’s Inclusionary Housing Ordinance, rather than exercise its option of paying an in-lieu fee. Providing the actual housing units gives the City the social benefit of affordable housing. This would amount to 10 percent of the total units either rented exclusively to households with an income at or below 65 percent of the area median income (AMI) for a period of 55 years, or sold to households with an income at or below 100 percent of the AMI.
- By locating inclusionary housing on site, and thus near transit and employment opportunities, the project applies the goals of the General Plan for balanced communities, equitable development and environmental justice. These goals are outlined in the Land Use and Community Plan Element and include distribution of affordable housing throughout the City without disproportionate concentration in any areas, encouraging better links from homes to jobs and services, a variety of housing types and affordability within communities, a balance of land uses within communities, and an emphasis on transit-oriented development.
- The project will provide increased housing density in an already urbanized area with transit and employment opportunities, thus integrating and coordinating transit and land uses. This benefits the City because it assists in the implementation of the General Plan City of Villages

strategy and regional smart growth principles. The SANDAG Regional Comprehensive Plan states that smart growth focused in compact, existing job centers near transit is necessary to preserve open space, maintain a balance between housing availability and jobs, and protect the environment in the San Diego region. The General Plan and SANDAG Regional Comprehensive Plan both identify the project location as an Urban Center or Urban Village, with a higher residential density designation. SANDAG recommends 25+ dwelling units per acre for mixed-use sites within .25-mile radius of transit stations..

- The City's General Plan Housing Element states that the City currently has a very limited supply of land designated and zoned for multi-family housing. The project benefits the City because it implements goals of the current Housing Element which calls for increased housing supply through development of multi-family housing.

Social Benefits:

- The project will include dedication and construction of a public park on-site and construction of internal plazas and a pedestrian system having connectivity to regional transit as well as to the regional river corridor trail system via an existing path and public easement through the Union Square residential development. This will benefit the City by providing for passive and active recreational opportunities within the Mission Valley community where there is an existing deficit of parks and connectivity to open space .
- The project will provide increased housing density within one-half mile of transit facilities, thus providing needed densities to support local public transit and allowing future residents to minimize reliance on the automobile and benefit regional air quality.
- The project will implement the City of Villages Strategy contained in the recently adopted General Plan by redirecting future population growth to an infill location within an existing urban area, thereby reducing environmental effects typically associated with suburban development or urban sprawl, thus benefiting the City as a whole.
- The project will benefit public safety by enhancing pedestrian sidewalks and crossings and adding traffic calming measures on Hazard Center Drive. The proposed Community Plan Amendment to reclassify Hazard Center Drive west of Frazee Road from a four-lane collector street to a two-lane collector street will allow significant streetscape improvements along Hazard Center Drive and provide better access to the public bicycle and walking path near the San Diego River. Proposed street enhancements include wider sidewalks, a new sidewalk adjacent to the trolley station platform where none currently exists, dedicated turn lanes, diagonal parking, traffic calming measures, bus stops, and a shorter and wider crosswalk to the trolley station with enhanced paving.
- The project will contribute to local transportation improvements through a fair share contribution of \$149,492.00 to the interchange project, dedication of land necessary to

complete the widening of Friars Road and an additional southbound left turn lane from Frazee Road to eastbound Hazard Center Drive.

Regional Economic Prosperity:

- The project will include revitalization of the existing commercial center to modernize its retail image and to ensure future economic vibrancy. The resulting Hazard Center will function as an integrated community with a single aesthetic concept reflecting the latest advances in mixed-use and transit-oriented design.
- The project will help implement the policies of the Economic Prosperity Element of the City's General Plan by reinvesting in an existing community and by providing workforce housing accessible to employment areas and a high-quality, convenient lifestyle necessary to attract skilled employees.
- By building on a previously developed site, the project adds needed housing while preserving other lands for employment uses or open space.
- A Fiscal/Economic Impact Study for Hazard Center was prepared by MarketPointe Realty Advisors, dated January 22, 2010, and incorporated herein by reference. The conclusions of that study indicate that significant economic benefits will result through approval and implementation of the project. Over a 20-year period, the project is anticipated to generate over \$42 million in property taxes, more than \$200 million in sales taxes, and over \$14 million of development fees to the City. Design and construction of the project will generate an estimated 1,400 direct construction jobs and more than \$6 million in local consultant, design and engineering fees. Additionally, revitalization of the commercial center and the increased consumer base provided by new residents will result in an estimated 660 preserved and new retail jobs.

