

RESOLUTION NUMBER R- 307938

DATE OF FINAL PASSAGE DEC 04 2012

A RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 258190 FOR THE LA JOLLA CROSSROADS 1, LLC PROJECT – PROJECT NO. 258190.

WHEREAS, on November 7, 2011, La Jolla Crossroads 1, LLC submitted an application to the Development Services Department for a General Plan Amendment, Community Plan Amendment, Rezone, Site Development Permit, Planned Development Permit, and Vesting Tentative Map for the La Jolla Crossroads Project (Project); and

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

WHEREAS, the issue was heard by the City Council on DEC 04 2012; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 258190 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and

that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

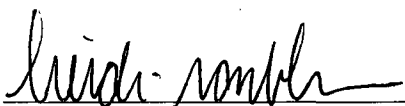
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of O- 20241 rezoning the site from the existing IP-1-1 and RS-1-14 Zones into the RM-3-9 Zone.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:hm
11/15/2012
Or.Dept:DSD
Doc. No.: 465382

EXHIBIT "A"

**FINDINGS OF FACT
FINAL ENVIRONMENTAL IMPACT REPORT
FOR LA JOLLA CROSSROADS PROJECT
PROJECT NO. 258190
STATE CLEARINGHOUSE NO. 2011111067**

October 2012

R- 307938

I. INTRODUCTION

A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.) (CEQA) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000-15387 (Guidelines) promulgated thereunder require that the environmental impacts of a proposed project be examined by the decision-maker before a project is approved. Moreover, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the Environmental Impact Report (EIR) to determine the adequacy of proposed candidate findings. Regarding the findings, Section 15091 of the Guidelines provides that:

- (a) No public agency shall approve or carry out a project for which an environmental impact report 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 alternatives 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 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.

These requirements are also found in Section 21081 of CEQA. The “changes or alterations” that have been “required in, or incorporated into, the project” and “which avoid or substantially lessen the significant environmental effect” identified in the Final EIR and which are referred to in Section 154091(a)(1) cited above may include a wide range of measures or actions, which are described in Section 15370 of the Guidelines, 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.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. That statement provides the lead agency’s views on whether the project’s benefits outweigh its unavoidable adverse environmental impacts. Guidelines Section 15093 provides guidance on what a Statement of Overriding Considerations requires:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits, of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’
- (b) When the lead agency approves a project which would 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.

The project would not result in significant and unavoidable impacts after mitigation measures are applied. Therefore, a Statement of Overriding Considerations is not applicable or required to be prepared for this project.

Having received, reviewed and considered the Final Environmental Impact Report for the proposed La Jolla Crossroads Project, Project No. 258190, SCH No. 2011111067 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (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 and trustee agencies for implementation of the project.

B. 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 project;
- All responses to the NOP received by the City;
- The documentation of the final City decision, including the FEIR and all documents cited or relied on in the Findings;
- The Additional Information Statement
- All other written materials relevant to the City's compliance with CEQA or to its decision on the merits of the project, including the Draft EIR, and copies of studies or other documents relied upon in the Draft and/or Final EIR prepared for the project and made available to the public during the public review period or included in the City's files, and City communications related to the project and/or its compliance with CEQA;
- All written comments, correspondence, evidence and/or documents submitted to or transferred from the City with respect to compliance with CEQA or with respect to the project, including all written comments, correspondence and/or documents submitted by agencies or members of the public up through the close of the public hearing on the project, including responses to the Notice of Preparation, as well as all responses to those written comments, correspondence and/or documents;
- All written and verbal public testimony presented during any noticed public hearing for the project, and minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by the City in connection with the project;
- All previously approved permits and other entitlements associated with La Jolla Crossroads, including Planned Development Permit (PRD/PID/RPO Permit No. 99-0647);

- The project's Mitigation Monitoring and Reporting Program (MMRP);
- All final reports, studies, memoranda, maps, staff reports and related documents, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the substantive and procedural requirements of CEQA and with respect to the City's actions on the project, and all staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings adopted by the City pursuant to CEQA;
- The ordinances and resolutions adopted by the City in connection with the project, and all documents cited or incorporated by reference therein;
- The City's General Plan, including all applicable parts and associated facilities financing plans;
- The reports, documents, studies, technical memoranda or other materials included or referenced by reference in the FEIR;
- 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;
- All notices issued by the City to comply with CEQA or with any other law governing the processing and approval of the project;
- All project application materials;
- Any proposed decisions or findings submitted to the City Council of the City by its staff, or the project proponent, project opponents, or other persons; and
- Any other relevant materials required to be in the record of proceedings by Section 21167.6(e) of CEQA.

C. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the City's Development Services Department (DSD), 1222 First Avenue, 5th Floor, San Diego, CA 92101. The City DSD is the custodian of the project's administrative record. Copies of the documents that constitute the record of proceedings are and at all relevant times have been available upon request at the offices of the City Development Services Department. The draft EIR also was placed on the City's web-site at <http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html>. This information is provided in compliance with Pub. Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

II. PROJECT SUMMARY

A. Project Location

The project site is located within the northwestern region of the City of San Diego (City), within the University Community (FEIR *Figure 1-1, Regional Map*). The University Community Planning Area encompasses approximately 8,500 acres. The area is bounded by Los Peñasquitos Lagoon and the toe of the east-facing slopes of Sorrento Valley on the north; railroad tracks, Marine Corps Air Station (MCAS) Miramar, and Interstate 805 (I-805) on the east; State Route 52 on the south; and Interstate 5 (I-5), Gilman Drive, North Torrey Pines Road, La Jolla Farms, and the Pacific Ocean on the west. Specifically, the project site is bordered by La Jolla Village Drive to the north, Sydney Court to the east, Judicial Drive to the south, and the previously built La Jolla Crossroads residential development to the west. I-805 is located approximately 750 feet to the east (FEIR *Figure 1-2, Vicinity Map*).

The overall project site encompasses approximately 7.93 acres of land and consists of Lots 3, 4, 5, and 12 of La Jolla Crossroads, Subdivision Map No. 14475. The project site is located within the Central Subarea of the University Community Plan and Subarea 40 of the University Community Plan's Development Intensity Element. The site was previously graded and is currently vacant. The built La Jolla Crossroads residential community is located immediately west, Villas of Renaissance is to the south, and Nobel Research Park is to the southeast (FEIR *Figure 1-3, Aerial Photograph*).

B. Project Background

The 7.93-acre project site has been previously graded as a part of the overall La Jolla Crossroads project (PRD/PID/RPO Permit No. 99-0647 and SCH No.99-101055), but could not be included as a part of the residential component at that time due to the encumbrances identified in the previous Airport Land Use Compatibility Plan (ALUCP) (known as the Naval Air Station Miramar Comprehensive Land Use Plan) for Marine Corps Air Station (MCAS) Miramar, as adopted in 1990 and amended in September 1992 and October 2004. The purpose of the ALUCP is to protect the airport from incompatible uses and provide the City of San Diego with criteria that allows for the safe and orderly growth of the area surrounding the airport. The previous ALUCP identified Lots 3, 4, and 5 of the project site as within the 65-decibel (dB) Community Noise Equivalent Level (CNEL) contour, thereby prohibiting residential use. In addition, Lot 12 was located in the Accident Potential Zone (APZ) "I." APZ's are defined as a set of safety-related zones delineated by Air Installation Compatible Use Zone (AICUZ) studies for areas based on historical accident and operations data throughout the military and the application of margins of safety within those areas if an accident were to occur beyond the ends of military airport runways. Because residential uses were previously not allowed on the site, it was entitled with a maximum of 162,000 square feet of scientific research uses and 405 parking spaces pursuant to the Planned Development Permit (PRD/PID/RPO Permit No. 99-0647), approved by the City of San Diego (City) Council November 21, 2000. This permit was recorded March 22, 2001, as Doc. No. 2001-0167430 and was analyzed by a previous certified EIR (SCH No.99-101055), dated October 26, 2000.

In 2008, the San Diego County Regional Airport Authority, as the Airport Land Use Commission, adopted an updated ALUCP for MCAS Miramar. In the updated ALUCP, both the APZ boundaries and the 65 dB CNEL contours were shifted outside the project site to be consistent with the 2004 MCAS Miramar AICUZ study. The 2004 AICUZ study and the 2008 ALUCP reflect Marine Corp aviation operations at MCAS Miramar. As a result, the encumbrances to residential development on the project site were removed with the adoption of the 2008 ALUCP. The current project now proposes to develop the property as the fourth and final phase of the overall La Jolla Crossroads residential development.

As presented in the FEIR *Chapter 4.0*, History of Project Changes, the project design changed slightly over time in response to comments raised by the City. These revisions are as follows:

- The landscape pallet along the frontage of Sydney Court, a private driveway that also provides access to the existing 1,500 unit project, was modified to better mimic the landscaping now established and located on the other side of the street.
- Pedestrian access was realigned to link with the existing sidewalk network of the 1,500 unit project in order to promote better, more direct, pedestrian access to the tenant serving amenities as well as to the transit facilities.
- The building footprint was modified slightly, where required, to avoid encroachment into two existing City of San Diego utility easements.
- Emergency vehicle access routes were revised to conform with design requirements and to ensure complete coverage for the new buildings.

Additionally, during the project review process, extensive outreach with the University Community Planning Group was conducted. A subcommittee of University Planning Group members and other members of the community was established. The project was presented five (5) times to the University Community Planning Group subcommittee prior to a final presentation to the entire University Community Planning Group. The University Community Planning Group voted in favor of the reduced 309-unit project.

