

RESOLUTION NUMBER R- 310347

DATE OF FINAL PASSAGE APR 11 2016

ITEM # 201
SUB-A
4/11/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING MASTER ENVIRONMENTAL IMPACT REPORT NO. 366139/SCH NO. 2014081097, AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR MISSION BEACH RESIDENCES - PROJECT NO. 366139.

WHEREAS, on June 13, 2014, MB9 OWNER, LLC, a Delaware Limited Liability Company, submitted an application to Development Services Department for Amendments to the General Plan and Mission Beach Precise Plan, and Local Coastal Program No. 1283303, Easement Vacation No. 1283304, Vesting Tentative Map No. 1283305, Coastal Development Permit No. 1283306, and Site Development Permit No. 1283307 for the Mission Beach Residences (Project); and

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

WHEREAS, the issue was heard by the City Council on April 11, 2016; 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 City 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. 366139/SCH No. 2014081097 (Report) prepared for this Project; NOW,
THEREFORE,

BE IT RESOLVED, by the City Council 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.

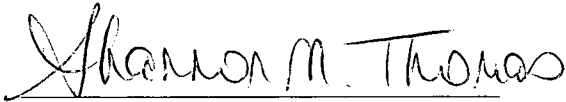
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, and that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
03/04/2016
Or.Dept:DSD
Doc. No.: 1218786

ATTACHMENT(S): Exhibit A, Findings/Statement of Overriding Considerations
Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

CANDIDATE FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
FINAL MASTER ENVIRONMENTAL IMPACT REPORT
FOR THE MISSION BEACH RESIDENCES PROJECT

**City of San Diego Project No. 366139
SCH. No. 2014081097**

January 2016

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I. INTRODUCTION

A. Findings of Fact and Statement of Overriding Considerations

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 make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

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

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

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

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Master Environmental Impact Report (MEIR) for the General Plan Amendment (GPA), Community Plan Amendment (CPA) and a Local Coastal Program Amendment (LCPA), Vesting Tentative Map (VTM), a Coastal

Development Permit (CDP), and a Site Development Permit (SDP) for the Mission Beach Residences Project, State Clearinghouse No. 2014081097, as well as all other information in the record of proceedings on this matter, the following Findings of Fact and Statement of Overriding Considerations (Findings) are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Mission Beach Residences Project.

B. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Mission Beach Residences Project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP), dated August 29, 2014, and all other public notices issued by the City in conjunction with the proposed project;
- The MEIR for the Mission Beach Residences Project and the Santa Barbara Place Residences Project;
- The MEIR, circulated for public review between June 12, 2015 and August 10, 2015;
- All written comments submitted by agencies or members of the public during the public review comment period on the MEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the MEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments and/or in the MEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the MEIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

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 Department (DSD), 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City DSD 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 DSD. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The Mission Beach Residences Project (project) site is located within the western region of the City, within the Mission Beach community. The Mission Beach Precise Plan area encompasses approximately 100 acres. The area is a peninsula 2 miles long and 0.25 mile wide at its widest, with Mission Bay to the east, the Pacific Ocean to the west, the Pacific Beach community to the north, and the Ocean Beach community to the south.

The Mission Beach Residences Project site encompasses approximately 1.88 acres of land and is the location of the former Mission Beach Elementary School building. The Mission Beach Residences Project site is generally bound by Mission Boulevard to the west, Kennebeck Court to the north, Bayside Lane to the east, and Santa Barbara Place to the south.

B. Project Background

The 1.88-acre Mission Beach Residences Project site was previously developed as the Mission Beach Elementary School. The elementary school function ceased in the summer of 1973, after which the facility served as a special education school until at least the early 1980s. Upon closure of the site as an education facility, it was used for administrative purposes by the San Diego Unified School District (SDUSD) until 2013. On January 22, 2013, the SDUSD Board of Education adopted a resolution declaring the site as excess land and, after offering it to other public agencies and entities (with no takers) listed the property for sale and solicited competitive bids. On May 14, 2013, the Board formally selected the principals of MB9 Owner, LLC and escrow closed on December 20, 2013. The associated facilities on-site are currently vacant.

C. Project Description

The Mission Beach Residences Project includes 51 condominium units (50 multifamily attached condominium dwelling units and one detached condominium dwelling unit) on approximately 1.88 acres in the Mission Beach Community Planning Area within the City. The Mission Beach Residences Project would be located on the northern site of the former Mission Beach Elementary School, located at 818 Santa Barbara Place. In addition, the Mission Beach Residences Project includes 102 on-grade enclosed garage tandem parking spaces, an approximately 0.201-acre pocket park, and an extension of Jersey Court from Mission Boulevard to Bayside Lane. The proposed pocket park would be privately developed, owned and maintained but would be open to the public. The park would be designed to satisfy the Mission Beach Residences Project's population-based park requirements. Construction of the Mission Beach Residences Project would involve the demolition of the existing school facility and ancillary structures on site. The project would pursue Leadership in Energy and Environmental Design (LEED) Silver Certification, or equivalent, and include a photovoltaic (PV) system. The

project would also construct associated site improvements (*i.e.*, hardscape, site walls, utilities, and landscaping).

The Mission Beach Residences Project site has a General Plan land use category of Institutional & Public and Semi-Public Facilities. The parcel is designated Schools within the Mission Beach Precise Plan. The site is zoned Mission Beach Planned District-Residential Subdistrict–Southern (MBPD-R-S), and is within the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, Federal Aviation Administration (FAA) Part 77 Notification Area, and the Mission Beach Community Plan and Local Coastal Program Area.

D. Discretionary Actions

The following discretionary actions are required for the Mission Beach Residences Project:

- **General Plan Amendment (GPA), Community Plan Amendment (CPA), Local Coastal Program Amendment (LCPA)** – Amendments are required to redesignate the site from Institutional & Public and Semi-Public Facilities in the General Plan and “school” in the Mission Beach Precise Plan, to residential. These amendments would include graphic and/or textual changes to the City General Plan for consistency with the CPA and modifications to the Mission Beach Precise Plan and Local Coastal Program. The LCPA would also remove the goals and recommendations to retain the Mission Beach Residences Project site as a school.
- **Vesting Tentative Map (VTM)** – A VTM is required for implementation of lot line adjustments from the existing 27 legal lots to develop 51 residential condominiums.
- **Site Development Permit (SDP)** – A SDP is required for proposed site-specific deviations.

The following deviations are requested for the project:

- A deviation from San Diego Municipal Code Section 1513.0304 for street frontage is proposed for lots 7 through 15. This section requires 30 feet of street frontage in the MBPD-R-S zone. Since the project includes a VTM, the lack of street frontage for lots 7 through 15 also results in a deviation to SDMC 144.0211(a), which requires that each lot have frontage on a street that is open to and usable by vehicular traffic. The existing public right-of ways were vacated in 1938 and 1941, and the portion of the land within the alleys and court were reverted to the adjacent lots starting from the centerline of the former alleys and court. The proposed lots would front a private driveway with a public access easement rather than a public street as a condition of the VTM. Therefore, the individual lots will be provided access to and from a publicly accessible right-of-way and be consistent with other alleys within the surrounding community. The proposed private driveways would be privately owned and would be maintained by the development’s Home Owner’s Association (HOA) in

order to provide enhanced improvements and maintenance. The private driveways would have an easement for access to both Mission Boulevard and Bayside Lane.

