

RESOLUTION NUMBER R- 309997

DATE OF FINAL PASSAGE OCT 05 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING APPEALS OF THE PLANNING COMMISSION'S ENVIRONMENTAL DETERMINATION, APPROVING ENVIRONMENTAL IMPACT REPORT NO. 182513, AND ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WHITNEY MIXED USE PROJECT (PROJECT NO. 182513).

WHEREAS, the Whitney Mixed Use Project is an application for a Coastal Development Permit, Site Development Permit, and Tentative Map Waiver to demolish an existing single-story residence and ground floor retail store, and to construct a new mixed use development of approximately 8,518 square feet (Project); and

WHEREAS, the proposed Project includes a new three-story building, with a maximum height of 30 feet, consisting of two residential condominium units on the second and third floors, basement parking, and 1,867 square feet of commercial space on the ground floor; and

WHEREAS, the project site is located on a 0.09-acre lot at 2202 and 2206 Avenida de la Playa, on the northeast corner of El Paseo Grande and Avenida de la Playa, in the Commercial Center Zone of the La Jolla Shores Planned District, Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Residential Tandem Parking Overlay Zone, and the Parking Impact Overlay Zone of the La Jolla Community Plan area; and

WHEREAS, on April 16, 2015, the Planning Commission considered the Project's Environmental Impact Report No. 182513 (EIR), developmental permits, and map waiver and, prior to approval of the Project, certified the EIR and adopted findings and a mitigation monitoring and reporting program; and

WHEREAS, five separate Environmental Determination Appeal Applications (Appeals) were filed with the City; and

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

WHEREAS, the Appeals were heard before the City Council on October 5, 2015; and

WHEREAS, the City's Environmental Analysis Section prepared an eighteen page document titled "Project No. 182513, Whitney Mixed Use - Summary of Environmental Appeal Comments" responding to the claims alleged in each of the Appeals; and

WHEREAS, the EIR adequately identifies and addresses all of the significant environmental effects of the Project, informs the government decision-makers and the public about the potential significant environmental effects of the Project, and there are no other significant environmental effects not identified in the EIR; 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Appeals are hereby denied.

BE IT FURTHER RESOLVED, that Environmental Impact Report No. 182513 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

Environmental Impact Report No. 182513 reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in Environmental Impact Report No. 182513, 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.

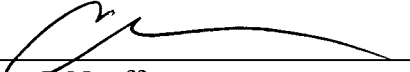
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

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 the 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 Environmental Impact Report No. 182513 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, California, 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
10/09/15
Or.Dept: DSD
Doc. No. 1145881

EXHIBIT "A"

FINDINGS OF FACT REGARDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WHITNEY MIXED USE PROJECT

City of San Diego Project No. 182513
SCH. No. 2011061077

DRAFT: February 6, 2015

The California Environmental Quality Act (CEQA) Section 21081(a) and the State CEQA Guidelines (Guidelines) Section 15091(a) require that 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 effects on the environment that would occur if the project is approved or carried out, unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can or should be, adopted by that other agency; or
- (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 alternatives identified in the environmental impact report.

CEQA also requires that the findings made pursuant to CEQA Section 15091 be supported by substantial evidence in the record. Guidelines Section 15091(b). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Guidelines Section 15384.

The following Candidate Findings have been submitted by the City of San Diego Development Services Department (DSD) as Candidate Findings to be made by the decision making body. DSD does not recommend that the discretionary body either adopt or reject these Findings. They are attached to allow readers of this report an opportunity to review the City of San Diego DSD position on this matter. 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 the Candidate Findings and to make a recommendation to the decision-maker regarding their legal adequacy.

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I.
INTRODUCTION

A. Findings of Fact

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. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an Environmental Impact Report (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 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 Guidelines 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.

Having received, reviewed, and considered the Final Environmental Impact Report for the Coastal Development Permit, Site Development Permit, and Tentative Map Waiver for the Whitney Mixed use Project, City of San Diego Project No. 182513/State Clearinghouse No. 2011061077 (Final EIR), 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 agencies for the implementation of the proposed 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), dated June 21, 2011, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft EIR circulated for public review on October 28, 2013;
- 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 any noticed public hearing(s) for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The Final EIR for the proposed project;

- The reports and technical memoranda included or referenced in Responses to Comments and in the Final EIR;
- All documents, studies, EIRs, and other materials incorporated by reference in the Draft EIR and the Final EIR;
- 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;
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e);
- All ordinances and resolutions adopted in connection with the Whitney Mixed Use Project; and
- All project application materials.

