

RESOLUTION NUMBER R- 311342

DATE OF FINAL PASSAGE OCT 03 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 212995/SCH NO. 2010101030, AND ADOPTING FINDINGS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HILLEL CENTER FOR JEWISH LIFE – PROJECT NO. 212995.

WHEREAS, on July 28, 2011, Hillel of San Diego submitted an application to Development Services Department for a Site Development Permit and Public Right-of-Way Vacation for the Hillel Center for Jewish Life (Project); and

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

WHEREAS, the issue was heard by the City Council on October 3, 2017; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 212995/SCH No. 2010101030 (Report) prepared for this Project; NOW,
THEREFORE,

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

that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

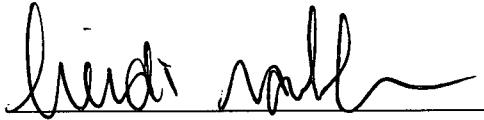
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

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

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

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

IBL/HKV:mcm/als/nja
06/22/2017
09/21/17 Cor. Copy
Or.Dept: DSD
Doc. No.: 1478530_2

ATTACHMENT(S): Exhibit A, Findings
Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

**FINDINGS OF FACT
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE HILLEL CENTER FOR JEWISH LIFE PROJECT**

City of San Diego Project No. 212995

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I.
INTRODUCTION

A. Findings of Fact

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, et seq.) and the 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.

Having received, reviewed, and considered the Final EIR for the Site Development Permit, and Right-of-Way Vacation for the Hillel Center for Jewish Life project, City of San Diego Project No. 212995 (Final EIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the proposed project.

B. Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The Final EIR for the proposed project;
- The reports and technical memoranda included or referenced in Responses to Comments and/or in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings;
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e);
- All ordinances and resolutions adopted in connection with the Hillel Center for Jewish Life project; and
- All project application materials.

C. Custodian and Location of Records

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

II. PROJECT SUMMARY

A. Project Location

The regional and local settings of the project are discussed in Section 2.0, Environmental Setting, of the Final EIR. The Hillel Center for Jewish Life project site includes two adjacent parcels; a 0.2-acre parcel located at 8976 Cliffridge Avenue and a 0.8-acre vacant lot located at the southwest corner of the intersection of La Jolla Village Drive and La Jolla Scenic Way (see Final EIR Figure 2-3). The Cliffridge Avenue location would be used temporarily during construction of a permanent structure on the vacant parcel.

The University of California San Diego (UCSD) campus is located to the north of the project site. Existing residences are located to the south, directly adjacent to the project site along La Jolla Scenic Drive North and east along La Jolla Scenic Way.

B. Project Background

As detailed in Section 3.2 of the Final EIR, the Hillel Center for Jewish Life project is proposed to further the mission of Hillel of San Diego, a non-profit organization incorporated for the purpose of providing religious needs of Jewish students on the university campuses in San Diego County. Specifically, the proposed project would construct a permanent space to facilitate the religious, spiritual, and intellectual growth of Jewish students. The project has been modified over the course of many years in response to comments and concerns of neighbors and interested parties. Overall (and as detailed below), the project has been designed to reflect the surrounding community character including smaller structures, reduced grading, and landscaped on-site areas. The project would meet standards required to obtain a LEED Silver rating.

C. Project Description

The Final EIR provides a detailed analysis of the proposed project referred to as the Phase 1/Phase 2 project. The Final EIR also provides a detailed analysis of an alternative proposal referred to as the "Existing plus Improvement project." The intention of the dual analysis is to allow a discussion of impacts associated with the alternative at a level of detail equivalent to the proposed project. These findings are similarly prepared to address the proposed Phase 1/Phase 2 project, hereafter referred to as the "proposed project."

The proposed project involves the construction of a permanent Hillel Center for Jewish Life facility in two phases. Phase 1 would consist of the temporary use of the existing Cliffridge property during construction on the adjacent vacant lot. Phase 2 would consist of the construction of three individual buildings (gross floor area totaling 6,479 square feet) surrounded by an interior courtyard and a surface parking lot with 27 parking spaces.