- A deviation from San Diego Municipal Code Section 1513.0304 for street frontage is proposed for lot 6. The required frontage is 30 feet where 25.04 feet would be provided. The lot is an irregular shaped end-lot occurring where Bayside Lane cuts diagonally through the regular street grid. The lot does not have the required 30 feet of frontage due to the unique geometry, but it has an average lot width of 45 feet, and a lot area far greater than the required minimum. Deviations have historically been permitted throughout Mission Beach where Bayside Lane runs diagonally and creates other irregular shaped lots.
- A deviation from the San Diego Land Development Code Section 113.0273 for the 20 foot by 20 foot visibility triangle area along the property line on the sides of the private driveways that intersect with Bayside Lane at Jersey Court and Kennebeck Court. The Mission Beach Residences Project includes stop signs at the intersection of Bayside Lane and these two Private Drives, instead of providing the required visibility triangles.
- **Coastal Development Permit (CDP)** – A CDP is required because the Mission Beach Residences Project is located within the Coastal Zone.
- **Vacation of Two Existing Public Sewer Easements**

E. Project Objectives

The objectives of the proposed Mission Beach Residences Project are described below:

- Adaptively reuse a vacant, developed site.
- Develop new multifamily condominium dwelling units on the Mission Beach Residences Project site on the 27 existing legal lots to accommodate the current and growing housing demand in the Mission Beach Community Planning Area as called for in the City of San Diego General Plan.
- In keeping with the City of Villages strategy and Smart Growth policies of the City of San Diego General Plan, maximize residential development at an infill site, where public facilities, transit, and services are within walking distance.
- Contribute to a cohesive development that is compatible in scale and character and enhances the existing community character in the Mission Beach Community Planning Area, in compliance with Mission Beach Planned District Ordinance standards.
- Implement a roof-mounted photovoltaic (PV) system consisting of solar panels sufficient to generate at least 50% of the project's project energy consumption, in conformance with the criteria of the Affordable/In-fill Housing and sustainable Buildings Expedite Program and sustainable building design measures to ensure compliance with Leadership in Energy and Environmental Design (LEED) Silver Certification Standards.

- Increase and improve public vehicular and pedestrian access.
- Create a new pedestrian access and public view to Mission Bay from Jersey Court.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The lead agency considering the Mission Beach Residences Project and conducting environmental review under CEQA shall be the City. The City as lead agency shall be primarily responsible for carrying out the project. Potential environmental impacts of the Mission Beach Residences Project and a separate Santa Barbara Place Residences Project were analyzed in a Master Environmental Impact Report (MEIR) in compliance Article 11.5 of the CEQA Guidelines, Master Environmental Impact Report, Sections 15175 to 15179.5. According to Section 15175(b)(3) of the Guidelines, “A lead agency may prepare a Master EIR for any of the following classes of projects: A project that consists of smaller individual projects which will be carried out in phases.” Although two distinct, individual projects are proposed by separate applicants, due to the similar nature of both projects and their geographic proximity to each other, and the timing of the processing, an MEIR was selected to analyze each project individually for purposes of a streamlined environmental analysis. Additionally, a “Combined Project Analysis” is provided in each section of Chapter 5 of the MEIR, which includes analysis of both projects together, thus disclosing the combined impacts of the two projects.

In compliance with Section 15082 of the Guidelines, the City published a Notice of Preparation on August 29, 2014, which began a 30-day period for comments on the appropriate scope of the MEIR, ending on September 29, 2014. Consistent with Public Resources Code section 21083.9, the City held a public agency scoping meeting on September 23, 2014 at the City Santa Clara Recreation Center located at 1008 Santa Clara Place, San Diego, CA 92109. The purpose of this meeting was to seek input and concerns from the public regarding the environmental issues that may potentially result from the project.

The City published the MEIR in June 2015 in compliance with CEQA. Pursuant to Guidelines Section 15085, upon publication of the MEIR, the City filed a Notice of Completion with the Governor’s Office of Planning and Research, State Clearinghouse, indicating that the MEIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the MEIR at this time pursuant to Guidelines Section 15087. The MEIR was circulated for 60 days for public review and comment from June 12, 2015 to August 10, 2015. This includes a two week extension of the 45-day review period, based on a request from the recognized community group Mission Beach Precise Planning Board. After the close of public review period, the City provided responses in writing to all comments received on the MEIR.

The MEIR for the project was published on December 18, 2015. The MEIR has been prepared in accordance with CEQA and the Guidelines. Pursuant to Guidelines Section 15084(d)(3), the applicant retained a consultant, Dudek, to assist with the preparation of the environmental documents. The City, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the MEIR reflects its own independent judgment and analysis under Guideline Section 15090(a)(3) and CEQA Section 21082.1(a)-(c).

The MEIR addresses the environmental effects associated with implementation of the Mission Beach Residences Project separately as well as in combination with the implementation of the separate Santa Barbara Place Residences Project. The MEIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project. The MEIR addressed the potential significant adverse environmental impacts associated with each project separately and combined, and identified feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts. The MEIR is incorporated by reference into these Findings.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- The City is the “Lead Agency” for the Mission Beach Residences Project evaluated in the MEIR;
- The MEIR was prepared in compliance with CEQA and the Guidelines;
- The City has independently reviewed and analyzed the MEIR, and this document reflects the independent judgment of the City Council and the City;
- The City’s review of the MEIR is based upon CEQA, the CEQA Guidelines, and the City 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 Mission Beach Residences Project, which the City has adopted or made a condition of approval of the project. That MMRP is included as Chapter 10 of the MEIR, is incorporated herein by reference and is considered part of the record of proceedings for the Mission Beach Residences 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 Mission Beach Residences Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the Mission Beach Residences Project have been analyzed to the extent feasible at the time of certification of the MEIR;
- The City has reviewed the comments received on the MEIR and the responses thereto and has determined that, in accordance with Guidelines Section 15088.5, neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the MEIR and that recirculation of the MEIR 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 MEIR. The City has included new information in the MEIR, but the new information merely clarifies and amplifies the information in the MEIR. This new information does not alter the MEIR in a way that deprives the public of a meaningful opportunity to

comment upon a substantial adverse environmental effect of the Mission Beach Residences Project or a feasible way to mitigate or avoid such an effect. No significant new information as that term is used in Guidelines Section 15088.5 would require recirculation of the MEIR;

- The responses to the comments on the MEIR, which are contained in the MEIR, clarify and amplify the analysis in the MEIR;
- The City has made no decisions that constitute an irretrievable commitment of resources toward the Mission Beach Residences Project prior to certification of the MEIR, nor has the City previously committed to a definite course of action with respect to the Mission Beach Residences Project;
- Copies of all the documents incorporated by reference in the MEIR 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 Mission Beach Residences Project and finds as stated in these Findings.

V. SUMMARY OF IMPACTS

Mission Beach Residences Project

Based on the analysis contained in Chapter 5 of the MEIR, **potentially significant impacts of the Mission Beach Residences Project will be mitigated to below a level of significance** with respect to the following issues:

- Noise (operations - interior noise)
- Health and Safety
- Historical Resources

Based on the analysis contained in Chapter 5 of the MEIR, **potentially significant impacts of the Mission Beach Residences Project will not be mitigated to below a level of significance** with respect to the following issues:

- Noise (construction)

Combined Project Analysis

Based on the analysis contained in Chapter 5 of the MEIR, **potentially significant impacts of the Combined Project Analysis will be mitigated to below a level of significance** with respect to the following issues:

- Land Use
- Transportation/Circulation and Parking
- Noise (operations - interior noise)

- Health and Safety
- Historical Resources

Based on the analysis contained in Chapter 5 of the MEIR, **potentially significant impacts of the Combined Project Analysis will not be mitigated to below a level of significance** with respect to the following issues:

- Noise (construction)

ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

Mission Beach Residences Project

A. Noise (Operations – Interior Noise)

Environmental Impact: Future traffic noise levels would range from approximately 59 to 63 a-weighted decibels (dBA) community noise equivalent level (CNEL) at the façades of the dwelling units adjacent to Mission Boulevard due to traffic noise. The interior noise levels in habitable rooms are expected to exceed the 45 dBA CNEL noise criterion with windows open, or even with windows closed, depending on the window/door size, construction, and actual location.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance through implementation of MB-NOI-2. The Mission Beach Residences Project would result in potentially significant impacts to interior noise during operation. The City finds that mitigation measure MB-NOI-2 would reduce identified impacts to less than significant.