Sustainability/Conservation Benefits:

- The project will include several sustainable building features consistent with the voluntary Sustainable Development goals contained in the General Plan's Conservation Element, as well as with the specific environmental performance criteria of the U.S. Green Building Council's (USGBC) LEED green building rating system. Sustainable project features include: installation of greenroofs, stormwater management using low impact design (LID) strategies and best management practices (BMPs), use of technologies to reduce light pollution such as full cutoff luminaires, and low-angle spotlights, installation of energy-efficient appliances and fixtures, and advanced water conservation strategies. These measures would benefit the City by reducing the project's total carbon footprint, improving local water quality, and reducing consumption of non-renewable resources.
- The project will assist in implementing recommendations of the Draft San Diego River Park Master Plan, especially the goal of restoring the river's health. The existing drainage system

from roofs and parking areas will be upgraded to more stringent current standards, including installation of fossil filters throughout. Along with proposed landscaping and irrigation improvements and vegetated roofs, these measures will significantly raise the level of protection against pollutants entering the river drainage. Most importantly, the project provides needed housing with no increase in impervious area or run-off from the site. The project will further support the goals of the Plan by reorienting the neighborhood towards the river, providing a park adjacent to a river drainage and contributing in-lieu fees toward future parks in Mission Valley.

- The project is an example of sustainable planning and site selection. The project will be located on a previously developed site near services, bus and light rail transit and existing density; will provide bicycle facilities and reduce heat island effect.

CONCLUSION

For the foregoing reasons, the City of San Diego concludes that the proposed Hazard Center Redevelopment Project will result in numerous public benefits beyond those required to mitigate project impacts, each of which individually is sufficient to outweigh the unavoidable environmental impacts of the proposed project. Therefore, the City of San Diego has adopted this Statement of Overriding Considerations.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit, Planned Development Permit, Vesting Tentative Map, including Easement Abandonments, and Amendments to the First San Diego River Improvement Project (FSDRIP) Specific Plan and the Mission Valley Community Plan, an element of the General Plan

PROJECT NO. 146803

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 Entitlement Division of the City of San Diego Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 146803 shall be made conditions of Site Development Permit, Planned Development Permit, Vesting Tentative Map, including Easement Abandonments, and Amendments to the First San Diego River Improvement Project (FSDRIP) Specific Plan and the Mission Valley Community Plan, an element of the General Plan as may be further described in the following pages.

R-305057

10.0 Mitigation Monitoring and Reporting Program

CEQA Section 21081.6 requires that a mitigation monitoring and reporting program be adopted upon certification of an EIR in order to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The proposed Hazard Center Redevelopment project is described in the EIR text. The EIR, incorporated herein as referenced, focused on issues determined to be potentially significant by the City of San Diego. The issues addressed in the EIR include land use, visual quality and community character, traffic circulation, noise, air quality, biological resources, cultural resources, geology and soils, public utilities, public services and facilities, water quality, hydrology/drainage, population and housing, and public safety. Public Resources Code section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring mitigation were identified for land use, traffic/circulation, noise, air quality, biological resources, cultural resources, geology and soils, and solid waste public utilities. The environmental analysis concluded that for all of the environmental issues discussed, except for land use, noise and air quality, the significant and potentially significant impacts could be avoided or reduced through implementation of recommended mitigation measures.

The mitigation monitoring and reporting program for the Hazard Center Redevelopment tentative map is under the jurisdiction of the City of San Diego and other agencies as specified in the table below. The mitigation monitoring and reporting program for the Hazard Center Redevelopment tentative map addresses only the issue areas identified above as significant. The following is an overview of the mitigation monitoring and reporting program to be completed for the project.

