



THE CITY OF SAN DIEGO

DEVELOPMENT SERVICES DEPARTMENT
Date of Notice: June 6, 2013
PUBLIC NOTICE OF A
DRAFT MITIGATED NEGATIVE DECLARATION
SAP No.: 24002485

The City of San Diego Development Services Department has prepared a draft Mitigated Negative Declaration Report for the following project and is inviting your comments regarding the adequacy of the document. The draft Mitigated Negative Declaration has been placed on the City of San Diego web-site at <http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html>. Your comments must be received by June 26, 2013, to be included in the final document considered by the decision-making authorities. Please send your written comments to the following address: Rhonda Benally, Environmental Planner, City of San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101 or e-mail your comments to DSDEAS@sandiego.gov with the Project Name and Number in the subject line.

General Project Information:

- Project Name: PALM PROPERTIES
- Project No. 271456/ SCH No. N/A
- Community Plan Area: Uptown Community Planning area
- Council District: 3

Subject: SITE DEVELOPMENT PERMIT (SDP) to allow for the demolition of several buildings, and the construction of two 150'-0" high buildings with 145 for-rent residential units, and a 56-room extended stay hotel with street level retail and commercial space, and three levels of underground parking on 1.34-acre site. The designated historical building would remain in its current location and commercial use. The project is proposed in three phases and the project proposes a deviation to the street wall height which is described in the Initial Study checklist. The project is located at 2901, 2929 and 2941 5th Avenue, 2900 and 2950 6th Avenue, and 536 North Quince Street in the CV-1 (Commercial-Village) and MR-400 (Residential) zones within the Banker's Hill/Park West Neighborhoods of the Uptown Community Planning area, Mid-City Communities Planned District, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and the Federal Aviation Administration (FAA) Part 77 Notification Area (Legal Description: Lots A through L inclusive, in Block 329 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, According to Map Thereof by L. L. Lockling on file in the Office in the County Recorder of San Diego County, Assessor Parcel Numbers 452-663-03, 04, 05, 06, 07, 08, 09 and 10). The site is not included on any Government Code listing of hazardous waste sites.

Applicant: Larry Cushman, Palm Properties, LP, 2900 6th Avenue, San Diego, CA 92103

Recommended Finding: The recommended finding that the project will not have a significant effect on the environment is based on an Initial Study and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s): **HISTORICAL RESOURCES (ARCHAEOLOGY), PALEONTOLOGICAL RESOURCES, AND TRANSPORTATION.**

Availability in Alternative Format: To request this Notice, the draft Mitigated Negative Declaration, Initial Study, and/or supporting documents in alternative format, call the Development Services Department at 619-446-5460 or (800) 735-2929 (TEXT TELEPHONE).

Additional Information: For environmental review information, contact Rhonda Benally at (619) 446-5468. The draft Mitigated Negative Declaration and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Center. If you are interested in obtaining additional copies of either a Compact Disk (CD), a hard-copy of the draft Mitigated Negative Declaration, or the separately bound technical appendices, they can be purchased for an additional cost. **For information regarding public meetings/hearings on this project, contact Michelle Sokolowski at (619) 446-5278.** This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on June 6, 2013.

Cathy Winterrowd
Assistant Deputy Director
Development Services Department



**Advanced Planning
& Engineering
Division
(619) 446-5460**

DRAFT MITIGATED NEGATIVE DECLARATION

Project No. 271456
I.O. No. 24002485
SCH No. N/A

SUBJECT: PALM PROPERTIES: SITE DEVELOPMENT PERMIT (SDP) to allow for the demolition of several buildings, and the construction of two 150'-0" high buildings with 145 for-rent residential units, and a 56-room extended stay hotel with street level retail and commercial space with three levels of underground parking on a 1.34-acre site. The designated historical building would remain in its current location and commercial use. The project is proposed in three phases and the project proposes a deviation to the street wall height which is described in the Initial Study checklist. The project is addressed at 2901, 2929, 2941 5th Avenue, 2900 and 2950 6th Avenue, and 535 North Quince Street in the CV-1 (Commercial-Village) and MR-400 (Residential) zones within the Banker's Hill/Park West Neighborhoods of the Uptown Community Planning area, Mid-City Communities Planned District, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and the Federal Aviation Administration (FAA) Part 77 Notification Area (Legal Description: Lots A through L inclusive, in Block 329 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, According to Map Thereof by L. L. Lockling on file in the Office in the County Recorder of San Diego County, Assessor Parcel Numbers 452-663-03, 04, 05, 06, 07, 08, 09 and 10). Applicant: Larry Cushman, Palm Properties, LP, 2900 6th Avenue, San Diego, CA 92103