Facts in Support of Finding: Interior noise levels of proposed residences closest to Mission Boulevard (proposed Lots 1, 11, and 16) are likely to exceed the City’s threshold of 45 dB CNEL, and impacts would be potentially significant. Mitigation measure MB-NOI-2 requires lot-specific interior noise analysis be performed upon the completion of detailed building plans for proposed Lots 1, 11, and 16 of the Mission Beach Residences Project. The interior noise analysis shall be prepared to the satisfaction of the City Development Services Department and shall recommend standard noise abatement building features, such as mechanical ventilation systems and sound-rated windows, to ensure that interior noise levels at proposed Lots 1, 11, and 16 remain at or below 45 dB per the City’s interior noise level standard. With the incorporation of mitigation measure MB-NOI-2 provided in Section 5.2.5 of the MEIR, potentially significant impacts would be reduced to a level below significance.

Reference: MEIR § 5.2.3, 5.2.4, and 5.2.5.

B. Health and Safety (Potential Hazardous Materials Release)

Environmental Impact: Site investigations have indicated that the site contains hazardous building materials, including lead-based paint and asbestos-containing building materials. Demolition of the on-site facilities without proper removal of these materials may result in potential health and safety hazards.

A variety of hazardous substances and wastes would be stored, used, and generated on the project site during construction activities. These would include fuels for machinery and vehicles, new and used motor oils, cleaning solvents, paints, and storage containers and applicators containing such materials. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly treated.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance. The Mission Beach Residences Project would result in potentially significant impacts related to hazardous materials release during construction, demolition, and grading activities. The City finds that mitigation measures MB-HS-1, MB-HS-2, and MB-HS-3 would reduce identified impacts to less than significant.

Facts in Support of Finding: Mitigation measures MB-HS-1 and MB-HS-2 will ensure that all hazardous materials, including asbestos-containing material and lead-based paint, on the site are properly identified and, where found, properly handled and removed prior to demolition. Mitigation measure MB-HS-1 requires that a qualified environmental specialist inspect the site buildings for the presence of polychlorinated biphenyls, mercury, and other hazardous building materials and that any identified hazardous material be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Mitigation measure MB-HS-2 requires the preparation of an asbestos and lead-based paint abatement work plan in compliance with local, state, and federal regulations for any necessary removal and disposal of such materials. With implementation of mitigation measures MB-HS-1 and MB-HS-2, impacts from the release of hazardous materials during demolition activities would be less than significant.

To ensure that construction contractors adhere to all applicable laws and regulations governing hazardous materials on the site, and that in the event of an accidental spill containment measures are taken to the extent feasible, mitigation measure MB-HS-3 shall be implemented. Mitigation measure MB-HS-3 requires the preparation and implementation of a hazardous substance management, handling, storage, disposal, and emergency response plan during all construction activities in compliance with applicable hazardous materials regulations. With implementation of mitigation measure MB-HS-3, impacts from the accidental release of hazardous materials during construction activities would be less than significant.

Reference: MEIR § 5.3.4, 5.3.5, and 5.3.6.

C. Historical Resources (Potential Cultural Deposits or Human Remains)

Environmental Impact: The Mission Beach Cultural Report suggests that there is low-to-moderate potential for the inadvertent discovery of cultural resources during ground-breaking activities (see Appendix G1 of the MEIR). While it is very unlikely that cultural deposits could remain beneath the existing building on the Mission Beach Residences Project site, the nature and character of past disturbances to the parking area appears to have been relatively shallow. Additionally, although tribal correspondence yielded no results, the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search indicated that cultural resources are in the project area. Construction of the Mission Beach Residences Project would require grading of the entire project site at an approximate cut depth of 4 feet. As such, grading activities would reach a depth in which native soils are still relatively intact, beyond the disturbed near-surface soils. Consequently, there is some possibility of encountering unknown subsurface cultural deposits or uncovering human remains within the Mission Beach Residences Project site.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance. The Mission Beach Residences Project would result in potentially significant impacts related to subsurface cultural resources and human remains during construction. The City finds that mitigation measure MB-CUL-1 would reduce identified impacts to less than significant.

Facts in Support of Finding: As archaeological sites that have not been previously evaluated for local or California Register of Historic Resources (CRHR) listing are considered to be significant resources under local regulations and Guidelines, in the event that archaeological or grave sites are encountered during project construction, impacts would be considered potentially significant. However, with proper implementation of an appropriate cultural resources monitoring program, as provided by mitigation measure MB-CUL-1, impacts would fall to a level below significance.

Reference: MEIR § 5.5.7, 5.5.8, and 5.5.9.

Combined Project Analysis

A. Land Use (Secondary Effects Resulting from Conflict with General/Community Plan)

Environmental Impact: The combination of the 51 units for the Mission Beach Residences Project and the 12 units proposed for the Santa Barbara Place Residences Project, would result in an increase in land use intensity when compared to adopted plans such that adverse effects to transportation/circulation and parking would result at the intersection of Mission Boulevard and Santa Barbara Place.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant

effect as identified in the MEIR to a level of below significance. In combination, the Mission Beach Residences Project and Santa Barbara Place Residences Project would result in potentially significant secondary impacts to land use related adverse effects to transportation /circulation and parking. The City finds that mitigation measure CP-LU-1 would reduce identified impacts to less than significant.

Facts in Support of Finding: Mitigation measure CP-LU-1, which is identical to CP-TRA-1, requires each project to pay a fair share towards and install a traffic signal at the intersection of Mission Boulevard and Santa Barbara Place. The implementation of a traffic signal at this intersection would reduce identified impacts to less than significant.

Reference: MEIR § 5.1.3, 5.1.4, and 5.1.5.

B. Transportation/Circulation and Parking (Delay at Intersections)

Environmental Impact: The combined impact of the 51 units proposed for the Mission Beach Residences Project and the 12 units proposed for the Santa Barbara Place Residences Project would result in an increase in projected traffic that is substantial in relation to the existing traffic load and capacity of the street system. This would result in the addition of a substantial amount of traffic to a congested intersection or roadway segment. The intersection of Mission Boulevard and Santa Barbara Place would add a 7.1-second delay in the Horizon Year 2030 due to the addition of both the Mission Beach Residences Project and Santa Barbara Place Residences Project, which is greater than the City's threshold of 2.0 seconds of delay for an intersection already at LOS E without the combined projects.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance. The Mission Beach Residences Project and the Santa Barbara Place Residences Project combined would result in potentially significant impacts related intersection operations during the Horizon Year 2030 with Project scenario. The City finds that mitigation measure CP-TRA-1 would reduce identified impacts to less than significant.

Facts in Support of Finding: Mitigation measure CP-TRA-1 would provide signalization at the intersection of Mission Boulevard and Santa Barbara Place no later than May 1, 2025, although installation may be required prior to that date, depending on the results of annual traffic counts and impact analysis for this intersection. Due to the nature of the significant impact (the cumulative impact of both projects), both the Mission Beach Residences Project and the Santa Barbara Place Residences Project would be responsible for mitigating their portion of the traffic delay to the intersection. Fair share of the mitigation requirement is based on average daily traffic (ADT) associated with each separate project. The project applicant for the Mission Beach Residences Project would be responsible for 82% of the cost of the signal improvement, and the project applicant for the Santa Barbara Place Residences Project would be responsible for 18% of the cost of the signal improvement. Mitigation measure CP-TRA-1 would mitigate the identified traffic impact to less than significant.