Specifically, the project component parts are as follows:

- **Operations/Attendance:** Based upon Hillel's historical programming and its future plans for the Hillel Center for Jewish Life, religious activities would typically consist of small gatherings, primarily held during weekdays while UCSD is in session and consists of study groups, classes, lectures, meetings, Hillel professional staff activities, and periodic events. Regular hours of operation would be between Monday through Friday, 9:00 a.m. to 10:00 p.m., but generally the facility would only be open during the evenings and on weekends if there is an activity planned at such times. Most activities would not occur during the typical AM and PM peak hours (i.e., 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). Generally, attendance at the facility is expected to be between 10 and 50 attendees daily. It is anticipated that up to eight times a year, occupancy could be between 100 to 150 people, and up to four times per year occupancy could be greater than 150. At no time would occupancy of the facility be allowed to exceed its maximum under the applicable code.
- **On-site Facilities:** The main building would be two-stories, with a gross floor average of 3,682 square feet. The first floor of this structure would house a lounge with lobby, a kitchen, two meeting rooms, men's and women's restrooms, storage area, and elevator control room. The second floor would include activity space with a lobby, a board room, a storage room, and two exterior balcony areas. The second structure, a library/chapel, would have a gross floor average of 984 square feet and include an open library space, a student conference room, and a storage room. The third structure would be a professional leadership building with a gross floor average of 1,813 square feet and would include a reception area and lobby, three individual offices, an open office area, a copy area, a unisex restroom, a storage room, a conference room, and an electrical room.
- **Parking:** Phase 1 would include temporary parking for six vehicles (plus two motorcycles and four bicycles) on the Cliffridge site to accommodate the temporary use of that existing structure. Thereafter, Phase 2 would provide permanent on-site parking for twenty-seven vehicles (plus two motorcycle and four bicycles).
- **Open Space/Landscaped Areas:** Phase 1 would consist of temporary landscaping (see Final EIR Figure 3-9) including placement of native trees and shrubs on the northern portion of the parcel and the abandoned cul-de-sac area to screen the Cliffridge property from the sidewalk and La Jolla Village Drive. The Phase 2 landscape plan is provided in Final EIR Figure 3-11 showing approximately 20,000 square feet of landscaping including a pedestrian pathway at the corner of Torrey Pines Road and La Jolla Village Drive, placement of native trees and shrubs on the northern portion of the parcel, interior landscaping along the bicycle/pedestrian path, the parking lot/vehicular use area, and parkways strips, and bicycle path would be constructed in this area leading from La Jolla Scenic Drive North to Torrey Pines Road/La Jolla Village Drive.
- **Project Design Measures:** Phase 1/Phase 2 would reflect a contemporary style and has been designed to relate in scale and design to the adjacent single-family residential area along La Jolla Scenic Drive North. Lighting design would comply with City requirements pertaining to the installation of energy-efficient lighting fixtures, timing devices, motion-activated lighting, and directional and shielded lighting to avoid unwanted light and glare effects and conserve energy. Enclosures for trash and recycling bins, utility equipment, mechanical equipment, ducts, elevator enclosures, cooling towers, or mechanical ventilators would be contained within enclosed portions of the buildings or portions of the parking area and would be screened with walls and/or landscaping. Retaining/screening walls would be located primarily along La Jolla Scenic Way (eastern portion of the property to screen the parking area) and La Jolla Village Drive (northern portion of property as berm and screening walls). The walls would be at least 4 feet in height in order to screen parking areas, but would not exceed a height of 6 feet. The total length of screening walls would be 267 feet.
- **Infrastructure:** New and existing electrical transformers and communications systems would be placed in underground vaults. Natural gas and water meters would be provided. Multiple utility

easements are proposed as detailed in Section 3.4.2.1(i) of the Final EIR. All drainage facilities necessary to capture and manage post-project runoff would be accommodated on-site within a private system designed in accordance with mandated regulations. All water facilities necessary to provide water service (domestic, irrigation, and fire) to the project site already exist at sufficient capacity to adequately serve the proposed project. On-site sewer facilities would be constructed and would connect with existing public sewer facilities in La Jolla Scenic Drive North. No off-site sewer improvements would be necessary, as all sewer facilities necessary to provide service exist at sufficient capacity to adequately serve the proposed project.