Monitoring Activities

Monitoring activities would be accomplished by individuals identified in the attached MMRP table. While specific qualifications should be determined by the City of San Diego, the monitoring team should possess the following capabilities:

- Interpersonal, decision-making, and management skills with demonstrated experience in working under trying field circumstances
- Knowledge of and appreciation for the general environmental attributes and special features found in the project area

10.0 Mitigation Monitoring and Reporting Program

- Knowledge of the types of environmental impacts associated with construction of cost-effective mitigation options
- Excellent communication skills

Program Procedures

Prior to any construction activities, meetings should take place between all the parties involved to initiate the monitoring program and establish the responsibility and authority of the participants. Mitigation measures that need to be defined in greater detail will be addressed prior to any project plan approvals in follow-up meetings designed to discuss specific monitoring effects.

An effective reporting system must be established prior to any monitoring efforts. All parties involved must have a clear understanding of the mitigation measures as adopted and these mitigations must be distributed to the participants of the monitoring effort. Those that would have a complete list of all the mitigation measures adopted by the City of San Diego would include the City of San Diego and its Mitigation Monitor (MM). The MM would distribute to each Environmental Specialist and Environmental Monitor a specific list of mitigation measures that pertain to his or her monitoring tasks and the appropriate time frame that these mitigations are anticipated to be implemented.

In addition to the list of mitigation measures specified in the table below, the monitors will have mitigation monitoring report (MMR) forms, with each mitigation measure written out on the top of the form. Below the stated mitigation measure, the form will have a series of questions addressing the effectiveness of the mitigation measure. The monitors shall complete the MMR and file it with the MM following the monitoring activity. The MM will then include the conclusions of the MMR into an interim and final comprehensive construction report to be submitted to the City of San Diego. This report will describe the major accomplishments of the monitoring program, summarize problems encountered in achieving the goals of the program, evaluate solutions developed to overcome problems, and provide a list of recommendations for future monitoring programs. In addition, and if appropriate, each Environmental Monitor or Environmental Specialist will be required to fill out and submit a daily log report to the MM. The daily log report will be used to record and account for the monitoring activities of the monitor. Weekly and/or monthly status reports, as determined appropriate, will be generated from the daily logs and compliance reports and will include supplemental material (i.e., memoranda, telephone logs, and letters).

Summary of Project Impacts and Mitigation Measures

The following table summarizes the potentially significant project impacts and lists the associated mitigation measures and the monitoring efforts necessary to ensure that the measures are properly implemented. All the mitigation measures identified in the EIR are stated herein.

**EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
HAZARD CENTER REDEVELOPMENT PROJECT**

**Site Development Permit, Planned Development Permit, Vesting Tentative Map, including Easement
Abandonments, and Amendments to the First San Diego River Improvement Project (FSDRIP) Specific Plan and
the Mission Valley Community Plan, an element of the General Plan
PROJECT NO. 146803**

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 Entitlement Division of the City of San Diego Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 146803 shall be made conditions of Site Development Permit, Planned Development Permit, Vesting Tentative Map, including Easement Abandonments, and Amendments to the First San Diego River Improvement Project (FSDRIP) Specific Plan and the Mission Valley Community Plan, an element of the General Plan as may be further described in the following pages.

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the MMRP for the following environmental issue areas as identified in the Hazard Center Redevelopment EIR: Land Use/Multiple Species Conservation Program; Traffic/Circulation; Air Quality; Cultural/Historical Resources; Geology and Soils and Public Utilities; Noise and Biological Resources. The mitigation measures identified below include all applicable measures from the Hazard Center Redevelopment EIR (Project No. 146803). This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California Public Resources Code requires a lead or responsible agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the Hazard Center Redevelopment EIR, and therefore must ensure the enforceability of the Mitigation Monitoring and Reporting Program (MMRP). An EIR, has been prepared for this project which addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented.