Reference: MEIR § 5.4.3, 5.4.4, and 5.4.5.

C. Noise (Operations – Interior Noise)

Environmental Impact: When combined, interior noise levels at the Mission Beach Residences Project would be expected to remain above 45 dBA CNEL. The analysis for the Santa Barbara Place Residences Project accounts for near-term traffic and is anticipated to exceed the interior noise threshold of 45 dBA CNEL. No new operational interior noise impact would occur when combined.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance. The Mission Beach Residences Project and the Santa Barbara Place Residences Project combined would result in potentially significant impacts related to operational interior noise. The City finds that mitigation measures MB-NOI-2 and SBP-NOI-2 would reduce identified impacts to less than significant.

Facts in Support of Finding: As no new interior noise impact would occur when combined, each project would still individually mitigate for interior noise levels through implementation of mitigation measures MB-NOI-2 and SBP-NOI-2. The two projects would not likely result in direct noise impacts to other adjacent noise-sensitive land uses during operation. Impacts would be less than significant.

Reference: MEIR § 5.2.3, 5.2.4, and 5.2.5.

D. Health and Safety (Potential Hazardous Materials Release)

Environmental Impact: Potentially significant health hazard impacts during demolition and construction activities of the Mission Beach Residences Project and Santa Barbara Place Residences Project would also result when combined. No new construction and demolition health and safety impacts would occur when combined.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance. The Mission Beach Residences Project and the Santa Barbara Place Residences Project combined would result in potentially significant impacts related to potential hazardous materials release. The City finds that mitigation measures MB-HS-1, MB-HS-2, MB-HS-3, SBP-HS-1, SBP-HS-2, and SBP-HS-3 would reduce identified impacts to less than significant.

Facts in Support of Finding: As no new impact would occur during construction when combined, each project would still individually mitigate for health hazard impacts through implementation of mitigation measures MB-HS-1, MB-HS-2, MB-HS-3, SBP-HS-1, SBP-HS-2, and SBP-HS-3. Impacts would be less than significant.

Reference: MEIR § 5.3.4, 5.3.5, and 5.3.6.

E. Historical Resources (Potential Cultural Deposits or Human Remains)

Environmental Impact: Potentially significant to unknown subsurface cultural resources and/or human remains impacts during construction activities of the Mission Beach Residences Project and Santa Barbara Place Residences Project would also result when combined. No new impacts to potential cultural deposits of human remains during construction would occur when combined.

Finding: Pursuant to Section 15091(a)(1) of the Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the MEIR to a level of below significance. The Mission Beach Residences Project and the Santa Barbara Place Residences Project combined would result in potentially significant impacts related to potential cultural deposits or human remains. The City finds that mitigation measures MB-CUL-1 and SBP-CUL-1 would reduce identified impacts to less than significant.

Facts in Support of Finding: As no new impact would occur during construction when combined, each project would still individually mitigate for cultural resources and/or human remains impacts through implementation of mitigation measures MB-CUL-1 and SBP-CUL-1. Impacts would be less than significant.

Reference: MEIR § 5.5.7, 5.5.8, and 5.5.9.

**ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT
AND UNAVOIDABLE**

Mission Beach Residences Project

A. Noise (Construction)

Environmental Impact: The nearest noise-sensitive land uses are single-family and multifamily residences located on all four sides of the Mission Beach Residences Project. Construction activities would take place as near as 25 feet from the closest existing residences (located to the north and to the east of the Mission Beach Residences Project, across Kennebeck Court and Bayside Lane, respectively).

The 12-hour average sound level for construction would reach up to approximately 81 dBA at 25 feet from the construction equipment. The City's Noise Ordinance states that construction equipment shall be operated so as not to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 dB during the 12-hour period from 7:00 a.m. to 7:00 p.m. Thus, the construction noise level could exceed the City's noise criterion by up to 6 dB at the closest existing residences and has the potential to adversely affect adjacent noise-sensitive uses such as residences.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measure identified in the MEIR. The Mission Beach Residences Project would result in potentially significant temporary impacts to noise during construction. The City finds that mitigation measure MB-NOI-1 would reduce identified impacts, but not to a level below significance. Therefore, temporary construction noise impacts resulting from the Mission Beach Residences Project would remain significant and unavoidable even with the implementation of mitigation.

Facts in Support of Finding: Construction noise related to the Mission Beach Residences Project could exceed the City's noise criterion by up to 6 dB at the closest existing residences and has the potential to adversely affect adjacent noise-sensitive uses. As such, these noise levels represent a temporary potentially significant impact, and mitigation is required. Mitigation measure MB-NOI-1, provided in Section 5.2.5 of the MEIR, states that the Mission Beach Residences Project shall be required to limit construction hours, place mufflers on equipment engines, erect temporary noise barriers, and orient stationary sources to direct noise away from sensitive uses. However, even following the implementation of these measures, it is likely that noise from construction activities would still exceed the City's noise standard for construction. The measures required by MB-NOI-1 represent feasible standard noise attenuation methods for construction noise resulting from the Mission Beach Residences Project. Additional measures beyond those required by MB-NOI-1 would be infeasible due to: (1) the proximity of existing adjacent noise-sensitive land uses; (2) the technical capability implementation of additional measures for construction typical of residential development; and (3) the economic infeasibility of additional noise attenuation measures. Therefore, construction noise would result in a significant increase in existing ambient noise levels, and would result in a temporary significant and unavoidable impact.

Reference: MEIR § 5.2.3, 5.2.4, and 5.2.5.

Combined Project Analysis

A. Noise (Construction)

Environmental Impact: Construction of the Mission Beach Residences Project is expected to take approximately 18–24 months. Construction of the Santa Barbara Place Residences Project is expected to take approximately 10–12 months. As each project individually would exceed the City's Noise Ordinance, when construction phases overlap, the combination of both projects has the potential also to exceed the City's thresholds.

Due to the fact that these are two completely separate projects, construction of either the Santa Barbara Place Residences Project or the Mission Beach Residences Project may be complete and become occupied while construction is still in progress for the other project. If either project is complete and occupied while the other is still under construction, the occupied project would become an additional sensitive land use to construction noise as the project sites are approximately 25 feet apart. Therefore, the 12-hour average sound level from construction equipment would potentially reach up to approximately 81 dBA at the property line, exceeding the City's Noise Ordinance by 6 dB.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measure identified in the MEIR. The Combined Project Analysis would result in potentially significant temporary impacts to noise during construction. The City finds that mitigation measures MB-NOI-1 and SBP-NOI-1 required by each project separately would reduce identified impacts, but not to a level below significance for the Combined Project Analysis. Therefore, temporary construction noise impacts resulting from the Combined Project Analysis would remain significant and unavoidable even with the implementation of mitigation.

Facts in Support of Finding: The Mission Beach Residences Project and the Santa Barbara Place Residences Project would each, individually, exceed the City's Noise Ordinance for construction noise at the property lines of existing residential land uses. Even with mitigation incorporated, each project individually would still likely exceed the City's Noise Ordinance; therefore, each project would result in significant and unavoidable impacts.

If either project is complete and occupied while the other is still under construction, the occupied project would become an additional sensitive land use to construction noise as the project sites are approximately 25 feet apart. Therefore, the 12-hour average sound level from construction equipment would potentially range up to approximately 81 dBA at the property line, exceeding the City's Noise Ordinance by 6 dB.