D. Discretionary Actions

For the proposed project, the following discretionary actions are required:

- **Site Development Permit (SDP):** A SDP is required for development within the La Jolla Shores Planned Development (LJSPD) area. This permit is required to demonstrate that the proposed project would not adversely affect the applicable land use plan, would not be detrimental to the public health, safety, and welfare, and would comply with the applicable regulations of the Land Development Code.
- **Street Right-of-Way (ROW) Vacation:** The proposed project contains a request to vacate an unimproved portion of the existing La Jolla Scenic Drive North, a public street ROW, which requires approval of a street ROW vacation and vacation of an improved substandard cul-de-sac, along the west end of the east-west trending La Jolla Scenic Drive North (see Final EIR Figure 3-1). The purpose of the street ROW vacation is to enhance the pedestrian environment through construction of sidewalks and landscaping features.
- **Environmental Impact Report:** Concurrent with the proposed project discretionary actions, an EIR has been prepared in accordance with the provisions of CEQA. The EIR evaluates potential environmental impacts resulting from implementation of the proposed project. Review and certification of the Final EIR by the decision maker would complete the environmental review for the project in accordance with CEQA and City regulations.

As described in Section 1.2.2, Responsible and Trustee Agencies, of the Final EIR, implementation of the proposed project would require consultation with the San Diego Regional Water Regional Quality Control Board (RWQCB). The RWQCB regulates water quality through the Section 401 certification process and oversees the National Pollutant Discharge Elimination System (NPDES) General Permit to address water quality requirements.

E. Statement of Project Purpose and Objectives

Project Purpose

The purpose of the Hillel Center for Jewish Life project is to provide a permanent facility for the provision of religious programming for Jewish students at UCSD.

Project Objectives

The project objectives associated with the Hillel Center for Jewish Life project are as follows:

- Fulfill the religious mission of the Hillel Center for Jewish Life by providing a facility for learning, community-building, and spiritual counseling that nurtures the religious, spiritual, and intellectual growth of Jewish students at UCSD.

- Provide a permanent religious space in a centralized location for Jewish students at UCSD which, because of separation of church and state issues, cannot be built on the UCSD campus but is located close to UCSD to serve students where they live and attend classes.
- Contribute to the longevity, stability, and financial feasibility of the local Hillel organization by providing a dedicated space for religious uses on a property owned and maintained by Hillel for use by UCSD students.
- Provide a consolidated location with enough space for programs and activities and offices for religious leaders.
- Contribute to regional goals to reduce vehicle use and promote walkability by providing a facility within a convenient and walkable (1/4 mile) distance to activities in the southern portion of the UCSD campus and transit connections.
- Enhance the pedestrian access, orientation, and walkability of the area surrounding the project site.
- Enhance the religious, spiritual, and community-building activities through the design and character of indoor and outdoor spaces.
- Implement the sustainable development goals through the installation of sustainable design features and building practices that will achieve optimal water conservation, on-site renewable energy, natural daylighting and ventilation, and a reduction in vehicle use through enhanced bicycle and pedestrian facilities. Exceed City goals to reduce waste and conserve regional landfill space by incorporating design measures that satisfy Leadership in Energy and Environmental Design (LEED) criteria for 75 percent diversion (reuse, recycling) of construction and operational waste.

III.

ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City determined that the proposed project may have a significant effect on the environment and that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the proposed project. In accordance with CEQA Guidelines Section 15082(a), a NOP, dated October 8, 2010, was prepared and distributed to agencies and members of the public who may have an interest in the project. The purpose of the NOP was to solicit comments on the scope and analysis to be included in the EIR for the proposed project. A copy of the NOP and letters received during its review are included in Appendix A to the Final EIR. Based on an initial review of the project and comments received, the City determined that the EIR for the proposed project should address the following environmental issues: land use; transportation/traffic circulation/parking; biological resources; geologic conditions; energy; greenhouse gas; historical resources; noise; paleontological resources; hydrology; water quality; and visual quality/neighborhood character.

A Draft EIR for the proposed project was prepared and circulated for review in October 2012. Two subsequent public review periods followed in January 2013, and most recently in December 2013. Overall, the City received 78 letters of comment during the three public review periods on the proposed project. Responses to all comments by the public, agencies and organizations for these 45-day public review periods are included as part of the Final EIR. On [date], the City of San Diego Planning Commission held a public hearing to consider the proposed project and, by a [] vote, certified the Final EIR, adopted these Findings of Fact, and approved the Hillel Center for Jewish Life project.

The City hereby finds as follows.