Public outreach to the immediate neighbors was also conducted. In response to comments received during these public outreach efforts, the project has been reduced from 472 dwelling units to 309 dwelling units. The change includes a redesign to allow for a larger buffer area between the on-site residences and adjacent property, as requested by immediate neighbors. Although the 472-unit project did not result in any land use impacts, the larger buffer will further reduce the potential for any land use impacts related to the adjacency of industrial uses

C. Project Description

The 309-unit project proposes the development of three residential buildings on approximately 7.93 acres as an extension of the existing built La Jolla Crossroads development. The project includes three six-story residential buildings, one parking garage, one above-ground parking structure, a recreation center, and private and common open space areas servicing these residential buildings as part of the overall La Jolla Crossroads development. The residential

structures would be designed with floor plans and building elevations that would be similar to the existing La Jolla Crossroads development and would contain a total of 309 multifamily dwelling units. Of the 309 units, 28 would be studio apartments, 150 would be one-bedroom units, 122 would be two-bedroom units, and 9 would be three-bedroom units. Proposed amenities include fenced play areas, two pools, including a kiddie pool with a seating area for parents, spas, bowling alley and an outdoor living area. Seating areas with tables and chairs, barbeques, and planted pots with self-watering systems would be located throughout the project. There would be three sculptures visible from Sydney Court: one at the main access and one each at the north and south edges of the development. Decomposed granite (DG) walking and jogging trails are proposed along the easterly edges of Buildings 10, 11, and 12 connecting to Judicial Drive. Residents of the 309 units would also be entitled to use the amenities afforded to the existing adjacent 1,500 units of La Jolla Crossroads (Project No. 99-0647), such as pools, the fitness center and day spa, and "The Club," which is equipped with a kid's playroom, seniors lounge, movie theatre, internet lounge and conference room.

The project proposes a total of 31 on-site affordable housing units consisting of a proportionate mix of one-, two-, and three-bedroom units of the 309 dwelling units. The units would be restricted by an agreement for affordable housing acceptable to the City's Housing Commission. The units would be completed and ready for occupancy consistent with the terms of the agreement with the Housing Commission.

D. Discretionary Actions

The project consists of the following discretionary actions, which are being considered by the San Diego City Council with an advisory vote by the Planning Commission and which are further described below:

- General Plan Amendment (GPA)
- University Community Plan Amendment (CPA)
- Rezone from IP-1-1 (Industrial Park) and RS-1-14 (Single-Family Residential) to RM-3-9 (Multi-Family Residential)
- Planned Development Permit (PDP) Amendment to PRD/PID/RPO Permit No. 99-0647
- Site Development Permit (SDP) amendment including deviations
- Vesting Tentative Map (VTM).

E. Statement of Objectives

As identified in *Section 3.1.2* of the FEIR, the project has six objectives. The objectives of the project are as follows:

- Develop 309 new residential dwelling units as the final phase of the overall La Jolla Crossroads project to accommodate the current and growing housing demand in the University Community Plan area;
- Create one unified, cohesive residential development at La Jolla Crossroads;

- Locate housing near existing and planned public transit;
- Provide 31 on-site affordable housing units;
- Provide adequate parking to accommodate residential uses; and
- Implement sustainable building design measures.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In 2011 the City determined that an EIR should be prepared to analyze the potential impacts associated with approval and development of the La Jolla Crossroads project. On November 17, 2011, in accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of that Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties and held a noticed public scoping meeting on December 6, 2011 to provide information regarding the project and an opportunity for public input regarding project issues that should be addressed in the Draft EIR. Comments received during the public scoping process were considered in the preparation of the Draft EIR.

The Draft EIR for the 472-unit project was circulated for a 45-day review period, from July 20, 2012 to September 4, 2012. At the request of the University Community Planning Group, the public comment period was extended to September 18, 2012. 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 Research (SCH No. 2011111067).

The City received numerous comments on the Draft EIR and completed responses to those comments, of which have been incorporated into the Final EIR. In addition, in response to comments received from the public, it ultimately was decided that a reduced, 309-unit project would be pursued. An Additional Information Statement (AIS) has been prepared to provide the City Council with analysis on how a reduction in the density of the project and redesign would affect the conclusion of the EIR prepared and circulated for development of 472 units on the project site. Based on the analysis provided in the AIS, the 309-unit project would not result in any new impacts beyond those identified in the Draft EIR when compared with the 472-unit project.

As stated above, during the project review process, extensive outreach with the University Community Planning Group was conducted. A subcommittee of University Planning Group members and other members of the community was established. The project was presented five (5) times to the University Community Planning Group subcommittee prior to a final presentation to the entire University Community Planning Group. The University Community Planning Group voted in favor of the reduced 309-unit project.

On [enter date], the City Planning Commission held a public hearing on the Final EIR, AIS and the proposed project, recommending certification of the Final EIR, AIS and approval of the project. The City Council held a public hearing on [enter date] to consider the Final EIR, AIS and the project, and voted to certify the Final EIR, approve the AIS, approve these Findings of Fact, adopt the MMRP, and approve the project.