R-305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
LAND USE			
<p>City of San Diego General Plan (2008) Consistency: Land Use and Community Planning Element - Environmental Protection. The proposed project includes the location of a park site adjacent to the SR-163 corridor that would experience noise and air quality (cancer risk) levels that exceed significance thresholds. These significant noise and air quality impacts cannot be feasibly mitigated, therefore noise and air quality impacts would remain significant and unmitigated and would require a statement of overriding considerations. These significant noise and air quality impacts associated with the proposed park location conflict with General Plan policy LU-I-14; Thus land use (plan inconsistency) impacts would similarly be significant and unmitigated and would require a statement of overriding considerations.</p>	<p>Measures (e.g. sound walls) to mitigate land use compatibility issues related to the proposed location of the park adjacent to SR-163 could not feasibly be implemented to reduce secondary noise and air quality impacts.</p>	Unmitigable	City of San Diego
<p>Mission Valley Community Plan & FSDRIP Consistency. With regard to project consistency with the MVCP and FSDRIP Specific Plan, converting existing land uses on-site to the uses envisioned in the project proposal would result in significant traffic, noise, air quality, biology, cultural resources, public utilities</p>	<p>4.1.4.3 Implementation of all other mitigation measures included in this MMRP would reduce significant impacts associated with the proposed land use plan amendments to below a level of significance, with the exception of noise and air quality. Land use incompatibility associated with these significant and unmitigated noise and air quality impacts would also remain significant and unmitigated (see above).</p>	Unmitigable	City of San Diego

R-305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
(solid waste), and geology and soils impacts. Mitigation measures included in this MMRP would serve to reduce most of the impacts of the Specific Plan Amendment to a level below significance. However, significant noise and air quality impacts associated with the proposed park use would remain significant and unmitigated. Given these significant noise and air quality impacts, the proposed location of the park would conflict with land use and noise policies of the General Plan (see above).			
MHPA Land Use Adjacency and Edge Effects. Indirect impacts to the nearby adjacent MHPA from project construction and operation would be potentially significant.	<p>4.1.5.3: Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the Assistant Deputy Director (ADD) of the Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:</p> <p>A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the Entitlements Division stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.</p> <p>B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section, which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.</p>	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego
	<p>C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact</p>	Prior to the first pre-construction meeting	City of San Diego

R-305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	avoidance areas or other such information has been completed and updated.		
	D. The qualified biologist (project biologist) shall attend the first pre-construction meeting.	Prior to the initiation of construction activities	City of San Diego
	In addition the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented: 1. Prior to initiation of any construction-related grading, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.	Prior to initiation of any construction-related grading	City of San Diego
	2. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A. The limits of grading shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading.	Prior to brushing, clearing, or grading.	City of San Diego
	3. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. Landscape plans shall not contain invasive, non-native species.	Prior to, during and following construction.	City of San Diego
	4. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.	Prior to, during and following construction.	City of San Diego
	5. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.	During construction process.	City of San Diego
	6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of	During construction	City of San Diego

R-305357

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.	process.	
	7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.	During construction process.	City of San Diego
TRAFFIC CIRCULATION			
Year 2030 (cumulative) Impacts - Intersections. The project's contribution to the delay at the Friars Road/Frazee Road intersection would exceed the established threshold; therefore implementation of the proposed project would result in a significant cumulative impact at the intersection of Friars Road/Frazee Road.	<p>4.4.3.3.b: The intersection of Frazee Road and Friars Road is part of the study area for the SR-163/Friars Road interchange project. This improvement project proposes to substantially improve not only the Interchange but also the intersection of Frazee Road/Friars Road. Since Hazard Center is expected to have a significant cumulative impact at this intersection, a fair-share funding of these improvements shall be required. The Hazard Center Project shall pay a contribution of \$149,492 to the interchange project (consistent with the calculation of Quarry Falls Phase I interchange contribution) to mitigate the project's intersection impact.</p> <p>In addition to the fair share contribution, the Hazard Center project shall provide additional right-of-way on Friars Road at the intersection of Friars Road/Frazee Road in order to provide the dual-right hand turn lanes in the eastbound direction at the intersection of Friars Road/Frazee Road. This right-of-way shall be provided in the form of an irrevocable offer to dedicate (IOD).</p> <p>Further, although v/c calculations do not indicate a significant project impact at the intersections of Frazee Road/project driveway and Frazee Road/Hazard Center Drive, the traffic study notes an existing queuing problem along this portion of Frazee Road that degrades the operations of the two traffic signals. In order to improve this situation, the Hazard Center Project shall provide an additional southbound left-turn lane at the intersection of Frazee Road/Hazard Center Drive.</p>	Prior to the issuance of building permits	City of San Diego