IV.
GENERAL FINDINGS

- The City is the “Lead Agency” for the proposed project evaluated in the Final EIR.
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and the Final EIR, and these documents reflect the independent judgment of the City Council and the City of San Diego.
- The City of San Diego’s review of the Draft EIR and the Final EIR is based upon CEQA, the CEQA Guidelines, and the City of San Diego California Environmental Quality Act Significance Determination Thresholds – Development Services Department (January 2011) (CEQA Significance Determination Thresholds).
- A MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is included as Section 10.0 of the Final EIR, is incorporated herein by reference, and is considered part of the record of proceedings for the proposed project.
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator.
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2.
- The impacts and potential impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- The City has reviewed the comments received on the Draft EIR and Final EIR and the responses thereto and has determined that, in accordance with CEQA Guidelines Section 15088.5, neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or Final EIR, no new impacts and/or mitigation measures have been identified, and that recirculation of the EIR is not necessary. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings and Statement of Overriding Considerations, concerning the environmental impacts identified and analyzed in the Final EIR. The City has included new information in the Final EIR, but the new information merely clarifies and amplifies the information in the Draft EIR. This new information does not alter the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. No significant new information is provided by the inclusion of this information that would require recirculation of the EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed project;
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

V.
SUMMARY OF IMPACTS

Section 4.0, Section 5.0, Section 6.0, and Section 7.0 of the Final EIR presents the environmental analysis of the proposed project. Based on the analysis contained in these sections the Final EIR concludes that the proposed Hillel Center for Jewish Life project will have no significant or less than significant direct or cumulative impacts and require no mitigation with respect to the following issues:

- Land Use
- Transportation/Traffic Circulation/Parking
- Geological Conditions
- Energy Use/Conservation
- Greenhouse Gas
- Historical Resources
- Hydrology
- Water Quality
- Visual Quality/Neighborhood Character (cumulative only)

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

- Noise
- Biological Resources
- Paleontological Resources

The project would not result in any significant unmitigated impacts.

VI.
FINDINGS REGARDING SIGNIFICANT IMPACTS

A. Findings Regarding Significant Impacts Mitigated to Below a Level of Significance (CEQA Guidelines 15091 (A)(1))

Noise

Environmental Impact: The project could result in the exposure of people to current or future transportation noise levels, which exceed standards established in the General Plan.

Finding: Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the proposed project which would reduce the significant environmental effect identified in the Final EIR.

Facts in Support of Finding: Pursuant to City regulation, noise-sensitive interior spaces have an interior standard of 45 CNEL. Interior noise levels are relative to exterior noise sources. Noise generated by future

traffic in the vicinity of the project site was evaluated as detailed in Section 4.8 of the Final EIR. As shown in Table 4.8-4 of the Final EIR, future exterior noise levels are projected to exceed 60 community noise equivalent level (CNEL) which could result in interior noise levels exceeding the allowable standard. This would represent a significant impact. Mitigation Measures MM-NOS-1 and MM-NOS-2 have been identified for the proposed project. MM NOS-1 would require a detailed acoustical analysis to be prepared at the time that building plans are available for the proposed buildings to demonstrate that interior noise levels due to exterior sources will be at or below the 45 CNEL standard. The final building plans are required to show the inclusion of noise attenuation measures as listed in the mitigation measure, and would be required to include Sound Transmission Class ratings of windows and doors, ventilation requirements, insulation, plumbing isolation, etc. Final building plans are required to be reviewed by the City of San Diego's Acoustical Plan Checker to verify that the mitigation measures recommended in the acoustical report have been incorporated. MM NOS-2 would require the design for the proposed buildings to include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed.

Implementation of these mitigation measures would ensure that development of the proposed project would mitigate direct noise impacts below a level of significance.

Reference: Final EIR Section 4.8.

Biological Resources

Environmental Impact: The project could result in a substantial adverse impact on nesting raptors, including Cooper's hawk, during construction.

Finding: Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the proposed project which would reduce the significant environmental effect identified in the Final EIR.

Facts in Support of Finding: There is a potential for raptors, including Cooper's hawk, to nest in large eucalyptus and pine trees located in and adjacent to the project area. This species may also perch within the mature pine and eucalyptus trees located on the project site. Construction activities could disrupt active raptor nests representing a significant impact. Mitigation Measure MM-BIO-1 has been identified for the proposed project. MM BIO-1 would require construction activities to occur outside of the breeding season for migratory/raptor species (February 1 to September 15). If construction must occur during the breeding season, this mitigation measure would require pre-construction surveys within 300 feet of proposed construction to determine the presence or absence of nesting birds on the proposed area of disturbance. Additional details and relevant procedures are discussed in the mitigation measure. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law would be required to be prepared and would include proposed measures to ensure that take of birds or eggs or disturbance of breeding activities is avoided. If nesting birds are not detected during the precon survey, no further mitigation is required.