IV. GENERAL FINDINGS

The City hereby finds as follows:

1. The foregoing statements are true and correct.
2. The City is the "Lead Agency" for the project evaluated in the Final EIR and AIS. There may be a variety of discretionary actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA) concerning the project, including but not limited to the San Diego APCD, the Regional Water Quality Control Board, California Department of Transportation and more. Because the City is the lead agency for the project, the FEIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the project.
3. The Draft EIR and the Final EIR were prepared in compliance with CEQA, the CEQA Guidelines, the City's Significance Determination Thresholds; and the Implementation Procedures for the CEQA and the CEQA Guidelines found in Chapter 12 of the San Diego Municipal Code (Implementing Procedures).
4. The City has independently reviewed and analyzed the Draft EIR, the Final EIR and AIS, and all three documents reflect the independent judgment of the City Council and the City.
5. The Final EIR and AIS evaluated the project's direct, indirect and cumulative impacts to the extent feasible at the time of Final EIR certification, and identified the study area for each potential cumulative impact. The study areas included the geographical area in which the impacts of the project are reasonably anticipated to be measurable. The EIR analyzed the past, present and reasonably anticipated projects producing related or cumulative impacts. The EIR considered a cumulative impact as significant when the project would make an incremental contribution to a significant adverse environmental effect which is due to the combined effects of the project and other past, present and reasonably foreseeable future projects. In addition, the Final EIR considered a reasonable range of project alternatives, as well as the project's potential significant irreversible environmental effects and growth inducement effects. The Final EIR and AIS identified all of the project's significant environmental impacts.
6. The Final EIR and AIS provides objective information to assist the City decision-makers and the public-at-large in their consideration of the project's environmental consequences. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments to the Draft EIR. The Final EIR and AIS was prepared after the review period and responds to comments made during the public review period.
7. The project impacts have been mitigated to less than significant by the project design features and mitigation measures identified in the Final EIR, AIS and the MMRP.

8. An MMRP has been prepared for the project, which the City has adopted or made a condition of approval of the project. The MMRP is incorporated herein by reference and is considered part of the project's record of proceedings. The MMRP includes all of the mitigation measures identified in the Final EIR and has been designed to ensure compliance during project implementation. The MMRP ensures that the mitigation measures are fully enforceable, and designates responsibility and anticipated timing for mitigation implementation. The City's Development Services Department would serve as the MMRP Coordinator.
9. A Notice of Availability of Draft EIR was published and filed with the County Recorder/County Clerk and the Draft EIR and appendices were available for public review on that date. The 45-day public review and comment period ended on September 4, 2012 but was extended at the request of the University Community Planning Group to September 18, 2012.
10. On [enter hearing date], the City Planning Commission held a public hearing on the project and ultimately recommended certification of the Final EIR and approval of the project.
11. The City has considered evidence and arguments presented to the City prior to or at the public hearings on the project. The City's decision on the project is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the City. Any judicial review of the City's decision would be governed by Pub. Resources Code Section 21168 and Code of Civil Procedure Section 1094.5.
12. In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with Pub. Resources Code Sections 21081.5 and 21082.2.
13. The Final EIR analyzed all reasonably foreseeable extensions, expansions or alterations of the project, and analyzed, to the extent feasible, the project's environmental effects.
14. The City has evaluated comments on environmental issues received from persons who reviewed the Draft EIR and the Final EIR. In accordance with CEQA, the City prepared written responses that clarify and amplify the analysis in the Draft EIR and describe the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments received by the City of San Diego.
15. The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.
16. Documents were incorporated by reference into the Final EIR pursuant to the Guidelines and are considered part of the FEIR as if set forth in full therein, and are considered part of the administrative record of proceeding for the project.

Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents and other materials.

17. The City has reviewed the comments received and responses thereto as well as the administrative record and the requirements of CEQA, the Guidelines and the City's Implementing Procedures regarding recirculation of EIRs, and, having analyzed the changes to the EIR which have occurred since the close of the public review period, the City finds that there is no new significant information in the EIR and that recirculation of the EIR is not required. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. Minor clarifications, amplifications, and insignificant modifications were made to the EIR, none of which constitute significant new information requiring recirculation. Minor amplifications and modifications in an EIR do not trigger recirculation.

City staff made every effort to notify the decision-makers and the interested agencies and members of the public of each textual change in the various documents associated with the project review. These changes, refinements and clarifications arose for a variety of reasons. It is inevitable that draft documents will contain errors and will require clarifications and corrections. Moreover, some textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process. The City has determined that neither those modifications, clarifications or refinements, the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Final EIR. The City's decision-makers have based their 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 Final EIR. The EIR represents an adequate and complete analysis of the environmental impacts of the project and provided the public and agency officials the opportunity for meaningful review and comment of the project.

18. The City has relied on all the documents listed above in reaching its decision on the project, even if every document was not formally presented to the City or City staff as part of the City files generated in connection with the project. These documents are either in the project files, reflect prior planning or legislative decisions of which the City was aware in approving the project, or influenced the expert advice provided to the City staff or consultants, who then provided advice to the City. For that reason, these documents form part of the underlying factual basis for the City's decisions relating to the approval of the project.