C. 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, Record Section, San Diego, CA 92101. The City's 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 Department. This information is provided in compliance with CEQA Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The regional and local settings of the project are discussed in Section 2.0, *Environmental Setting*, of the Final EIR. The Whitney Mixed Use Project site is located at 2202 and 2206 Avenida de la Playa in the La Jolla Community Plan area. Situated north of Avenida de la Playa, east of El Paseo Grande, west of Paseo del Ocaso, and south of Calle Clara, the Whitney Mixed Use Project site encompasses approximately 0.09 acres. Mixed-use development is located east of the project site and commercial development is located west of the project site. Multi-family residential development is located north of the project site, and an office building is located south of the project site. Vehicular access to the project site is provided off Calle Clara.

B. Project Background

The Whitney Mixed Use Project site is the location of existing development on two lots in the form of a single-story commercial unit and a previously conforming single-story residential unit. The project requires discretionary approvals including: a Coastal Development Permit, Site Development Permit, and Tentative Map Waiver.

C. Project Description

The Whitney Mixed Use Project proposes demolition of existing previously conforming 1,519-square-foot single-story residential and 1,538-square-foot single-story commercial structures on the 0.09-acre site and the construction of a new three-story 8,518-square-foot mixed-use building with one commercial and two residential (three-bedroom) condominiums. The project site is located within the City of San Diego Coastal Overlay Zone, which requires a Coastal Development Permit from the City of San Diego for the demolition and new construction. The project is located in the La Jolla Shores Planned District area, which requires a Site Development Permit for compliance with the La Jolla Shores Planned District Ordinance. The project also requires a Tentative Map Waiver for the consolidation of the 0.09-acre site from two lots into one lot for two residential and one commercial condominium units, and to waive the requirement to underground existing off-site overhead utility facilities.

The Whitney Mixed Use Project proposes the construction of a single structure with articulation both horizontally and vertically, to create visual interest. The primary street façades would have both one- and two-story elements, with setbacks from the property lines ranging from four inches to 20 feet. Third floor setbacks ranging from two feet at the stairwell to 38 feet on the patio would be arranged in multiple offsetting planes. Occupying a corner lot, project design responds to the street corner, with a 15-foot by 15-foot entry plaza cut away from the building's mass, relating to the pedestrian, the crosswalks, and the building occupying the opposite corner. A series of small-scale Irving Gill-inspired arches in two-foot-thick walls front both primary streets of Avenida de la Playa and El Paseo Grande; additionally, a covered terrace would be provided on the ground floor. All doors and windows would be deep set with balconies located at the second and third floors, adding further articulation through their projection and recession. An open carport screened by landscaping

and wrought-iron embellishment occupies the northwest corner of the site, with building mass carved away at the pedestrian level.

The proposed project is a composition of different elements. The street-level entry to the enclosed residential stairs and elevator serving the upper level residences is set back from the southerly property line by 20 feet and by five feet from the easterly property line. The proposed project would be set back by ten feet from the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building's entry, separating the proposed three-story mixed-use building and the existing three-story mixed-use building to the east. The existing brick paving in the parkway to the east would be extended to front the project site; and a new, mature Jacaranda tree would be planted to match the existing street trees along Avenida de la Playa. Additionally, approximately 2,628 square feet of vertical landscaping is proposed to climb and add visual relief to the first and second floor exterior walls of the building, to add texture and soften the building at the pedestrian level.

Street level parking occurs along Calle Clara and would be screened from El Paseo Grande with a planted wrought iron lattice. Two solid-construction garage doors matching the theme and style of the development would secure underground residential parking. Street level parking would be screened by an integrated carport and would serve the retail use and would be accessed from Calle Clara. Underground parking to serve the residential uses would be accessed off Calle Clara through mechanical garage doors and two car elevators down to the subterranean parking area. Mechanical equipment would be either inside the building or placed in sunken roof top wells, all screened from public view.