R-305357

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
NOISE			
<p>Exterior Noise - Park Site. Exterior noise levels are projected to exceed the City's threshold of 65 CNEL at the proposed park site. Impacts would therefore be significant.</p>	<p>4.2.5.3.a: Exterior noise levels are projected to exceed 65 CNEL at the proposed park. In order to reduce these noise levels, barriers ranging from 8 to 14 feet in height would be required. These barriers would be too tall for practical use of the park. Therefore, should the proposed park be constructed, noise impacts associated with park use would remain significant and unmitigated.</p>	Unmitigable	City of San Diego
<p>Exterior Noise – Tower 2 Balconies. Exterior noise levels at many of the balconies are projected to exceed 70 CNEL. Noise levels are projected to exceed 70 CNEL at the balconies on each floor on the north side of Tower 2, and on the third through 22nd floors on the west side of Tower 2. Therefore noise impacts to residential units at these locations would be significant.</p>	<p>Exterior noise levels are projected to exceed 70 CNEL at the balconies on each floor on the north side of Tower 2, and on the third through 22nd floors on the west side of Tower 2.</p> <p>In order to reduce these noise levels, barriers would be required on the balconies. Barriers were modeled at several of the balconies to determine the required height and the feasibility of constructing the barriers. It was determined that 3.5-foot barriers would reduce noise levels to 70 CNEL or less.</p> <p>Project design shall therefore incorporate 3.5-foot noise barriers at the balconies located on the third through 22nd-floor on the west side of Tower 2 and the first through 22nd-floor on the north side of Tower 2. The heights of the barriers adjacent to the balconies are relative to the respective elevation of each floor.</p> <p>The effectiveness of a barrier is dependent upon the quality of construction, the barrier material mass, and acoustical properties. Barriers should be free of cracks and holes. The transmission loss through a barrier should be at least 10 decibels greater than the estimated barrier attenuation (FHWA 1979). If a barrier attenuates noise levels by 10 dB(A) at a receiver location, the barrier transmission loss must be at least 20 dB(A) to prevent audible noise from traveling through the barrier and adding to the acoustical environment. Examples of acceptable barrier materials include, but are not limited to, masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, or 0.25-inch-thick plate glass. If transparent barrier materials are used, no gaps should occur between the panels.</p>	Prior to the issuance of building permits.	City of San Diego

R-305357

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
<p>Interior Noise. Exterior noise levels at the faces of the proposed buildings are projected to exceed 60 CNEL at all levels except the first through eighth floors on the east side of Tower 1, the first floor on the west side of Tower 1, the first through fifth floors on the east side of Tower 2, and the first through fourth floors on the south side of Tower 2. Interior noise impacts would be considered significant.</p>	<p>4.4.5.3.b: Prior to the issuance of building permits for the units on the fifth through 22nd floors on the north, south, and west sides of Tower 1, the units on tenth through 22nd floors on the east side of Tower 1, units on all floors on the north and west side of Tower 2, the units on the sixth through 22nd floors on the east side of Tower 2, the units on the fifth through 22nd floors on the south side of Tower 2, and the rowhomes, the applicant shall submit a detailed acoustical analysis to document, to the satisfaction of the City's Acoustical Plan Checker, that interior noise levels would be below the 45 dB(A) CNEL standard. The analysis shall consider all habitable rooms of the affected units.</p>	<p>Prior to the issuance of building permits.</p>	<p>City of San Diego</p>
	<p>Possible interior noise attenuation measures include using construction materials with greater noise reduction properties. The exterior to interior noise reduction provided by the building structure is partially a function of the sound transmission class (STC) values of the window, door, wall, and roof components used in the building. The greater the STC value, generally the greater the noise reduction. The necessary STC values required to reduce interior noise levels to 45 CNEL or less would be determined as a part of the required interior noise analysis. The applicant's final building plans shall identify all recommendations of the acoustical report, including STC ratings of windows and doors, ventilation requirements, insulation, plumbing isolation, etc. Final building plans shall be reviewed by the City's Acoustical Plan Checker to verify that the mitigation measures recommended in the acoustical report have been incorporated.</p>		
	<p>The design for the units on the fifth through 22nd floors on the north, south, and west sides of Tower 1, the units on tenth through 22nd floors on the east side of Tower 1, units on all floors on the north and west side of Tower 2, the units on the sixth through 22nd floors on the east side of Tower 2, the units on the fifth through 22nd floors on the south side of Tower 2, and the rowhomes shall include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed.</p>		