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego has conducted an Initial Study and determined that the proposed project could have a significant environmental effect in the following areas: **HISTORICAL RESOURCES (ARCHAEOLOGY), PALEONTOLOGICAL RESOURCES, AND TRANSPORTATION.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

- IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION MONITORING REPORTING PROGRAM (MMRP):

HISTORICAL RESOURCES (ARCHAEOLOGY)

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 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

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

A. Notification

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

B. Isolate discovery site

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

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

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV 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.

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/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- 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 paleontological monitoring program, as defined in the City of San Diego 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, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the 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
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 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 PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR'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 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 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections 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 8AM 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 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.

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.

TRANSPORTATION

1. Prior to issuance of any building permit, the Owner/Permittee for Phase 1 shall pay a fair share contribution of 20.1% of the cost of installation of a traffic signal at the intersection of Fifth Avenue and Quince Street with any needed re-striping, and signage modification satisfactory to the City Engineer.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego

Councilmember Todd Gloria, District 3
Planning Department (MS 4A)
Central Library (81A)
City Attorney
Development Services, Michelle Sokolowski, Development Project Manager
Development Services, Anna McPherson, Senior Environmental Planner
Development Services, Corey Braun, LDR-Planning
Development Services, Marlon Pangilinan, Plan-Long Range Planning
Development Services, Julius Ocen, LDR-Engineering
Development Services, Corey Braun, LDR-Landscaping
Development Services, Kamran Khaligh, LDR-Transportation
Development Services, Tait Galloway, Plan-Airport
Development Services, Jodie Brown, Plan-Historic
PUD-Water & Sewer Dev, Alejandro Ruiz
BDR-Structural-Matt Zamani
Plan-Facilities Financing- Oscar Galvez III

Historical (Archaeology) Distribution:

Historical Resources Board (87)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
San Diego Archaeological Society, Inc. (218)
Native American Heritage Commission (222)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-S) (**Public Notice and Location Map Only**)
Barona Group of The Capitan Grande (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Tribal Office (225C)
Jamul Indian Village (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Kumeyaay Nation (225H)
Viejas Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Ipai Nation of Santa Ysabel (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)