While a completed project may be a new sensitive land use, the impacts to the completed project from the construction of the remaining project would be considered under the same construction noise impact to existing sensitive land uses (i.e., existing residences adjacent to the project site). As described above, the Mission Beach Residences Project would incorporate mitigation measure MB-NOI-1 and the Santa Barbara Place Residences Project would incorporate mitigation measure SBP-NOI-1 provided in Section 5.2.5 of the MEIR. However, even following the implementation of these measures, it is likely that noise from construction activities would still exceed the City's noise standard for construction. The measures required by MB-NOI-1 and SBP-NOI-1 represent feasible standard noise attenuation methods for construction noise resulting from the Mission Beach Residences Project and the Santa Barbara Place Residences Project. Additional measures beyond those required by MB-NOI-1 and SBP-NOI-1 would be infeasible due to: (1) the proximity of existing adjacent noise-sensitive land uses; (2) the technical incapability of implementation of additional measures for construction typical of residential development; and (3) the economic infeasibility of additional noise attenuation measures. However, even with mitigation, impacts would remain significant and unavoidable.

Reference: MEIR § 5.2.3, 5.2.4, and 5.2.5.

VI.
**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 a project should it be implemented. Section 15126.2(c) indicates that the use 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 and the irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Mission Beach Residences Project

The Mission Beach Residences Project would redevelop the previously developed site with residential, park, and associated uses for the foreseeable future. This would constitute a permanent change. Once construction occurs, reversal of the land to its original condition is highly unlikely. The site is currently vacant and does not generate traffic, noise, or result in an increase in human presence. Permanent changes as a result of Mission Beach Residences Project implementation would include traffic, noise, and an increased human presence in the area.

Future development that could occur on the project site as a result of the Mission Beach Residences Project 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 Mission Beach Residences Project would also require the use of construction labor and materials, including cement, concrete, lumber, steel, etc. These resources would also be irreversibly committed.

Combined Project Analysis

The irreversible changes that would result when the Mission Beach Residences Project and the separate Santa Barbara Place Residences Project are combined would be the sum of each project individually and would not result in any greater changes than what is described above and in the MEIR.

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 a public agency other than the City.

VIII. FINDINGS REGARDING ALTERNATIVES

In accordance with Section 15126.6(a) of the 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.” Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

As required in Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given to an alternative’s ability to meet most of the basic objectives of the project. Because the Mission Beach Residences Project will cause unavoidable significant environmental effects related to construction noise, the City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the proposed project.

The alternatives presented and considered in the MEIR constitute a reasonable range of alternatives necessary to permit a reasoned choice among the options available to the City and/or the project proponent. Similar to the environmental analysis found throughout the MEIR for the Combined Project Analysis, Chapter 9 contains an analysis of alternatives for the Combined Project Analysis. Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the Mission Beach Residences Project and the Combined Project Analysis.

A. Alternatives Eliminated From Detailed Consideration

The following design alternatives were considered for the project. These alternatives were rejected from further consideration because they would not likely reduce identified potentially significant impacts of the Mission Beach Residences Project and are considered infeasible.

Alternative Locations. Off-site alternative locations were considered as part of the alternatives process for the Mission Beach Residences Project. The key question and first step in analysis of the off-site location “is whether any of the significant effects of the project would be

avoided or substantially lessened by putting the project in another location” (14 CCR 15126.6(f)(2)(A)). Furthermore, the Guidelines states that “an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (14 CCR 15126.6(f)(3)).

It should be noted that the availability of an alternative site does not in and of itself reduce impact potential. It is expected that developing a similar project to the Mission Beach Residences Project would result in a similar array of project impacts and would simply transfer this impact potential to areas surrounding the alternate site location. For these reasons, an off-site alternative location would not necessarily be preferred over the project site.

B. Alternatives Under Consideration

The impacts of each alternative are analyzed in Chapter 9 of the MEIR. 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 as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.”

As presented in Chapter 5 of the MEIR, the proposed Mission Beach Residences Project would result in potentially significant impacts to interior noise, health and safety, and historical resources. For most of these impact areas, mitigation measures have been identified that would reduce potentially significant impacts to less-than-significant levels. With regard to construction noise, however, impacts would be mitigated to the extent feasible, but would remain unavoidable.

For the Combined Project Analysis, this scenario would result in significant unavoidable construction noise impacts. In addition, this scenario would result in significant but mitigated impacts to land use and transportation/circulation and parking.

Alternatives considered for the Mission Beach Residences Project and the Combined Project Analysis, including a discussion of the “No Project” alternative, are included in Chapter 9, Alternatives. Relative to the “No Project” alternative, Guidelines Section 15126.6(e) states that:

- (A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future.
- (B) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed.

Alternatives to the Mission Beach Residences Project and the Combined Project Analysis discussed in the MEIR include the “No Project/No Development Alternative” and the “Development Under Existing Plan/No Project Alternative,” which meet the “No Project” alternative mandated by CEQA.

Mission Beach Residences Project

Mission Beach Residences Alternative 1: No Project/No Development Alternative

Description: Under the No Project/No Development Alternative, the Mission Beach Residences Project would not be implemented on the site. The existing Mission Beach Elementary School would not be demolished and the site would be left vacant and in its dilapidated condition.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that the No Project/No Build Alternative would not meet any of the project objectives listed above and in Section 3.1.3 of the MEIR, and is therefore infeasible.

Facts in Support of Finding: Under this alternative, none of the environmental impacts associated with the construction and operation of the project would occur. As such, the project's significant impacts would be avoided under this alternative. Under the No Project/No Development Alternative, none of the goals or objectives of the Mission Beach Precise Plan or the City General Plan would be achieved. Such goals and objectives of the Mission Beach Precise Plan include: the enhancement of the overall quality of the physical environment in Mission Beach and the insurance of necessary environmental amenities such as the provision of open space, landscaping, and vegetation. Such goals and objectives of the General Plan include: maximizing residential development at an infill site, where public facilities, transit, and services are within walking distance; designing buildings that contribute to a positive neighborhood character and relate to neighborhood and community context; and developing infill housing, roadways, and new construction that are sensitive to the character and quality of existing neighborhoods. The existing fenced-in, dilapidated vacant school site would remain in its current condition. Therefore, the No Project/No Development Alternative is infeasible.

Reference: MEIR § 9.5.1.

Mission Beach Residences Alternative 2: Development Under Existing Plans/ No Project

Description: Under this alternative, a project would be constructed that would not require a Community Plan Amendment (CPA) and would be consistent with the current Mission Beach Precise Plan. Development under this alternative would be consistent with the current designation of School/Institutional & Public and Semi Public Facilities.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that the Development Under Existing Plans/No Project Alternative would not meet any of the project objectives listed above and in Section 3.1.3 of the MEIR, and is therefore infeasible.

Facts in Support of Finding: A goal within the Mission Beach Precise Plan is to attract families to Mission Beach, and potentially re-open the project site as a school. SDUSD concluded that the school site property was excess and the possibility of re-establishing the school no longer existed when it put the property up for sale. Therefore, development of a public school at the site is not considered potentially feasible. Library, police and fire facilities, government offices and civic centers all already exist nearby.

Since no school or other facility would be developed at the site, impacts would be the same as those presented under the No Project/No Development alternative; that is, the significant impacts resulting from the Mission Beach Residences Project would be avoided under this alternative.