D. Discretionary Actions

For the Whitney Mixed Use Project, the following discretionary actions are required:

- **Coastal Development Permit** – The project site is located within the non-appealable area of the City of San Diego's Coastal Zone. Due to demolition and construction aspects of the project within the Coastal Zone, a Coastal Development Permit is required from the City of San Diego.
- **Site Development Permit** – The project site is located within the City of San Diego's La Jolla Shores Planned District Ordinance (LJSPDO) area. A Site Development Permit is required for proposed development within the LJSPDO due to its site, location, size, or some other characteristic, may have significant impacts on resources or on the surrounding area, even if developed in conformance with all regulations. The intent of the Site Development Permit is to apply site-specific conditions as necessary to assure that the development does not adversely affect the applicable land use plan and to help ensure that all regulations are met.
- **Tentative Map Waiver** – A Tentative Map Waiver is required for the consolidation of the 0.09-acre site from two lots into one lot for two residential and one commercial condominium units, and to waive the requirement to underground existing off-site overhead utility facilities.

- **Environmental Impact Report** – Concurrent with the Whitney Mixed Use Project discretionary actions, this EIR has been prepared in accordance with the provisions of CEQA. The EIR (SCH No. 2011061077) evaluates the land use, circulation, and infrastructure improvements resulting from implementation of the Whitney Mixed Use Project and the potential environmental impacts that would result from their implementation. Review and certification of this EIR and adoption of the MMRP by the decision maker would complete the environmental review for the project in accordance with CEQA and City regulations.

In accordance with the SDMC, including SDMC Section 129.0104, the City Engineer has the authority to interpret, administer and enforce the provisions of the Land Development Code, and to grant modifications to the Land Development Code for individual cases when there are practical difficulties involved in carrying out the applicable provisions of the SDMC. Moreover, while visibility triangles can be imposed by the City Engineer to address safety concerns, no provision of the SDMC specifically requires visibility triangles of any particular size for this project. In this regard, the City of San Diego City Engineer has determined that a variance is not required with regards to Calle Clara, which forms the project site's northern property boundary. Calle Clara is 30 feet wide. Pursuant to the definition of an alley in the San Diego Municipal Code, Section 113.0103, an alley is a maximum of 25 feet wide. However, pursuant to the City's Street Design Manual, an alley is 20 feet wide, but may be wider to accommodate utilities. Utilities are located in Calle Clara. Accordingly, the fact that Calle Clara is 30 feet wide is not the only factor to be used in determining whether it is an alley. The narrowest double-loaded street as defined in the City's Street Design Manual is a minimum of 30 feet from curb-to-curb, with a minimum 50-foot right-of-way plus sidewalks. Calle Clara does not have a 50-foot right-of-way, nor does it have sidewalks or curbs on the south side where the project is located. Technically, the northern "half" of Calle Clara is 20 feet wide while the southern "half" is only 10 feet wide. There are curbs along a small portion of the northern side of Calle Clara, but not on the south side. Development along the southern side observes a zero-foot setback as allowed in the LJSPDO. Garage doors for all development on the south side of Calle Clara are located on the property line, and none observe the visibility triangles required in Municipal Code Section 113.0273. Calle Clara, therefore, does not meet the minimum requirements for classification as a street, and has traditionally functioned as an alley.

Calle Clara's public right of way, on the north side and rear of the project site, was established along with the original block's Subdivision Map No. 1913, La Jolla Shores Unit No. I, June 1, 1926, with the dedication of 10 feet for an unnamed public right of way (approximately 1/2 width of an alley) between Paseo del Ocaso and El Paseo Grande. Typical of an alley, the project site's entire block is currently developed as such with zero lot line development along the alley. Later, Subdivision Map No. 2061, La Jolla Shores Unit No. 3, Sept. 26, 1927, was recorded for the subdivision on the north side of this unnamed alley. This subdivision map required the additional dedication of 20 feet of public right of way (approximately 1/2 width of a street) and identified the total 30 feet of public right of way as "Calle Clara." This subsequent subdivision's development produced street side features such as curb and gutter along portions of the north side of Calle Clara. The combination of these subdivision requirements has created a unique situation in which the existing Calle Clara has dual street and alley features, and Calle Clara does not meet the City's Street Design Standards.