Implementation of this mitigation measure would ensure that development of the proposed project would mitigate direct impacts to biological resources to below a level of significance.

Reference: Final EIR Section 4.3.

Paleontological Resources

Environmental Impact: Due to the presence of both moderate and high sensitivity potential areas for paleontological resources, project grading could destroy fossil remains, resulting in a significant impact to paleontological resources

Finding: Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the proposed project which would reduce the significant environmental effect identified in the Final EIR.

Facts in Support of Finding: The project site is underlain by the Lindavista Formation (broadly correlative with very old paralic deposits), which has moderate sensitivity potential for paleontological resources, and the Scripps Formation, which has a high sensitivity potential for paleontological resources. The proposed project would entail grading approximately 3,150 cubic yards of soil at depths of 10 feet or more, which exceeds the thresholds for high and moderate sensitivity areas. Therefore, existing fossil remains could be lost representing significant impact. Mitigation Measure MM-PALEO-1 has been identified for the proposed project. MM-PALEO-1 requires that prior to construction activities a screening process would occur whereby City staff would determine the potential for grading to impact sensitive geologic formations that could house fossils. If future development projects would exceed the grading thresholds specified in the mitigation framework, the City would require paleontological monitoring, which would ensure any inadvertent fossil discoveries during construction are identified, recovered, and handled in accordance with the required procedures detailed in the mitigation measure.

Implementation of this mitigation measure would ensure that development of the proposed project would mitigate direct impacts to paleontological resources to below a level of significance.

Reference: Final EIR Section 4.9.

B. Finding Regarding Mitigation that is Within the Responsibility and Jurisdiction of Another Public Agency (CEQA Guidelines 15091 (a)(2))

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

C. Findings Regarding Significant and Unavoidable Impacts (CEQA Guidelines 15091 (A)(3))

There are no impacts that would remain significant and unavoidable.

**VII.
FINDINGS REGARDING ALTERNATIVES**

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

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 CEQA 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 CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the proposed project. The City must consider the feasibility of any environmentally superior alternatives to the proposed project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the proposed project.

The alternatives presented and considered in the Final EIR constitute a reasonable range of alternatives necessary that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project to permit a reasoned choice among the options available to the City and/or the project proponent. The project objectives are presented above.

The impacts of each alternative are analyzed in Section 9.0 of the Final EIR. The review of alternatives includes an evaluation to determine if any specific environmental characteristic would have an effect that is "substantially less" than the proposed project. A significant effect is defined in Section 15382 of the CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." The significant impacts that apply to this project are: noise, biological resources, and paleontological resources. These impacts would be mitigated to less than significant by the mitigation measures described above.

Alternatives to the Hillel Center for Jewish Life project discussed in the Final EIR include the "No Project" alternative that is mandated by CEQA and other alternatives that were developed in the course of project planning and environmental review for the proposed project. Specifically, the following project alternatives are analyzed:

1. Existing with Improvements Alternative
2. No Project Alternative
3. Reduced Project Footprint on Vacant Parcel Alternative
4. Site 675 Alternative

Findings regarding project alternatives need not be adopted here, but the City is nevertheless providing the following Findings regarding alternatives. Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project.

Alternative 1 – Existing with Improvement Alternative

Description: Under the Existing with Improvements Alternative, Hillel would use the existing structure on the Cliffridge property to provide religious programs on a permanent basis. New construction would not occur on the adjacent vacant site. This alternative would include improvements to accommodate on-site parking and modifications to the interior of the existing structure.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the Existing with Improvement Alternative infeasible.

Public Resources Code Section 21081(a)(3), Guidelines Section 15091(a)(3).

Facts in Support of Finding: When compared to the proposed project, the Existing with Improvement Alternative would eliminate the potential for direct significant impacts to biological and paleontological resources, as no new development (except for paved parking area) would occur. Impacts associated with noise would be similar and mitigation would be included in this alternative to reduce potential impacts to

below a level of significance. As shown in Final EIR Table 9-1, the Existing with Improvement Alternative would result in fewer impacts than the proposed project. The Existing with Improvement Alternative would not meet many of the project objectives. This alternative would not provide a consolidated location with enough space for programs and activities and offices for religious leaders; would not enhance pedestrian access, orientation, and walkability of the area surrounding the project site; would not enhance the religious, spiritual, and community-building activities through the design and character of indoor and outdoor spaces; and would not implement the sustainable development goals through the installation of sustainable design features and building practices. Therefore, although the Existing with Improvement Alternative is identified as the Environmentally Superior Alternative, it has been found to be infeasible.