V. SUMMARY OF IMPACTS

The FEIR and AIS provide evidence that the 309-unit project will have no significant impacts and require no mitigation measures with respect to the following issues:

- Land Use
- Transportation/Circulation and Parking
- Air Quality
- Greenhouse Gases
- Visual Effects/Neighborhood Character
- Geologic Conditions
- Hydrology and Water Quality
- Public Utilities
- Public Services and Facilities
- Agricultural and Forestry Resources
- Mineral Resources
- Health and Safety
- Population and Housing
- Biological Resources
- Historical Resources
- Energy

The FEIR and AIS provide evidence that the proposed 309-unit project will have potentially significant impacts that will be mitigated to below a level of significance with respect to the following issues:

- Paleontological Resources
 - Excavation
- Noise
 - Direct Interior and Exterior Noise

VI. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the project design features and plans, programs and policies discussed 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.

A. Findings Regarding Impacts That Will Be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and Pub. Resources Code §15091(a)(1))

In making these Findings, the City has reviewed and considered the information contained in the FEIR and the Record of Proceedings pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), including the project design features and plans, programs, and policies listed in the FEIR. The project design features described in the FEIR are described throughout the FEIR are part of the project that the City has considered, and the project may only be constructed in accordance with the project design features regardless of whether they are explicitly made conditions of the project permits. The plans, programs, and policies discussed in the FEIR are existing regulatory plans and programs the project is subject to regardless of whether they are explicitly made conditions of the project permits.

The CEQA Guidelines state that an agency's findings must be "accompanied by a brief explanation of the rationale for each finding." Cal. Code Regs. tit. 14§ 15091(a). This requirement applies to the findings relating to mitigation of significant impacts, mitigation measures under the jurisdiction of another agency, and infeasibility of mitigation measures and alternatives required under Pub. Resources Code § 21081(a) and Cal. Code Regs. §§ Sections 15091(a), (c). Detailed findings on an issue are not required if the basis for the agency's decision is found in the EIR and the agency's findings incorporate or adopt the EIR's discussion and analysis.

For reasons stated in the Final EIR and its technical appendices, and pursuant to Pub. Resources Code § 21081(a)(1), Guidelines § 15091(a)(1) and the Implementing Procedures, the City finds that changes or alterations have been required in, or incorporated into, the project, which would mitigate, avoid, or substantially lessen the significant environmental effects as identified in the FEIR (Project No. 258190/ SCH No. 2011111067) as described below:

Paleontological Resources

Potentially Significant Impact (Excavation)

Implementation of the project would result in excavation within the high-sensitivity Scripps Formation, and would potentially result in significant impacts to paleontological resources.

Facts in Support of Finding

The project's potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of the mitigation measure PALEO-1 identified in *Section 5.3.5* of the Final EIR. Implementation of this mitigation measure would require, prior to the issuance of any construction permit, the Assistant Deputy Director (ADD) Environmental Designee to verify that the requirements for paleontological 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 Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the

Paleontological Monitoring Program, as defined in the City of San Diego Paleontology Guidelines (PG). MMC will respond to the Applicant confirming the qualifications of the PI and all persons involved in the paleontological 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 construction, this mitigation measure requires the PI to provide verification to MMC that a site specific records search has been completed. Prior to any beginning any work that requires monitoring, this mitigation measure 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 a qualified paleontologist shall attend any grading/excavation related preconstruction meetings to make comments and/or suggestions concerning the Paleontological 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.

Implementing this mitigation measure requires the PI, prior to the start of work, to submit an Paleontological Monitoring Exhibit (PME) identifying the areas to be monitored, including the delineation of grading/excavation limits. The PI also has to submit a construction schedule to MMC through the RE indicating when and where monitoring will occur. 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 based on relevant information that indicates site conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc. may reduce or increase the potential for resources to be present.

The Paleontologist Monitor (PM) shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to paleontological resources as identified on the PME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration (OSHA) safety requirements may require modifying the PME. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition does not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

The PM would document field activity via the Consultant Site Visit Record (CSV), 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.

This measure allows the PM to direct the contractor to temporarily divert all soil disturbing activities in the area of any discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate, and the PI (unless the PM is the PI). The PI must 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 measure provides a protocol for the determination of significance of resources found. Specifically, the PI is required to evaluate the significance of the resource, notify MMC by phone to discuss the 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 a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources are required to be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI is required to notify the RE, or BI, as appropriate. The Paleontologist is required to monitor the area without notification to MMC.

Implementation of this measure requires that, if night and/or weekend work is to be performed, the extent and timing shall be presented and discussed at the preconstruction meeting. If night and/or weekend work becomes necessary during the course of construction, the CM is required to 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. 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 8AM 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 Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. For significant paleontological resources encountered during monitoring, the PRP is required to be included in the Draft Monitoring Report. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. Thereafter, the PI is required to submit a revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report, and shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

The PI is required to be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report. With respect to fossil remains found, implementation of this mitigation measure requires the PI to be responsible for ensuring that all fossil remains collected are: (i) cleaned and catalogued; (ii) analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate; and (iii) are permanently curated with an appropriate institution. The mitigation measure also requires the PI to include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

Lastly, implementation of this mitigation measure 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. Through this mitigation measure, potentially significant impacts to paleontological resources would be reduced to below a level of significance. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

Rationale and Conclusion

The individual actions making up PALEO-1 ensure the recording and recovery of important paleontological resources that may otherwise be lost during construction of the proposed project. The requirement for a PM to be present for all ground disturbing activities, along with the specified processes, assures that grading/excavation/trenching activities will be halted or diverted should any discovery be made. Implementation of the mitigation measure assures that significance determination occurs right away and that important discoveries are reported and/or collected.