Considering the unique situation and the existing development all along the southern side of Calle Clara observing a zero-foot setback as allowed in the LJSPDO, the City Engineer and City staff have reviewed the project as proposed with zero-setback, have determined that Calle Clara does not meet the minimum requirements for classification as a street, and consider Calle Clara to be functioning as an alley rather than a street. Therefore, SDMC section 113.0273(a) would not be applicable to the project. Nevertheless, considering development along Calle Clara as an “alley,” the visibility areas at the intersection of a street and alley (El Paseo Grande and Calle Clara) would be provided as a 10 feet by 10 feet visibility triangle area pursuant to section 113.0273(b).

As described in Section 1.4, *Responsible and Trustee Agencies*, of the Final EIR, for the Whitney Mixed Use project, there are no Responsible or Trustee agencies. According to Section 126.0710 of the City of San Diego Land Development Code, City Coastal Development Permits that are appealed to the Coastal Commission and are found to have a substantial issue become the responsibility of the Coastal Commission. The project site is located in a non-appealable area of the Coastal Overlay Zone. As a result, the project’s Coastal Development Permit may not be appealed to the Coastal Commission. Thus, the Coastal Commission is not a Responsible Agency for the Whitney Mixed Use Project.

E. Statement of Project Purpose and Objectives

Project Purpose

The purpose of the Whitney Mixed Use Project is to create a viable mix of commercial retail and residential condominium units. The project’s location and proposed uses would expand residential opportunities proximate to urban commercial uses.

Project Objectives

The project objectives associated with the Whitney Mixed Use Project are as follows:

- Create a coherent and cohesive design to enhance existing community character in the La Jolla community.
- Maximize efficiency in use of project site.
- Create a mixed-use development within walking distance of lifestyle amenities, such as restaurants, retail, employment, and parks/open space, as well as multi-modal transportation options.
- Provide for a mix of commercial and residential uses within the same vertical footprint.
- Utilize architecture and design elements to ensure high quality design and aesthetics.
- Provide quasi-public space for community use in the form of a pedestrian plaza/bench area.
- Implement pedestrian transportation improvements that would improve operations of the pedestrian network and would encourage pedestrian use.
- Create additional retail and job opportunities in the La Jolla community.
- Remove an existing previously conforming use and redevelop the project site with uses consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan and La Jolla Shores Planned District Ordinance.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City 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. In accordance with CEQA Guidelines Section 15082(a), a Notice of Preparation (NOP), dated June 24, 2011, was prepared for the project and distributed to other agencies and members of the public who may have an interest in the project. The purpose of the NOP was to solicit comments on the scope and analysis to be included in the EIR for the proposed Whitney Mixed Use Project. A copy of the NOP and letters received during its review are included in Appendix A to the EIR. Based on an initial review of the project and comments received, the City of San Diego determined that the EIR for the proposed project should address the following environmental issues: Land Use; Transportation/Traffic Circulation/Parking; Visual Quality/Neighborhood Character; Air Quality; Global Climate Change; Energy; Noise; Historical Resources (Archaeological Resources and Historical Resources); Geologic Conditions, Paleontological Resources; Hydrology/Water Quality; Public Services and Facilities; Public Utilities; Growth Inducement; and Cumulative Effects.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a 30-day public review period that began on October 28, 2013 and ended on November 29, 2013. The public review period was extended two weeks, ending on December 13, 2013. The Draft EIR and technical appendices were also directly sent to all applicable local and State agencies and the Native American Heritage Commission. A notice of availability of the Draft EIR for review was mailed to residents in the vicinity of the project site and any parties expressing an interest in the project. The notice of availability was also filed with the City Clerk and posted in the San Diego Daily Transcript and on the City's web page, and the required notice was provided to the public.