R- 305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
AIR QUALITY			
Sensitive Receptors. The Health Risk Assessment prepared for the proposed project determined that cancer risk from diesel emissions at the proposed park site would exceed the threshold established by SDAPCD Rule 1210. Impacts would be significant.	4.3.5.3b: Impacts would be significant. There are no feasible mitigation measures to reduce this impact to less than significant levels.	Unmitigable	City of San Diego
BIOLOGICAL RESOURCES			
Sensitive Species – Least Bell's Vireo. Direct project impacts would not be significant, as no sensitive plant species were detected on the project site. However, least Bell's vireo and raptors are sensitive wildlife that could potentially occur adjacent to the project site. Because construction activities could be disruptive to these birds, indirect construction project impacts would be significant.	<p>4.6.3.3.a: In order to avoid or reduce potential indirect and construction impacts to the least Bell's vireo, the applicant shall implement the following mitigation measure:</p> <p>Prior to the issuance of any grading permit, the Assistant Deputy Director's (ADD) Environmental Designee (ED) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:</p> <p>No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the ADD ED:</p> <p>A qualified biologist shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels dB(A) hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:</p> <p>Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and</p>	Prior to the issuance of any grading permit.	City of San Diego
	Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise	Between March 15 and September 15.	City of San Diego

R-305057

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD ED at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or		
	At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).	At least two weeks prior to the commencement of construction activities.	City of San Diego
	*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD ED, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD ED and	During/ throughout construction.	City of San Diego

R-305657

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	<p>applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:</p> <p>If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then conditions shall be adhered as specified above.</p> <p>If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.</p>		
<p>Sensitive Species - Raptors. Raptors are sensitive wildlife that could potentially occur adjacent to the project site. Because construction activities could be disruptive to these birds, indirect construction project impacts would be significant.</p>	<p>4.6.3.3.b: In order to avoid or reduce potential indirect and construction impacts to nesting raptors, the applicant shall implement the following mitigation measure:</p> <p>Prior to the issuance of any grading permit, the Assistant Deputy Director's (ADD) Environmental Designee (ED) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:</p>	<p>Prior to the issuance of any grading permit.</p>	<p>City of San Diego</p>
	<p>No clearing, grubbing grading, or other construction activities shall occur between February 1 and September 15, the Raptor breeding season, until the following requirements have been met to the satisfaction of the Assistant Deputy Director's (ADD) Environmental Designee (ED):</p> <p>If project grading is proposed during the raptor breeding season (February 1-September 15), the project biologist shall conduct a pre-grading survey for active raptor nests in within 300 feet of the development area and submit a letter report to Mitigation, Monitoring, and Coordination (MMC) prior to the preconstruction meeting.</p> <p>If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee. Mitigation requirements determined by the project biologist and the ADD Environmental Designee shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.</p> <p>If no nesting raptors are detected during the pre-grading survey, no mitigation is required.</p>	<p>No clearing, grubbing grading, or other construction activities shall occur between February 1 and September 15.</p>	<p>City of San Diego</p>