Noise

Potentially Significant Effect (Direct Exterior and Interior Noise)

Because exterior noise levels could exceed 70dB at the third through fifth floors of several units in Building 10 located adjacent to La Jolla Village Drive, interior noise levels could exceed the 45dB standard for interior noise levels within these units.

Facts Supporting Finding

The potentially significant noise impact would be fully mitigated by implementation of mitigation measure NOI-1, the details of which are described in the Final EIR at *Section 5.4.5*, and incorporated by reference herein.

Prior to issuance of the building permit, the ADD Environmental Designee shall verify the placement of 5-foot-high solid sound barriers around balconies for select multi-dwelling units located on third through fifth floors at Building 10, as depicted in Figure 3, Noise Measurement and Modeling Locations, of approved technical study and Figure 5.4-1, On-site Exterior Noise Modeling of the Final EIR to ensure that exterior noise levels do not exceed 70 dBA CNEL. The 5-foot-high solid sound barriers shall extend along the perimeter of each of the balconies. The materials used in the construction of noise barriers may consist of tempered glass or acrylic plastic and would have a minimum surface density of 1.5 pounds per square foot. The barrier would be designed so there are no openings or cracks or gaps.

The ADD Environmental Designee shall verify the above-described sound attenuation measures prior to building permit issuance.

Prior to final inspection, the Permit Holder shall submit one copy of the final Acoustical Analysis with construction documents to the BI, and one copy to MMC. MMC will verify the sound attenuation barrier has been constructed in accordance with the Construction documents.

Rationale and Conclusion

The individual actions making up NOI-1 would assure that steps are taken to reduce noise levels in compliance with the City and state's 45 dB CNEL interior noise standard. Therefore, noise impacts associated with the project would be less than significant upon implementation of mitigation measure NOI-1.

B. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA § 2801(a)(2)) and CEQA Guidelines § 15091(a)(2)

The City, having reviewed and considered the information contained in the Final EIR and administrative record of proceedings, finds that pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) that there are no changes or alterations which would reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

C. Findings Regarding Infeasible Mitigation Measures (Pub. Resources Code § 21081(a)(2) and CEQA Guidelines § 15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code § 21081(a)(3) and State Pub. Resources Code Guidelines §15091(a)(3), finds that there are no infeasible mitigation measures and all potentially significant impacts would be reduced to less than significant upon implementation of the MMRP.

VII. FINDINGS REGARDING ALTERNATIVES (Pub. Resources Code § 21081(a)(3) and Pub. Resources Code Guidelines § 15091(a)(3))

Although impacts related to the project would be mitigated to less than significant, the EIR analyzed a reasonable range of alternatives. Findings regarding alternatives need not be adopted in this case. The City nevertheless adopts the following findings with respect to alternatives.

A. Alternatives Analyzed by the FEIR

As discussed in *Section 9.6* of the Final EIR, four (4) alternatives were considered. The alternatives presented and considered in the Final EIR constitute a reasonable range of alternatives necessary to permit a reasoned choice among the options available to the City and the Applicant. Based upon the administrative record of proceedings for the project, the City makes the following findings concerning the alternatives to the project.

NO PROJECT/NO BUILD ALTERNATIVE

The No Project/No Build Alternative assumes that the project site would not be developed and that the project site would remain in its present condition consisting of approximately 181 surface parking spaces. None of the project elements would be implemented under the No Project Alternative. This alternative thereby allows decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines § 15126.6(e)(3)(B)).

Potentially Significant Effects

Continued use of the project area in its existing condition, without any improvements, would avoid the project's potentially significant impacts associated with paleontological resources and noise.

Facts in Support of Finding

The No Project Alternative would not meet any of the identified six (6) project objectives listed above. For this reason, the City rejects this alternative.

NO PROJECT/SCIENTIFIC RESEARCH ALTERNATIVE

The No Project/Scientific Research Alternative assumes that the project site would be developed as a 162,000-square foot scientific research facility as approved by the City of San Diego Council on November 21, 2000 (PRD/PID/RPO Permit No. 99-0647). If the currently proposed residential project is not approved, the permit allowing development of the site as a scientific research facility remains valid. Therefore, this alternative assumes development of the site under its currently approved permit as a scientific research facility.

Potentially Significant Effects

The No Project/Scientific Research Alternative would result in potentially significant impacts to paleontological resources and noise.

Facts in Support of Finding

As with the 309-unit project, impacts of the No Project/Scientific Research Alternative would be less than significant for traffic/circulation and parking, air quality and odor, greenhouse gas emissions, and public utilities. No land use impacts would result. Paleontological resources and noise impacts would be reduced to less than significant with mitigation. The No Project/Scientific Research Alternative would meet the project's sixth objective because, per the original La Jolla Crossroads EIR approved in 2000, if the site were developed as a scientific research facility, the plans include the use of sustainable building features. However, this alternative would not achieve any of the other project objectives.. This alternative does not meet most of the project objectives and would not avoid or reduce all significant impacts to a greater degree than the project. Therefore, this alternative has been rejected.