As noted, the public comment period on the Draft EIR concluded on November 29, 2013. The public review period was extended two weeks, ending on December 13, 2013. The City received 11 letters of comment on the proposed project. The City prepared responses to those comments, which are incorporated into the Final EIR. On [date], the City of San Diego Planning Commission held a public hearing to consider the project and, by a [] vote, certified the Final EIR, adopted these findings of fact, and approved the Whitney Mixed Use Project.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- The City is the “Lead Agency” for the proposed project evaluated in the Final EIR.
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the Guidelines.
- The City has independently reviewed and analyzed the the Final EIR, and these documents reflect the independent judgment of the City of San Diego.
- The City of San Diego’s review of the Draft EIR and the Final EIR is based upon CEQA, the CEQA Guidelines, and the City of San Diego California Environmental Quality Act Significance Determination Thresholds – Development Services Department (January 2011) (CEQA Significance Determination Thresholds).
- A Mitigation Monitoring and Reporting Program (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 included as Section 11.0 of the Final EIR, 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 and potential impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- The City has reviewed the comments received on the Draft EIR and Final EIR and the responses thereto and has determined that, in accordance with CEQA Guidelines Section 15088.5, neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or Final EIR, no new impacts and/or mitigation measures have been identified, and that recirculation of the EIR is not necessary. 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 Final EIR. The City has included new information in the Final EIR, but the new information merely clarifies and amplifies the information in the Draft EIR. This new information does not alter the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. No significant new information is provided by the inclusion of this information that would require recirculation of the EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, 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 Final EIR 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.

V.
SUMMARY OF IMPACTS

Section 5.0 of the Final EIR presents the *Environmental Analysis* of the proposed project. Based on the analysis contained in Section 5.0 of the Final EIR, the Final EIR concludes that the proposed Whitney Mixed Use Project will have **no significant impacts** and require no mitigation with respect to the following issues:

- Land Use
- Transportation/Traffic Circulation/Parking
- Visual Quality/Neighborhood Character
- Air Quality
- Global Climate Change
- Energy
- Noise
- Geological Conditions
- Paleontological Resources
- Hydrology/Water Quality
- Public Services and Facilities
- Public Utilities

Potentially **significant impacts of the proposed project will be mitigated to below a level of significance** with respect to the following issues:

- Historical Resources (Archaeological Resources and Historical Resources) (direct)

The project would not result in any significant unmitigated impacts.

VI.
FINDINGS REGARDING IMPACTS

A. Historical (Archaeological Resources and Historical Resources) Resources

Environmental Impact: The proposed project could result in direct impacts to unknown subsurface archaeological resources as a result of excavation and trenching for the project.

Finding: Changes or alterations have been required in the project which mitigate the project's potential impact on archaeological resources.

Facts in Support of Finding: The project site is located in an area where important cultural resources are known to occur. No cultural resources have been identified on the project site. Additionally, the project site has been graded and developed in accordance with previous approvals, leaving the Whitney Mixed Use Project site in a completely altered state. However, project development involves grading that may have the potential to unearth unknown subsurface archaeological resources in this sensitive area. This would be regarded as a potentially significant direct impact. Implementation of Mitigation Measure MM 5.4-1 would be required and would ensure that the development of the Whitney Mixed Use Project would mitigate direct project impacts to cultural resources to below a level of significance.

Reference: Final EIR § 5.4.

VII.
**FINDINGS REGARDING CHANGES OR ALTERATIONS THAT ARE WITHIN THE
RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

There are no changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding.

VIII.
FINDINGS REGARDING ALTERNATIVES

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice."

The City, having reviewed and considered the information contained in the Final EIR, finds pursuant to CEQA Section 21081(a)(3) and Guidelines Section 15091(a)(3) that the alternatives presented and considered in the Final EIR constitute a reasonable range of alternatives necessary that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project to permit a reasoned choice among the options available to the City and/or the project proponent. The CEQA Section 21081 and Guidelines Section 15019(a)(3) provide economic, legal, social, technological or other considerations may form the basis for a finding of infeasibility. Case law makes clear that an alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Pursuant to Guidelines Section 15126.6(1), the Final EIR examines project alternatives in terms of their ability to meet most of the basic objectives of the Project and reduce significant environmental impacts. As presented in the Final EIR, the following is a list of the project objectives:

- Create a coherent and cohesive design to enhance existing community character in the La Jolla community.
- Maximize efficiency in use of project site.
- Create a mixed-use development within walking distance of lifestyle amenities, such as restaurants, retail, employment, and parks/open space, as well as multi-modal transportation options.
- Provide for a mix of commercial and residential uses within the same vertical footprint.
- Utilize architecture and design elements to ensure high quality design and aesthetics.
- Provide quasi-public space for community use in the form of a pedestrian plaza/bench area.
- Implement pedestrian transportation improvements that would improve operations of the pedestrian network and would encourage pedestrian use.
- Create additional retail and job opportunities in the La Jolla community.
- Remove an existing previously conforming use and redevelop the project site with uses consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan and La Jolla Shores Planned District Ordinance.