As such the project's significant impacts would be avoided under this alternative. None of the goals or objectives of the Mission Beach Precise Plan or the City General Plan would be achieved. Such goals and objectives of the Mission Beach Precise Plan include: the enhancement of the overall quality of the physical environment in Mission Beach and the insurance of necessary environmental amenities such as the provision of open space, landscaping, and vegetation. Such goals and objectives of the General Plan include: maximizing residential development at an infill site, where public facilities, transit, and services are within walking distance; designing buildings that contribute to a positive neighborhood character and relate to neighborhood and community context; and developing infill housing, roadways, and new construction that are sensitive to the character and quality of existing neighborhoods. The existing fenced-in, dilapidated vacant school site would remain in its current condition. Therefore, the Development Under Existing Plans/No Project Alternative is infeasible.

Reference: MEIR § 9.5.1.

Mission Beach Residences Alternative 3: Reduced Development Alternative

Description: The Reduced Development Alternative would assume a reduced number of residential units with the goal of avoiding or substantially lessening one or more of the project's identified significant impacts. This alternative assumes 27 fewer units than the proposed project's 51 units, for a total of 24 units.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that, with the exception of the second project objective, the Reduced Development Alternative would meet most of the objectives of the Mission Beach Residences Project set forth above and in Section 3.1.3 of the MEIR. However, the Reduced Development Alternative would still result in significant and unavoidable impacts related to noise.

Facts in Support of Finding: The Reduced Development Alternative would meet most of the Mission Beach Residences Project objectives, with the exception of the second objective, which states, "Develop new multifamily condominium dwelling units on the Mission Beach Residences Project site on the 27 existing legal lots to accommodate the current and growing housing demand in the Mission Beach Community Planning Area as called for in the City

General Plan.” The reduction of the number of units would not accommodate housing demand to the same extent as the Mission Beach Residences Project.

Fewer proposed units may reduce the project’s significant impacts, including the scale of construction, potentially resulting in lesser construction noise effects, however, construction noise would still be significant and unavoidable, due to the adjacency of residences (i.e., a noise-sensitive land use). The same project site would be developed under this alternative, resulting in similar impacts to health and safety and cultural resources. The reduction in units under this alternative would result in a reduced impact to traffic when compared to the Mission Beach Residences Project and would not require mitigation. Overall, impacts would be similar (albeit lessened) when compared to the proposed Mission Beach Residences Project.

Reference: MEIR § 9.5.1.

Combined Project Analysis

Combined Project Alternative 1: No Project/No Development Alternative

Description: Similar to the two No Project/No Development Alternatives described previously, under this alternative, the project would not be implemented on the site. The existing Mission Beach Elementary School and associated facilities would not be demolished and would be left vacant in its dilapidated state.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that the No Project/No Build Alternative would not meet any of the project objectives listed above and in Sections 3.13 and 3.2.2 of the MEIR, and is therefore infeasible.

Facts in Support of Finding: Under this alternative, none of the environmental impacts associated with the construction and operation of either project would occur. As such both projects’ significant impacts would be avoided under this alternative. Under the No Project/No Development Alternative, none of the goals or objectives of the Mission Beach Precise Plan or the City General Plan would be achieved. Such goals and objectives of the Mission Beach Precise Plan include: the enhancement of the overall quality of the physical environment in Mission Beach and the insurance of necessary environmental amenities such as the provision of open space, landscaping, and vegetation. Such goals and objectives of the General Plan include: maximizing residential development at an infill site, where public facilities, transit, and services are within walking distance; designing buildings that contribute to a positive neighborhood character and relate to neighborhood and community context; and developing infill housing, roadways, and new construction that are sensitive to the character and quality of existing neighborhoods. The existing fenced-in, dilapidated vacant school site would remain in its current condition. Therefore, the No Project/No Development Alternative is infeasible.

Reference: MEIR § 9.5.3.

Combined Project Residences Alternative 2: Development Under Existing Plans/No Project

Description: Under this alternative, a project would be constructed that would not require a CPA and would be consistent with the current Mission Beach Precise Plan. That is, development would occur that is consistent with the current designation of School/Institutional & Public and Semi Public Facilities. On the Santa Barbara Place Residences site, 12 residential units could still be developed under the existing Mission Beach Precise Plan.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that the Development Under Existing Plans/No Project Alternative would meet all the objectives for the Santa Barbara Place Residences Project as listed above and in Section 3.2.3 of the MEIR, but would not meet any of the project objectives for the Mission Beach Residences Project listed above and in Section 3.1.3 of the MEIR, and is therefore infeasible.

Facts in Support of Finding: Similar to the Mission Beach Residences Alternative Number 2, no school or other type of Institutional & Public or Semi Public development would occur on the Mission Beach Residences site. On the Santa Barbara Place Residences site, 12 residential units could still be developed under the existing Mission Beach Precise Plan. Hence, impacts on the Santa Barbara Place Residences would be identical to those occurring under the proposed project. Under this alternative, none of the environmental impacts associated with the construction and operation of the Mission Beach Residences Project would occur, similar to that of the Mission Beach Residences No Project/No Development Alternative. None of the goals or objectives of the City General Plan would be achieved. Such goals and objectives of the General Plan include: maximizing residential development at an infill site, where public facilities, transit, and services are within walking distance; designing buildings that contribute to a positive neighborhood character and relate to neighborhood and community context; and developing infill housing, roadways, and new construction that are sensitive to the character and quality of existing neighborhoods. The existing fenced-in, dilapidated vacant school site would remain in its current condition. Therefore, the Development Under Existing Plans/No Project Alternative is infeasible.

Reference: MEIR § 9.5.3.

Combined Project Alternative 3: Reduced Development Alternative

Description: Under this alternative, a total of 32 units are proposed, which is 31 fewer units than the 63 units proposed under the combined project.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that the Reduced Development Alternative would not meet the third project objective for both projects set forth in Sections 3.1.3 and 3.2.3 of the MEIR, because with 32 units proposed, it would not maximize residential development on the infill site. It would also not meet the fourth project objective, because with a less dense development, it would not be

compatible in scale and character with the existing surrounding character. Therefore, this alternative is infeasible.

Facts in Support of Finding: The Reduced Development Alternative would assume a reduced number of residential units, with the goal of avoiding or substantially lessening one or more of the project's identified significant impacts, particularly transportation/circulation and parking and noise impacts.

Fewer proposed units may reduce the combined project's significant impacts, including the scale of construction, potentially resulting in lesser construction noise effects, however, construction noise would still be significant and unavoidable, due to the adjacency of residences (i.e., a noise-sensitive land use). The same project sites would be developed under this alternative, resulting in similar impacts to health and safety and cultural resources. The reduction in units under this alternative would result in a reduced impact to traffic when compared to the combined project. Overall, impacts would be similar (albeit lessened) when compared to the combined project.

However, the Reduced Development Alternative would fail to meet several objectives of both projects including the objectives to maximize residential development within an infill site (consistent with the City of Villages strategy and Smart Growth policies of the City General Plan) and creating development compatible in scale with the surrounding existing community. Therefore, this alternative is infeasible.

Reference: MEIR § 9.5.3.

Combined Project Alternative 4: Expanded Park Alternative

Description: Under this alternative, a total of 57 units are proposed, which is 6 fewer units than the 63 units proposed under the combined project. Fifty-five (55) units would be located on the Mission Beach Residences project site, and two units (a duplex) would be located on the eastern part of the Santa Barbara Place Residences site. The other 10 units in the proposed project would be replaced with an approximately 0.28-acre passive park on the Santa Barbara Place Residences site. The existing ficus tree on the site would not be removed under this alternative. No pocket park would be built on the Mission Beach Residences project site, as with the proposed combined project.

Finding: Pursuant to Section 15091(a)(3) of the Guidelines, specific economic, legal, social, technological, or other considerations, make infeasible this alternative identified in the MEIR. The City finds that, with the exception of the third project objective for both projects, the Expanded Park Alternative would meet most of the objectives set forth in Sections 3.1.3 and 3.2.3 of the MEIR.