REDUCED DEVELOPMENT ALTERNATIVE (350 UNITS)

The objective of the Reduced Development Alternative (350 units) is to reduce traffic impacts that were associated with the previous 472-unit project. With the change in project design and reduction of units to 309, the project results in a less than significant impact to traffic/circulation and parking.

Potentially Significant Effects

The Reduced Development Alternative (350 units) would not avoid potentially significant impacts to paleontological resources and noise. Similar to the project, these impacts would be reduced to less than significant with mitigation. Similar to the project, impacts would be less than significant for land use, transportation/circulation and parking, air quality and odor, greenhouse gas emissions, and public utilities.

Facts in Support of Finding

The Reduced Project Alternative (350 units) would result in potentially significant impacts to paleontological resources and noise. Similar to the project, these impacts would be reduced to less than significant with mitigation. However, the 309-unit project would better address the issue of noise because the reduced development footprint would result in fewer receptors exposed to potential noise impacts, such as varying degrees of noise and vibration from the individual military aircraft flights (single-even noise levels) as discussed on page 5.4-9 of the Final EIR. The project would also better address the potential issue to paleontological resources because one of the subterranean parking garages has been eliminated and therefore, the 309-unit project would require less excavation.

As with the 309-unit project, impacts would be less than significant for land use, transportation/circulation and parking, air quality and odor, greenhouse gas emissions, and public utilities. However, the 309-unit project redesign allows for a larger buffer area between the on-site residences and adjacent property. Therefore, the 309-unit project would afford more protection related to the land use adjacency of industrial uses by providing a greater buffer (approximately 800 feet) between the nearest existing Illumina buildings and proposed residential units, as compared to the 510-foot buffer provided by this alternative. Regarding traffic/circulation and parking, the Reduced Development Alternative (350 units) would result in 2,100 ADT as compared to the 309-unit project's 1,854 ADT. Both the Reduced Development Alternative (350 units) and the project would result in less than significant impacts. However, the 309-unit project would further reduce traffic within the community as compared to this alternative. Therefore, this alternative would not avoid or reduce all significant impacts to a greater degree than the project.

This alternative would attain the objectives of the project. However, this alternative would not reduce impacts to a greater degree than the project. Additionally this alternative would not provide a larger buffer area between the on-site residential uses and adjacent property to address comments received from the property's neighbors. As such, this alternative has been deemed infeasible for social reasons, such as achieving community consensus.

For these reasons, the City rejects the Reduced Development Alternative (350 units).

REDUCED DEVELOPMENT ALTERNATIVE (343 UNITS)

The objective of the Reduced Development Alternative (343 units) is to reduce paleontological resource impacts by implementing a change in site design. This alternative's site plan would result in 343 multifamily dwelling units. The change in units and site design would result in less

excavation below existing grade so as not to disturb the Scripps Formation, which is considered to have a high rating for resource-bearing potential for paleontological resources.

Potentially Significant Effects

Construction of the Reduced Development Alternative (343 units) would involve less grading and other earthmoving activities when compared to the 309-unit project because it eliminates the subterranean parking garages. This alternative would not impact the Scripps Formation and would not result in potential impacts to paleontological resources. The Reduced Development Alternative (343 units) would not avoid significant noise impacts.

Facts in Support of Finding

The Reduced Project Alternative (343 units) would result in potentially significant impacts to noise. Similar to the project, these impacts would be reduced to less than significant with mitigation. However, the 309-unit project would better address the issue of noise because the reduced development footprint would result in fewer receptors exposed to potential noise impacts, such as varying degrees of noise and vibration from the individual military aircraft flights (single-even noise levels) as discussed on page 5.4-9 of the Final EIR.

With the Reduced Development Alternative (343 units) there would be no impact to paleontological resources. The project would result in a potential impact to paleontological resources; however, this impact is mitigated to less than significant.

As with the 309-unit project, impacts would be less than significant for land use, transportation/circulation and parking, air quality and odor, greenhouse gas emissions, and public utilities. However, the 309-unit project redesign allows for a larger buffer area between the on-site residences and adjacent property. Therefore, the 309-unit project would afford more protection related to the land use adjacency of industrial uses by providing a greater buffer (approximately 800 feet) between the nearest existing Illumina buildings and proposed residential units, as compared to the 510-foot buffer provided by this alternative. Regarding traffic/circulation and parking, the Reduced Development Alternative (343 units) would result in 2,058 ADT as compared to the 309-unit project's 1,854 ADT. Both the Reduced Development Alternative (350 units) and the project would result in less than significant impacts. However, the 309-unit project would further reduce traffic within the community as compared to this alternative. Therefore, this alternative would not avoid or reduce all significant impacts to a greater degree than the project.

This alternative would attain the objectives of the project.