Reference: Final EIR Section 9.2.1.

Alternative 2 – No Project Alternative

Description: In accordance with CEQA Guidelines Section 15126e(3)(B) the Final EIR includes a discussion of the circumstance under which the project does not proceed. Specifically, under the No Project Alternative, existing conditions on the project site would be retained in their existing conditions.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the No Project Alternative infeasible.

Public Resources Code Section 21081(a)(3), Guidelines Section 15091(a)(3).

Facts in Support of Finding: Under the No Project Alternative, no new construction, landscaping or utility improvements would result. As shown in Final EIR Table 9-1, all potential impacts under the No Project Alternative would be less than the proposed project. This alternative would not meet any of the project objectives. The No Project Alternative would not meet major project objectives to provide a permanent religious space in a centralized location for Jewish students at UCSD; contribute to the longevity, stability, and financial feasibility of the local Hillel organization by providing a dedicated space for religious uses; provide a consolidated location with enough space for programs and activities and offices for religious leaders; enhance the pedestrian access, orientation, and walkability within the project site; or enhance the religious, spiritual, and community-building activities through the design and character of indoor and outdoor spaces. Furthermore, the No Project Alternative would not maximize use of land owned by the applicant or provide the enhanced pedestrian environment and inviting entrance to the community as compared to the proposed project. Therefore, the No Project Alternative has been found to be infeasible.

Reference: Final EIR Section 9.2.2.

Alternative 3 – Reduced Project Footprint on Vacant Land Alternative

Description: Under the Reduced Project Footprint on Vacant Parcel Alternative, the development footprint on the vacant parcel would be reduced by approximately 33 percent.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the Reduced Project Footprint on Vacant Parcel Alternative infeasible.

Public Resources Code Section 21081(a)(3), Guidelines Section 15091(a)(3).

Facts in Support of Finding: Under the Reduced Project Footprint on Vacant Parcel Alternative, the development footprint would be reduced from three to two new structures. This alternative would accommodate fewer people, which would reduce the parking demand, thereby requiring less surface parking than the proposed project. The reduction in parking needed under this alternative would increase the amount

of open space on-site. Under this alternative, the existing residential structure at the Cliffridge property would be converted to permanent office use for Hillel and brought up to all applicable code requirements for the intended use and occupancy. Modifications to the residence would be to the interior, and the existing architectural design would remain intact. As shown in Final EIR Table 9-1, potential impacts to all environmental issue areas would be the same as the proposed project. While the Reduced Project Footprint on Vacant Parcel Alternative would meet many project objectives it would not serve to reduce any significant impacts compared to the proposed project. Therefore, the Reduced Project Footprint on Vacant Parcel Alternative has been found to be infeasible.

Reference: Final EIR Section 9.2.3.

Alternative 4 – Site 675 Alternative

Description: The intention of this alternative is to locate the proposed Hillel facilities on an alternate site—Site 675—the only vacant and available non-UCSD-owned site near the UCSD campus. The heavily sloping 13,400-square-foot property is located at the intersection of La Jolla Village Drive and Gilman Drive, surrounded by UCSD lands. Final EIR Figure 9-1 shows the location of the Site 675 alternative. Under the Site 675 Alternative, the Cliffridge property would be returned to its original use pending development of a permanent facility for Hillel on this alternative site.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the Site 675 Alternative infeasible.

Public Resources Code Section 21081(a)(3), Guidelines Section 15091(a)(3).

Facts in Support of Finding: Under the Site 675 Alternative, impacts associated with biological resources, greenhouse gas, and hydrology would be greater than the proposed project. While this alternative would meet many project alternatives it would increase impacts beyond that of the proposed project. Therefore, the Site 675 Alternative has been found to be infeasible.

Reference: Final EIR Section 9.2.4.

VIII. ENVIRONMENTAL ISSUES DETERMINED NOT TO BE SIGNIFICANT

Based on the analysis contained in Section 8.0 of the Final EIR, the City determined that the proposed project would have “no impact” on the following environmental areas: agricultural resources, mineral resources, air quality (odor), public services and facilities, parks and recreation, utilities and service systems, hazardous materials and public health, and population. Therefore, these subjects did not warrant further consideration in the Final EIR. No substantial evidence has been presented to or identified by the City that will modify or otherwise alter the City’s determination for these environmental issues.