Facts in Support of Finding: Fewer proposed units may reduce the scale of construction, potentially resulting in lesser incremental construction noise effects and resultant traffic trips. Also, this alternative would increase the available park acreage for the community. Construction noise would still be significant and unavoidable, due to the adjacency of existing

and proposed residences that would be affected. Construction of the park and duplex on the Santa Barbara Place Residences site would not be as long in duration as construction of the proposed 12 residences under the proposed project, so the duration of construction noise would be reduced on the Santa Barbara Place site. Thus, noise impacts would be reduced, but would remain significant and unavoidable.

However, the Reduced Development Alternative would fail to meet several objectives of both projects including the objectives to be consistent with the City of Villages strategy and Smart Growth policies of the City General Plan which intend to maximize residential development at an infill site, where public facilities, transit and services are within walking distance. Therefore, this alternative is infeasible.

Reference: MEIR § 9.6.1

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA, and Section 15093 and 15043(b) of the Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable adverse environmental impacts when determining whether to approve a proposed project.

If the specific economic, legal, social, technological, or other benefits, including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and Guidelines Section 15093, the City has balanced the benefits of the project against unavoidable temporary significant construction noise impacts associated with the Mission Beach Residences Project and the Combined Project Analysis and has considered all feasible mitigation measures with respect to significant and unmitigated impacts associated with this environmental issue. The City also has examined alternatives to the Mission Beach Residences Project and the Combined Project Analysis and has rejected them as infeasible, finding that none of them would fully meet the project objectives and result in substantial reduction or avoidance of the project's significant and unmitigated environmental impacts.

The California Supreme Court has stated that, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply is simply requires that those decisions be informed, and therefore balanced.” (Citizens of Goleta Valley v. Board. Of Supervisors. (1990) 52 Cal. 3d 553, 576.)

Courts have upheld overriding considerations that were based on policy consideration including, but not limited to, new jobs, stronger tax base, implementation of an agency's

economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plans and general plans, and provision of construction jobs. (*Towards Responsibility in Planning v. City Council* (1988) 200 Cal. App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal. App. 3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal. App. 3d 1037; *Markley v. City Council* (1982) 131 Cal. App. 3d 656).

Each benefit of the Mission Beach Residences Project as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these findings, so that if a court were to set aside the determination that any particular benefit would occur and justify project approval, the City Council determines that it would stand by its determination that the remaining benefits are sufficient to warrant project approval.

Having considered the entire administrative record on the project, and (i) having made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Mission Beach Residences Project by adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all the alternatives are either environmentally inferior or similar, fail to meet the project objectives, or are not economically or otherwise viable, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, aesthetic, environmental, and other benefits of the project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

Mission Beach Residences Project

1. Implementation of the proposed project would further the City General Plan's Conservation Element as well as several climate change related policies aimed at reducing greenhouse gas emissions from future development. These policies also promote energy and water conservation in new development. The proposed project is seeking to achieve Certified Leadership in Energy and Environmental Design (LEED) Silver Certification Standards or an equivalent and would include a PV system. LEED consists of rating systems for the design, construction and operation of high performance green buildings, homes, and neighborhoods. Developed by the U.S. Green Building Council (USGBC), LEED is intended to provide building owners and operators a concise framework for identifying and implementing practical and measureable green building design, construction, operations and maintenance solutions. The Mission Beach Residences Project would achieve LEED Silver certification or equivalent through energy, water, waste, and other efficiency and sustainability measures which would include the following:

- **Energy**
 - Roof mounted photovoltaic solar panels to generate electricity on-site, and reduce demand from public utility.
 - Energy-efficient lighting and occupant sensors
 - Increased efficiency over California Green Building Standards (CALGreen)
 - Energy-efficient appliances and systems
 - Natural daylighting
 - Ventilation strategies
 - Sensitivity to area light pollution
 - **Water**
 - High-efficiency plumbing fixtures and fittings
 - Reduced wastewater reduction, beyond the requirements of CALGreen
 - Landscape with non-invasive drought-tolerant native species
 - Potable water use reduction
 - Installation of water permeable surfaces
 - **Waste**
 - Waste reduction and recycling during construction
 - Use of building materials with recycled material
 - **Other**
 - Third-party testing and systems commissioning
 - Heat Island Reduction
 - Cool roof materials
 - Shade hardscape and covered parking
 - Third-party testing and enhanced systems commissioning
 - Non-chlorofluorocarbon (CFC) based air conditioning units
 - Low volatile organic compound (VOC) products and materials specified throughout
 - Priority for locally sourced products and materials
 - Solar photovoltaic systems
2. The City General Plan’s park and recreation goals include achieving a sustainable park and recreation system that meets the needs of residents and visitors and an equitable citywide distribution of parks and recreation facilities. The project proposes a 0.201 acre pocket park that will be open to the public and will meet these goals of the City’s General Plan. The park is proposed adjacent to Mission Boulevard, which allows for easy monitoring and access and can adhere to public safety concerns by having the largest possible area easily seen from cars and pedestrians on Mission Boulevard. The park would enhance the visual environment of the Mission Boulevard gateway to the Mission Beach Community and provide a green space for all to enjoy in the center of the neighborhood.
 3. The General Plan emphasizes infill housing to meet the housing demands of the San Diego region’s growing population. The Mission Beach Residences Project will provide this infill housing at density levels consistent with the current neighborhood in which it will be built. Housing would be provided at a variety of

unit sizes and bedroom counts, which will increase housing opportunities for a wide variety of residents.

4. The Mission Beach Residences project includes development within a currently developed but unused area, and is inconsistent with the surrounding visual environment. The proposed development would involve demolition of the abandoned buildings on-site and improve a currently neglected site subject to vandalism and litter. The proposed development would be in line with the community character of the surrounding neighborhood. In addition, development would allow for unification of the surrounding vehicular and pedestrian circulation paths, and ocean and bay access.
5. The Mission Beach Residences project includes a new pedestrian access and public view to Mission Bay from Jersey Court. This will increase community access to area coastal resources, and improve community circulation. These new public viewpoints through the project site will serve to enhance the views to Mission Bay, especially along Jersey Court.
6. The Mission Beach Residences Project would increase the local tax base and generate a positive fiscal benefit to the City. This revenue may be spent by the City to improve vital services including police and fire protection, parks, roads and other infrastructure in the City. Money added to the General Fund will positively impact the City as a whole, not just the Mission Beach community.
7. The project would promote alternative transportation through implementation of bicycle racks.

X. CONCLUSION

For the foregoing reasons, the City finds that the project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the proposed project. Therefore, the City has adopted these Findings and Statement of Overriding Considerations.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

AMENDMENTS TO THE GENERAL PLAN AND MISSION BEACH PRECISE PLAN AND LOCAL COASTAL PROGRAM NO. 1283303, EASEMENT VACATION NO. 1283304, VESTING TENTATIVE MAP NO. 1283305, COASTAL DEVELOPMENT PERMIT NO. 1283306, AND SITE DEVELOPMENT PERMIT NO. 1283307;
MISSION BEACH RESIDENCES - PROJECT NO. 366139

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. 366139/SCH No. 2014081097 shall be made conditions of Amendments to the General Plan and Mission Beach Precise Plan and Local Coastal Program No. 1283303, Easement Vacation No. 1283304, Vesting Tentative Map No. 1283305, Coastal Development Permit No. 1283306, and Site Development Permit No. 1283307 as may be further described below.