As explained above, the Reduced Development Alternative (343 units) offers one environmental advantage over the project: because the alternative involves less grading, the alternative avoids potential impacts to paleontological resources. In all other respects, this alternative is either the same as, or results in greater impacts than, the project (309 units). Because mitigation measures are available to avoid the 309-unit project's impact to paleontological resources, the City concludes that it need not adopt the Reduced Development Alternative (343 units). Additionally, this alternative would not provide a larger buffer area between the on-site residential uses and adjacent property to address comments received from

the property's neighbors. As such, this alternative has been deemed infeasible for social reasons, such as achieving community consensus.

For this reason, the City rejects the Reduced Development Alternative (343 units).

CONCLUSION

For the foregoing reasons, the City concludes that the La Jolla Crossroads 309-unit project would not result in any significant unavoidable impacts. Potentially significant environmental impacts to noise and paleontological resources would be mitigated to less than significant. The City finds that the project (309 units) represents a feasible and appropriate means achieving project objectives, and does so in a manner that is sensitive to adjacent properties.

Therefore, the City has adopted these Findings.

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EXHIBIT “B”

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE, SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT, AND VESTING TENTATIVE MAP

LA JOLLA CROSSROADS 1, LLC – Project No. 258190

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum, the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 258190 shall be made conditions of General/Community Plan Amendment, Rezone, Site Development Permit (SDP), Planned Development Permit (PDP) and Vesting Tentative Map (VTM) as may be further described below:

A. GENERAL REQUIREMENTS – PART 1

Plan Check Phase (Prior to Permit Issuance)

1. Prior to the issuance of a Notice to Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/ Notes that apply only to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego's website:

http://www.sandiego.gov/development_services/industry/standtemp.shtml

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is

authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After Permit Issuance/Prior to Start of Construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants:

Paleontological Monitor

NOTE: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858.627.3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC** at **858.627.3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 258190 and /or Environmental Document [SCH No. 2011111067 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

NOTE: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within

one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency:

- a. Community Plan Amendment
- b. Rezone
- c. Plan Development Permit Amendment
- d. Site Development Permit
- e. Vesting Tentative Map

4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

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

The following shall be implemented:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ADD
 - a. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the Paleontological Monitoring Program, as defined in the City of San Diego Paleontology Guidelines.
 - b. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - c. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego

Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the applicant shall arrange a 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 paleontologist shall attend any grading/excavation-related precon meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the CM and/or Grading Contractor.

- a. If the PI is unable to attend the 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.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) 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 PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final

construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the PME.
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24

hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume.
 - c. If the resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If Night and/or Weekend Work is Included in the Contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8:00 a.m. on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Section III, During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III, During Construction, shall be followed.

d. The PI shall immediately contact MMC, or by 8:00 a.m. on the next business day, to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If Night Work Becomes Necessary During the Course of Construction

1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All Other Procedures Described above Shall Apply, as Appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery

Program shall be included in the Draft Monitoring Report.

b. Recording sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision, or for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative) within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

NOISE

Potential impacts to noise would be reduced to below a level of significance through implementation of the following mitigation measures.

Mitigation Measure: In order to avoid potential direct exterior and interior noise impacts, the following mitigation measures shall be implemented by the project applicant:

I. Prior to Permit Issuance

A. Plan Check

1. Prior to issuance of the building permit, the Permit Holder shall incorporate the requirements for environmental noise mitigation on the appropriate construction documents as described in the approved technical study (*Environmental Noise Assessment for the La Jolla Crossroads (PN 258150), San Diego, CA, prepared by DUDEK, dated February 2012*).
2. Prior to issuance of the building permit, the Assistant Deputy Director (ADD) Environmental designee shall verify the placement of 5-foot-high solid sound barriers around balconies for select multi-dwelling units located on third through fifth floors at Building 10, as depicted in Figure 3, Noise Measurement and Modeling Locations, of approved technical study and Figure 5.4-2, On-site Exterior Noise Modeling of final Environmental Impact Report No. 258190 to ensure that exterior noise levels do not exceed 70 dBA CNEL. The 5-foot-high solid sound barriers shall extend along the perimeter of each of the balconies. The materials used in the construction of noise barriers shall consist of tempered glass or acrylic plastic and would have a minimum surface density of 1.5 pounds per square foot. The barrier shall be designed so there are no openings or cracks or gaps.

3. Prior to issuance of occupancy the building permit, the ADD Environmental designee shall verify the following sound attenuation measures for select multi-dwelling units located on third through fifth floors at Building 10, as depicted in Figure 3, Noise Measurement and Modeling Locations, of approved technical study and Figure 5.4-2, On-site Exterior Noise Modeling of final Environmental Impact Report No. 258190 have been incorporated into the design of the development to ensure that exterior noise levels do not exceed 70 dBA CNEL.

II. Post Construction

A. Prior to Final Inspection

The Permit Holder shall submit one copy of the final Acoustical Analysis with construction documents to the BI, and one copy to MMC. MMC to verify the sound attenuation barrier has been constructed in accordance with the Construction documents.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.