P-305357

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
<i>MHPA Edge Effects.</i> The project site is nearby an adjacent MHPA area associated with the San Diego River. While measures have been incorporated into the design of project to avoid long-term impacts, there is a potential for significant indirect impacts associated with erosion and noise during construction.	4.6.8.3. Implementation of the measures outlined for Land Use adjacency in Mitigation Measure 4.1.5.3 above would reduce potential MHPA adjacency impacts to a level that is less than significant.	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego
CULTURAL/HISTORICAL RESOURCES			
<i>Prehistoric/Historic Resources.</i> There is the possibility that undisturbed floodplain deposits containing intact cultural deposits exist. Should disturbance of intact cultural deposits occur, significant impacts would result; thus mitigation would be required.	4.7.3.3: Because of the possibility of existence of subsurface cultural resources, all subsurface work that extends below five feet shall be monitored by a qualified archaeologist and a Native American observer. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents. 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 archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.	Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/ Permits and Building Plans/ Permits, but prior to the first pre-construction meeting	City of San Diego
	MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.	Prior to the start of work.	City of San Diego
	The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is	Prior to the start of work.	City of San Diego

R- 305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.		
	The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.	Prior to the start of work.	City of San Diego
	Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon 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 Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.	Prior to beginning any work that requires monitoring.	City of San Diego
	If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation). 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.	Prior to the start of any work that requires monitoring.	City of San Diego
	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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.	Prior to the start of work or during construction.	City of San Diego

R
305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	<p>The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.</p> <p>The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVRS 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.</p> <p>The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.</p>	<p>During grading/excavation/trenching activities which could result in impact to archaeological resources.</p>	<p>City of San Diego</p>
	<p>In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.</p> <p>The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</p>	<p>In the event of a discovery during grading/excavation/trenching activities.</p>	<p>City of San Diego</p>
	<p>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.</p> <p>The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol outlined below.</p> <p>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.</p> <p>If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC.</p>	<p>In the event of a discovery during grading/excavation/trenching activities.</p>	<p>City of San Diego</p>

R-305657

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	<p>dignity, of the human remains and associated grave goods. Disposition of Native American Human Remains shall be determined between the MLD and the PI, if: the NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; or; the landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.</p>		
	<p>In order to protect these sites, the Landowner shall do one or more of the following: (1) record the site with the NAHC; (2) record an open space or conservation easement on the site; (3) record a document with the County.</p>	<p>In the event of a discovery during grading/ excavation/ trenching activities.</p>	<p>City of San Diego</p>
	<p>Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to the protocols discussed above. If Human Remains are NOT Native American, the PI shall contact the Medical Examiner and notify them of the historic era context of the burial. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</p>	<p>In the event of a discovery during grading/ excavation/ trenching activities.</p>	<p>City of San Diego</p>
	<p>If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting. In the event that no discoveries were encountered during night</p>	<p>In the event of a discovery during grading/ excavation/ trenching activities.</p>	<p>City of San Diego</p>

R-305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	<p>and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.</p> <p>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 8AM of the next business day.</p> <p>All night and/or weekend discoveries shall be processed and documented using the existing procedures detailed in above for during construction and discovery of human remains.</p> <p>If the PI determines that a potentially significant discovery has been made, the procedures detailed above for normal work hours shall be followed.</p> <p>The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings, unless other specific arrangements have been made.</p>		
	<p>If night and/or weekend work becomes necessary during the course of construction, the Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. The RE, or BI, as appropriate, shall notify MMC immediately. All other procedures described above shall apply, as appropriate.</p> <p>The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.</p> <p>For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</p> <p>The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</p>	During the course of construction.	City of San Diego

R-305357

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	<p>MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. The PI shall submit revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the property owner. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.</p>	<p>During the course of construction.</p>	<p>City of San Diego</p>
	<p>The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.</p>	<p>During the course of construction.</p>	<p>City of San Diego</p>
GEOLOGY AND SOILS			
<p>Geologic Hazards. The project site contains geologic conditions, including compressible soils and liquefaction, which would pose significant risks if not properly</p>	<p>4.8.3.3.a: As a condition of the grading permit, project engineering design shall include the over-excavation of on-site alluvium and compaction of suitable fill soil in the resulting volume. The work shall be performed in accordance with the CBC and recommendations of the project geotechnical report.</p>	<p>Prior to the issuance of grading permits</p>	