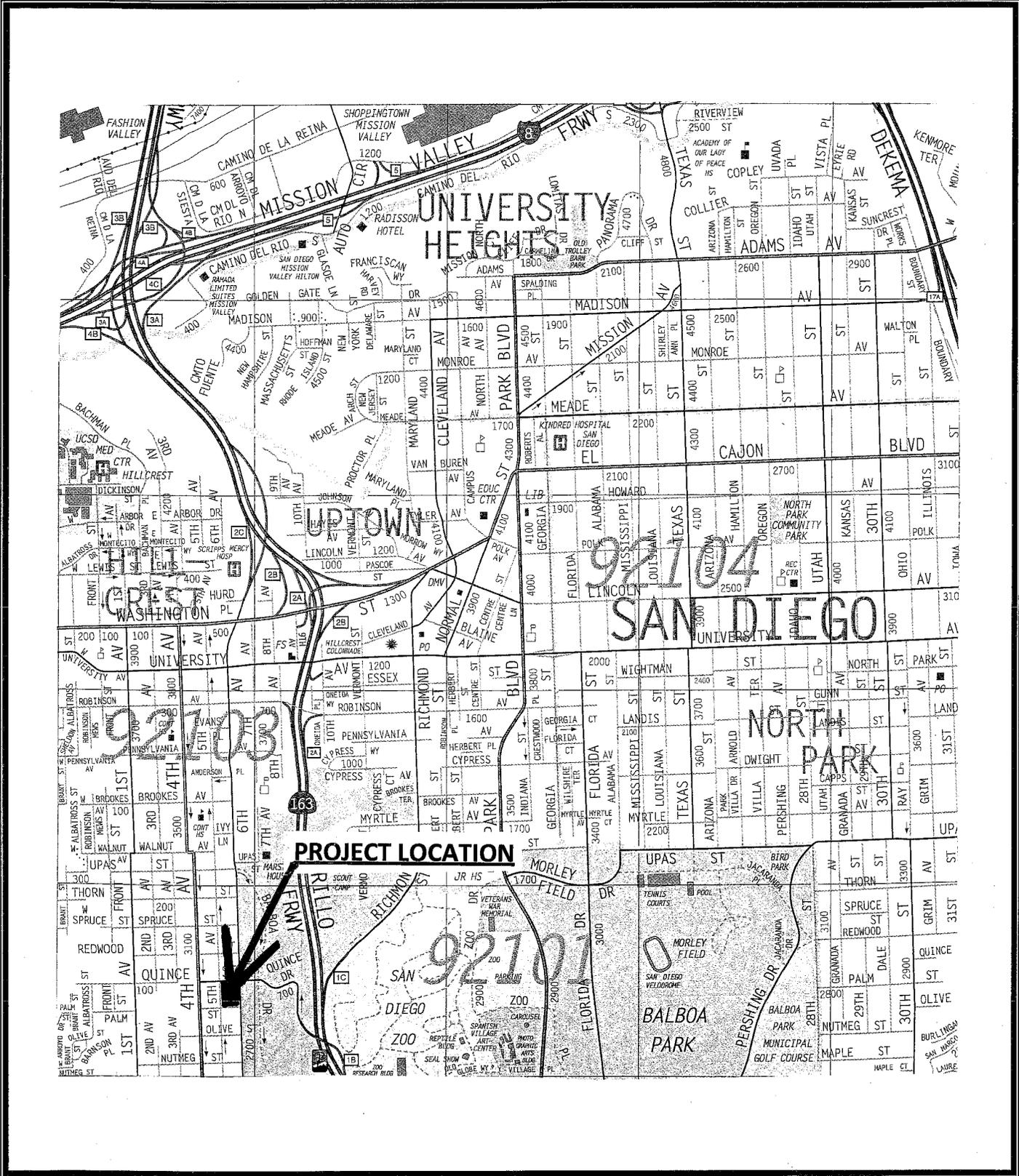
Rincon Band of Luiseno Indians (225Q)
San Luis Rey Band of Luiseno Indians (225R)
Los Coyotes Band of Mission Indians (225S)

Historical (Architectural) Distribution:

Historical Resources Board (87)
South Coastal Information Center (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
San Diego County Archaeological Society, Inc. (218)

Other

Middletown Property Owner's Association (496)
Mission Hills Heritage (497)
Uptown Planners (498)
Hillside Protection Association (501)
Banker's Hill Canyon Association (502)
Allen Canyon Committee (504)
UCSD Physical & Community Planning (505)
William Steen (Agent)
Larry Cushman (Applicant)