The impacts of each alternative are analyzed Section 10.0 of the EIR. The review of alternatives includes an evaluation to determine if any specific environmental characteristic would have an effect that is “*substantially less*” than the proposed project. A significant effect is defined in Section 15382 of the CEQA Guidelines as “*a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.*” The significant impacts that apply to this project are: Historical Resources (Archaeological Resources and Historical Resources) (direct).

Two Alternatives were considered for the Whitney Mixed Use Project as discussed in the EIR, including the “No Project” alternative that is mandated by CEQA and other alternatives that were developed in the course of project planning and environmental review for the proposed project. Specifically, the following project alternatives are addressed in the EIR:

1. Alternative 1 – No Project/No Build
2. Alternative 2 – All Commercial Development

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in EIR, consideration was given regarding an alternative’s ability to meet most of the basic objectives of the proposed project. Because the proposed project could cause unavoidable significant environmental effects related to Historical Resources (Archaeological Resources and Historical Resources) (direct), the project would implement Mitigation Measure MM 5.4-1 to avoid significant effects on the environment.

In accordance with CEQA Guidelines Section 15091(a), if one or more significant effects on the environment would occur if a project is approved, the lead agency must make one or more of the following findings:

- (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 provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Pursuant to Section VI. of these Findings, a finding is made that significant environmental impacts relative to Historical Resources (Archaeological Resources and Historical Resources) have been mitigated. No other significant environmental impacts would result from implementation of the proposed project. Therefore, no further findings regarding alternatives are required.

IX.
ENVIRONMENTAL ISSUES DETERMINED
NOT TO BE POTENTIALLY AFFECTED BY THE PROJECT

The City determined that the environmental analysis contained in the Final EIR for agricultural resources and forestry, biological resources, health and safety, mineral resources, population and housing, and recreation had “no impact” or had a “less than significant impact,” and, therefore, did not warrant further consideration in the Final EIR. No substantial evidence has been presented to or identified by the City that will modify or otherwise alter the City’s “no impact” or “less-than-significant” determination for these environmental issues.

X.
FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE
ENVIRONMENTAL CHANGES

Guidelines Section 15126(c) requires that an EIR describe any significant irreversible environmental changes that would be involved in the proposed project should it be implemented. Section 15126.2(c) indicates that:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.

The same section further indicates that:

Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Development would occur on the project site as a result of the proposed project, which would entail the commitment of energy and natural resources. The primary energy source would be fossil fuels, representing an irreversible commitment of this resource. Construction of the project would also require the use of construction materials, including cement, concrete, lumber, steel, etc., and labor. These resources would also be irreversibly committed.

Once constructed, use of the Whitney Mixed Use Project would entail a further commitment of energy resources in the form of fossil fuels and electricity. This commitment would be a long-term obligation since the proposed structures are likely to have a useful life of 20 to 30 years or more. However, as discussed in Section 5.10, *Energy*, of the EIR, the impacts of increased energy usage are not considered significant adverse environmental impacts.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT NO. 662551, SITE DEVELOPMENT PERMIT NO. 662678, AND TENTATIVE MAP WAIVER NO. 683254 WHITNEY MIXED USE - PROJECT NO. 182513

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. 182513 shall be made conditions of Coastal Development Permit No. 662551, Site Development Permit No. 662678, and Tentative Map Waiver No. 683254 as may be further described below.

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 Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. 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.
2. 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 meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written 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 (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, 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.
 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- 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, Native American consultant/monitor (where Native American resources may be impacted), 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.
 - 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
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. 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).
 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 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.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager 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 OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based

on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

3. 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 that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's 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 Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - 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.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, 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. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall 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 that no further work is required.

IV. Discovery of Human Remains.

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI; if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. 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;
 - b. 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, THEN,

- c. 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.
 - d. 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 items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. 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 CSVR and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of 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 and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager 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.

VI. 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 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. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
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.
- 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 Artifacts

- 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
- 2. 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.
- 3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

- 1. 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.

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.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. 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.
 2. 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.

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.

Passed by the Council of The City of San Diego on OCT 05 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 05 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Hernandez*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309997