Q ~ 305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
<p>treated. Other potential impacts related to geology and soils would be avoided through adherence to standard CBC measures. The geotechnical investigation sets forth <i>specific mitigation measures and design considerations</i> that must be implemented in order to reduce liquefaction impacts to below a level of significance.</p>	<p>4.8.3.3.b: As a condition of the grading permit, additional geotechnical analyses of liquefaction, including soil borings and sample collection, shall be performed for the purpose of providing estimated settlements, foundation considerations, and ground improvement recommendations, as necessary.</p>	<p>Prior to the issuance of grading permits</p>	
PUBLIC UTILITIES			
<p>Solid Waste. The proposed project would generate large amounts of solid waste through demolition, construction, and operation. However, the proposed project would comply with state and City requirements to reduce solid waste generation by 50 percent and with LEED Silver certification criteria through implementation of a Waste Management Plan. Implementation of the project WMP would need to be ensured and verified in order that project impacts would be considered less than significant. Solid waste impacts are concluded to be potentially significant until WMP coordination and verification is implemented.</p>	<p>4.9.5.3: Prior to 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.</p> <p>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:</p> <ul style="list-style-type: none"> ▪ tons of waste anticipated to be generated, ▪ material type of waste to be generated, ▪ source separation techniques for waste generated, ▪ how materials will be reused on site, ▪ name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site, ▪ a "buy recycled" program, 	<p>Prior to issuance of any construction permit, including but not limited to, demolition, grading, building or any other construction permit</p>	<p>City of San Diego</p>

R-305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	<ul style="list-style-type: none"> ▪ how the project will aim to reduce the generation of construction/ demolition debris, ▪ a plan of how waste reduction and recycling goals will be communicated to subcontractors, ▪ 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. 		
	<p>The plan shall strive for a goal of 50 percent waste reduction. 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 Plan shall include notes requiring the Permittee to notify Mitigation, Monitoring, and Coordination (MMC) and Environmental Services Department (ESD) when: (a) a demolition permit is issued, (b) demolition begins on-site, (c) inspections are needed. 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.</p>	<p>Prior to issuance of any construction permit, including but not limited to, demolition, grading, building or any other construction permit</p>	<p>City of San Diego</p>
	<p>Prior to issuance of any construction permit, including but is not limited to, demolition, grading, building or any other construction permit, the permittee shall be responsible to obtain written verification from MMC indicating that the permittee has arranged a preconstruction meeting to coordinate the implementation of the Mitigation, Monitoring, and Reporting Program (MMRP). The Precon Meeting that shall include: the Construction Manager, Demolition/Building/Grading Contractor; MMC, ESD and the Building Inspector (BI) 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 MMC and ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance. At the Precon Meeting, The Permittee shall submit Three (3) reduced</p>	<p>Prior to issuance of any construction permit, including but not limited to, demolition, grading, building or any other construction permit</p>	<p>City of San Diego</p>

R. 305857

**TABLE 10-1
HAZARD CENTER REDEVELOPMENT MITIGATION MONITORING AND REPORTING PROGRAM**

Potential Significant Impact	Mitigation Measures	Time Frame of Mitigation	Monitoring Reporting Agency
	copies (11"x 17") of the approved waste management plan to MMC (2) and ESD (1).		
	Prior to the start of Demolition/Construction, the Permittee/ Construction Manager shall submit a construction/demolition schedule to MMC and ESD.	Prior to the start of Demolition/ Construction	City of San Diego
	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.	During demolition/ construction	City of San Diego
	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.	Following the conclusion of demolition/ construction	City of San Diego
	The permittee shall provide documentation to the ADD Environmental Designee, that the waste management plan has been effectively implemented. The permittee shall submit written evidence to the ADD Environmental Designee 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 that goal was achieved, etc.	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	City of San Diego

R-305357