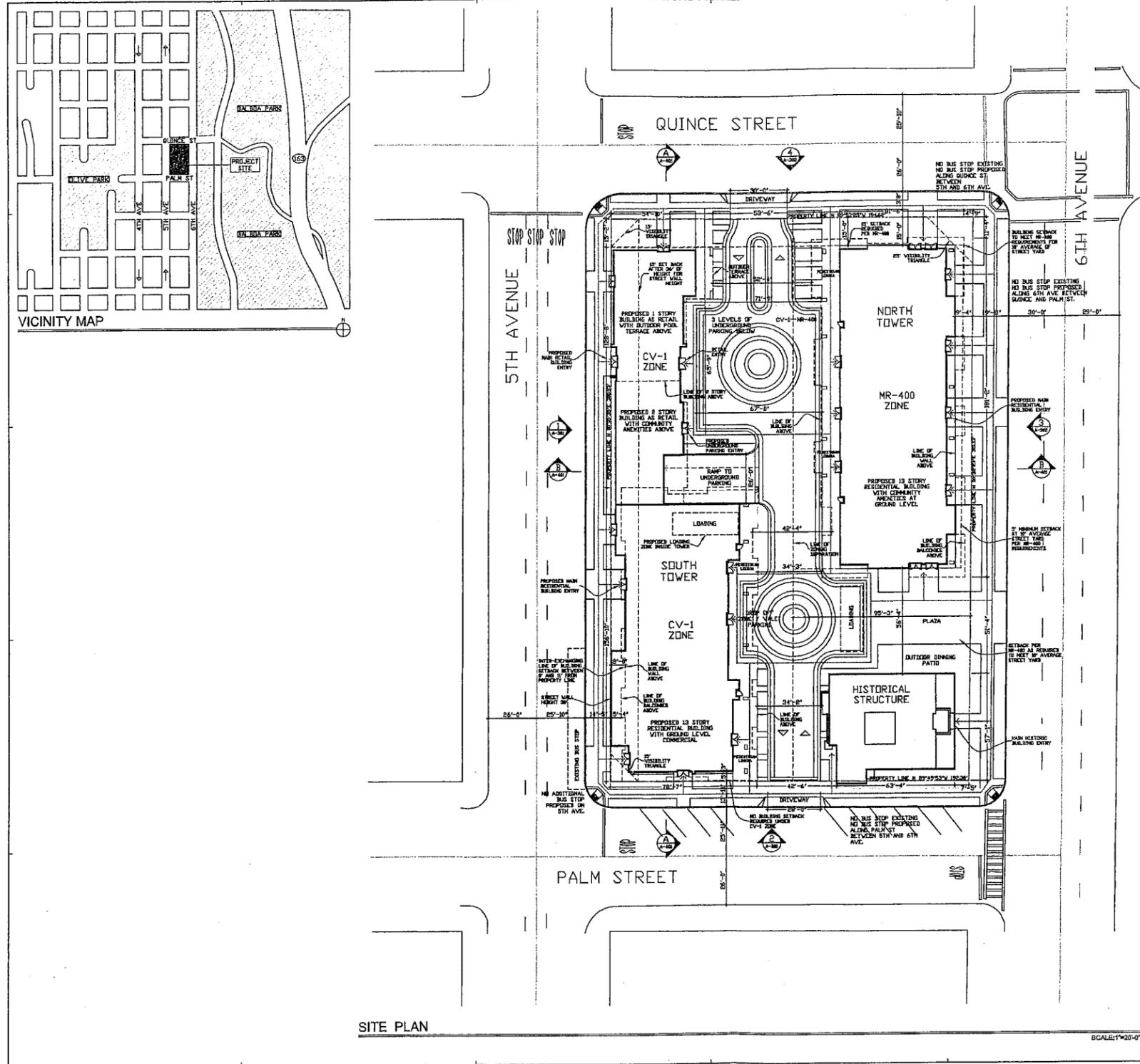


Palm Properties

Location Map
Environmental Analysis Section Project No. 271456
CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure
1