IX.

FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

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

Section 15126.2(c) indicates that:

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

The same section further indicates that:

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

Implementation of the project would require the irreversible consumption of natural resources and energy. Natural resource consumption would include lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long term future date, would for practical purposes be considered permanently consumed. Energy derived from non-renewable sources, such as fossil and nuclear fuels, would be consumed during construction and operational lighting, heating, cooling, and transportation uses.

To minimize the use of energy, water, and other natural resources, the project has incorporated sustainable building practices into its site, architectural, and landscape design. As described in Section 3.5.1 of the Final EIR, design considerations aimed at improving energy efficiency and reducing water use have been incorporated into the project design and may serve to reduce irreversible water, energy, and building materials consumption associated with construction and occupation of the development.

X.

CONCLUSION

The Hillel Center for Jewish Life project is proposed to further the mission of Hillel of San Diego, a non-profit organization incorporated for the purpose of providing religious needs of Jewish students on the university campuses in San Diego County. The project would construct a permanent space to facilitate the religious, spiritual, and intellectual growth of Jewish students. Through implementation of feasible and adoptable mitigation measures, the project would reduce all potentially significant impacts associated with noise, biological resources, and paleontological resources to less than significant levels.

EXHIBIT B

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

[INSERT PERMITS/APPROVALS/ENTITLEMENTS/ACTIONS]

PROJECT NO. 212995

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. 212995/SCH No. 2010101030 shall be made conditions of the Site Development Permit and Public Right-of-Way Vacation 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 paleontological monitor

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 212995 and/or Environmental Document Number 212995, 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
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Noise

NOS-1: At the time that building plans are available for the proposed buildings and prior to the issuance of building permits, a detailed acoustical analysis shall demonstrate that interior noise levels due to exterior sources will be at or below the 45 CNEL standard. Possible interior noise attenuation measures include using construction materials with greater noise reduction properties. The exterior to interior noise reduction provided by the building structure is partially a function of the sound transmission class values of the window, door, wall, and roof components used in the building. The greater the STC value, generally the greater the noise reduction. The necessary STC values required to reduce interior noise levels to 45 CNEL or less would be determined as a part of the required interior noise analysis. The applicant's final building plans shall identify all recommendations of the acoustical report, including STC ratings of windows and doors, ventilation requirements, insulation, plumbing isolation, etc. Final building plans shall be reviewed by the City of San Diego's Acoustical Plan Checker to verify that the mitigation measures recommended in the acoustical report have been incorporated.

NOS-2: The design for the proposed buildings shall include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed.

Biological Resources

BIO-1: To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction (precon) survey within 300 feet of proposed construction to determine the presence or absence of nesting birds on the proposed area of disturbance. The precon survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding

activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

Paleontological Resources

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, but prior to the first precon meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a precon meeting that shall include the PI, CM, and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related precon meetings to make comments and/or suggestions concerning the paleontological monitoring program with the CM and/or Grading Contractor.
 - a. If the PI is unable to attend the precon meeting, the Applicant shall schedule a focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction

documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

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

B. Discovery Notification Process

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

C. Determination of Significance

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

IV. *Night and/or Weekend Work*

- A. If night and/or weekend work is included in the contract.
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries - In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8 A.M. on the next business day.
 - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Section III - During Construction.
 - c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 A.M. on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. *Post Construction*

- A. *Preparation and Submittal of Draft Monitoring Report*

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the paleontological monitoring program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the paleontological recovery program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum - The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the paleontological monitoring program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains*
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification*
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)*
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

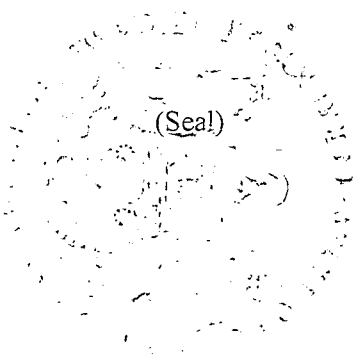
Passed by the Council of The City of San Diego on OCT 03 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 03 2017

(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:



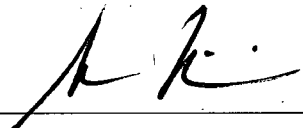
(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

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- 311342