A. GENERAL REQUIREMENTS – PART I 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 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: Qualified Acoustician; Qualified Archaeologist; Qualified Native American Monitor; and Qualified Lead and Asbestos Abatement Contractor, and Environmental Specialist

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, applicant t is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 366139 and/or Environmental Document Number 366139 (SCH No. 2014081097) shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD'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: **Not Applicable**

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
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Traffic	Traffic Reports	Traffic Features Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HEALTH AND SAFETY

MB-HS-1: Prior to demolition permit issuance, the project applicant shall provide proof to the City of San Diego that: A qualified environmental specialist has inspected the site buildings for the presence of polychlorinated biphenyls, mercury, and other hazardous building materials. If found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, which describes materials requiring special handling, for the removal of mercury switches, polychlorinated biphenyl-containing ballasts, and refrigerants.

MB-HS-2: Prior to demolition permit issuance, an asbestos and lead-based paint abatement work plan shall be prepared in compliance with local, state, and federal regulations for any necessary removal and disposal of such materials. Prior to implementation, the work plan must be reviewed and accepted by the San Diego County Department of Environmental Health. A California-certified asbestos removal contractor shall be utilized for the removal work and proper removal methodology as outlined in Cal-OSHA 8CCR1529, and all other applicable federal, state, and local regulations regarding the removal, transport and disposal of asbestos-containing material shall be applied. The asbestos and lead-based paint abatement work plan shall include a monitoring plan to be conducted by a qualified consultant during abatement activities to ensure compliance with the work plan requirements and abatement contractor specifications. The work plan shall include provisions for construction worker training, worker protection, and conduction of exposure assessments as needed. As part of the work plan, construction contractors shall consult federal Occupational Safety and Health Administration (OSHA) Regulations at 29 CFR 1926.62 and Cal-OSHA Regulations at Title 8, 1532.1, “Lead in Construction” standards for complete requirements. Demolition plans and contract specifications shall incorporate any necessary abatement measures for the removal of materials containing lead-based paint and asbestos to the satisfaction of the City Planning and Building Department. The measures shall be consistent with the abatement work plan prepared for the project and conducted by a California-licensed lead/asbestos abatement contractor.

MB-HS-3: To reduce the risk of accidental release of hazardous materials during construction activities at the site, the project applicant shall prepare and implement during all construction activities a hazardous substance management, handling, storage, disposal, and emergency response plan prior to demolition on-site. This plan shall be implemented during all project related construction activities. A hazardous materials spill kit shall be maintained on site for small spills. Additionally, the project applicant shall monitor all contractors for compliance with applicable regulations, including regulations regarding hazardous materials and hazardous wastes, including disposal. Hazardous materials shall not be disposed of or released on the ground, in the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All construction waste, including trash and litter, garbage, and other solid waste shall be diverted, recycled, or properly disposed. Petroleum products and other

potentially hazardous materials shall be removed to a waste facility permitted to treat, store, or dispose of such materials. The hazardous substance management, handling, storage, disposal, and emergency response plan shall be prepared prior to demolition permit issuance, to the satisfaction of the City of San Diego. The plan shall be provided to the City of San Diego Development Services for review prior to issuance of a grading permit.

HISTORICAL RESOURCES (ARCHAEOLOGY)

MB-CUL-1:

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 (CSV). The CSV'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.

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NOISE (CONSTRUCTION)

MB-NOI-1 Construction Noise Mitigation: prior to the issuance of the first demolition permit, the applicant shall ensure the following, to the satisfaction of the City of San Diego Development Services Department:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.
- Temporary sound barriers/shielding are installed. This may comprise shielding of equipment in the vicinity of non-mobile equipment where this is the source, or alternatively shielding at the site boundaries (i.e., the northern, southern, and eastern sides, where adjacent residences are closest).
- Construction noise reduction methods, such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied

residential areas, and use of electric air compressors and similar power tools rather than diesel equipment, shall be used where feasible.

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive land uses.
- The project shall limit construction activities, including grading, to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.

NOISE (CONSTRUCTION)

MB-NOI-2 Interior Noise Mitigation Analysis for Proposed Lots 1, 11, and 16: Upon completion of detailed building plans (i.e., room dimensions, wall and roof assemblies and window/door schedules) and prior to the issuance of the first occupancy permit, the applicant shall ensure that an interior noise mitigation analysis be prepared, to the satisfaction of the City of San Diego Development Services Department. The analysis shall identify specific mitigation measures to ensure interior noise levels remain at or below 45 dB per the City of San Diego's interior noise standard. Noise abatement features shall be identified to attenuate noise and shall be incorporated into project design as necessary. Such features may include mechanical ventilation or an air-conditioning system, sound-rated windows and sound-rated doors.

COMBINED PROJECT

TRANSPORTATION/CIRCULATION

CP-TRA-1: Prior to issuance of the first building permit in either the Mission Beach Residences project or the Santa Barbara Residences project, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal at the intersection of Mission Boulevard and Santa Barbara Place to the satisfaction of the City Engineer. The traffic signal shall be installed by the Owner/Permittee no later than May 1, 2025, to the satisfaction of the City Engineer; provided, however, that the City Engineer may require installation of the traffic signal by the Owner/Permittee prior to May 1, 2025, based on the results of annual traffic counts and impact analysis for this intersection submitted by the Owner/Permittee on or before May 1 of each year. Fair share for the traffic signal shall be divided 82% to the Owner/Permittee of Mission Beach Residences project and 18% to the Owner/Permittee of the Santa Barbara Place Residences project.

LAND USE

CP-LU-1: Prior to issuance of the first building permit in either the Mission Beach Residences project or the Santa Barbara Residences project, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal at the intersection of Mission Boulevard and Santa

Barbara Place to the satisfaction of the City Engineer. The traffic signal shall be installed by the Owner/Permittee no later than May 1, 2025, to the satisfaction of the City Engineer; provided, however, that the City Engineer may require installation of the traffic signal by the Owner/Permittee prior to May 1, 2025, based on the results of annual traffic counts and impact analysis for this intersection submitted by the Owner/Permittee on or before May 1 of each year. Fair share for the traffic signal shall be divided 82% to the Owner/Permittee of Mission Beach Residences project and 18% to the Owner/Permittee of the Santa Barbara Place Residences project

HEALTH AND SAFETY

Potentially significant health hazard impacts during demolition and construction activities of the Mission Beach Residences Project and Santa Barbara Place Residences Project would also result when combined. As no new impact would occur during construction when combined, each project shall individually mitigate for health hazard impacts through implementation of mitigation measures **MB-HS-1, MB-HS-2, MB-HS-3, SBP-HS-1, SBP-HS-2, and SBP-HS-3.**

HISTORICAL RESOURCES (ARCHAEOLOGY)

Potentially significant to unknown subsurface cultural resources and/or human remains impacts during construction activities of the Mission Beach Residences Project and Santa Barbara Place Residences Project would also result when combined. As no new impact would occur during construction when combined, each project shall individually mitigate for cultural resources and/or human remains impacts through implementation of mitigation measures **MB-CUL-1 and SBP-CUL-1.**

NOISE (CONSTRUCTION)

If either project is complete and occupied while the other is still under construction, the occupied project would become an additional sensitive land use to construction noise as the project sites are approximately 25 feet apart. Therefore, the 12-hour average sound level from construction equipment would potentially exceed the City's Noise Ordinance dB. Implementation of mitigation measures **MB-NOI-1 and SBP-NOI-1** shall be implemented.

NOISE (INTERIOR)

As no new interior noise impact would occur when combined, each project shall individually mitigate for interior noise levels through implementation of mitigation measures **MB-NOI-2 and SBP-NOI-2.**

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 APR 11 2016, 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 APR 11 2016.

(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.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310347