SITE PLAN NOTES

1. THE MAXIMUM HEIGHT FOR THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE SAN DIEGO MUNICIPAL CODE SECTIONS 1512.0303(b)(3) FOR CV-1 & 1512.0303(a) FOR MR-400 IN THAT THE HIGHEST POINT ON THE ROOF, EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 150 FEET ABOVE GRADE.
2. AT THE PORTION OF THE SITE ZONED AS MR-400 THE FAR PER SAN DIEGO MUNICIPAL CODE SECTION 1512.0303(b)(1) IS 3.75. ADDITIONAL 1.0 BONUS FAR PER SECTION 1512.0303(b)(8) IS ALLOWED FOR EQUIVALENT AREA PROVIDED IN UNDERGROUND PARKING. CV-1 PORTION OF SITE DOES NOT HAVE AN FAR REQUIREMENT.
3. ALL NEW CURBS, GUTTERS, SIDEWALKS AND PEDESTRIAN RAMPS SHALL BE CONSTRUCTED TO CITY STANDARDS AND SATISFACTORY TO THE CITY ENGINEER.
4. THERE WILL BE NO INCREASE IN STORM WATER RUNOFF AS A RESULT OF THE PROPOSED DEVELOPMENT. THE STORM WATER RUNOFF FROM THE BUILDING ROOFS, DECKS AND BALCONIES WILL BE TREATED BY FILTRATION UNITS IN THE ROOF DRAINAGE SYSTEMS BEFORE IT DISCHARGES TO THE GUTTERS IN THE PUBLIC RIGHT-OF-WAY. STORM WATER RUNOFF FROM THE PAVED SURFACES WILL BE CONVEYED BY ROLLED CURB AND GUTTERS TO THE GUTTERS IN THE PUBLIC RIGHT-OF-WAY THROUGH CURB OUTLETS ON PALM STREET AND ON 6TH AVE.
5. THE MINIMUM STREET YARD REQUIREMENT, PER SECTION 1512.0303(d)(1) OF THE SAN DIEGO MUNICIPAL CODE, IN THE MR-400 ZONE IS:
801.13 FT X 10 FT = 8,011.3 SQ. FT.
THE AREA ALLOCATED BY THE SETBACKS DISPLAYED IN THE SITE PLAN WITHIN THE MR-400 ZONE COMPRISES OF 8,814.1 SQ. FT.
6. FOR ALL EXISTING AND PROPOSED EASEMENTS PLEASE SEE CIVIL SHEET C-101.
7. TWO 12'X35' LOADING ZONES HAVE BEEN PROVIDED, ONE ON-SITE AND TWO ON-STREET. PER CODE SECTION 142.1026(a), A LOADING ZONE CAN BE PARALLEL TO THE PUBLIC RIGHT OF WAY IF THERE ARE NO RESIDENTIALLY ZONED PROPERTIES ACROSS THE PUBLIC RIGHT OF WAY. THE LOADING ZONES ARE WITHIN THE CV-1 ZONED PORTION OF THE SITE.
8. FOR ON-STREET PARKING INFORMATION WITH THE TOTAL NET GAIN AND LOSSES BREAKDOWN WITH DIMENSIONS SEE SHEET C-102. FOR ALL EXISTING AND PROPOSED CURB, GUTTER, SIDEWALKS, LANES STRIPING WIDTHS AND DIMENSIONS SEE SHEET C-102.
9. NO MODIFICATION OR WORK WILL BE EXECUTED TO THE HISTORICALLY DESIGNATED STRUCTURE. IF ANY MODIFICATION OR WORK IS REQUIRED TO THE HISTORIC DESIGNATED BUILDING IT SHALL BE CONSISTENT WITH THE SECRETARY OF THE INTERIOR'S STANDARDS.
10. SOUND ATTENUATION WILL BE PROVIDED WITH A TITLE 24 EXTERIOR TO INTERIOR ANALYSIS TO ENSURE A 45db CNEL INTERIOR NOISE LEVEL AND WITH APPROPRIATE NOISE BARRIERS TO PROVIDE A 65 db CNEL FOR RESIDENTIAL EXTERIOR USABLE AREAS.

SITE PLAN LEGEND

- BUILDING VOLUME AT GROUND LEVEL
- BUILDING VOLUME ABOVE GROUND LEVEL
- PATH OF TRAVEL (P.O.T)

THE PATH OF TRAVEL AS INDICATED IS A BARRIER FREE ACCESS ROUTE WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/2" BEVELED AT 1:2 MAXIMUM SLOPE, EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL AND IS AT LEAST 48" WIDE. SURFACE IS SLIP RESISTANT, STABLE, FIRM AND SMOOTH. CROSS SLOPE IN THE DIRECTION OF TRAVEL IS LESS THAN 5% UNLESS OTHERWISE INDICATED. P.O.T SHALL BE MAINTAINED FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM AND PROTRUDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL AND ABOVE 27" AND LESS THAN 80".

PALM PROPERTIES LLC
SAN DIEGO, CALIFORNIA

JWDA
ARCHITECTURAL/ENGINEERING/PLANNING
Joseph J. Wong, Architect
1000 La Jolla Village Drive, Suite 1000
San Diego, California 92161-4400
Phone: (619) 594-9777 Fax: (619) 594-9844

NOT FOR CONSTRUCTION

SITE PLAN

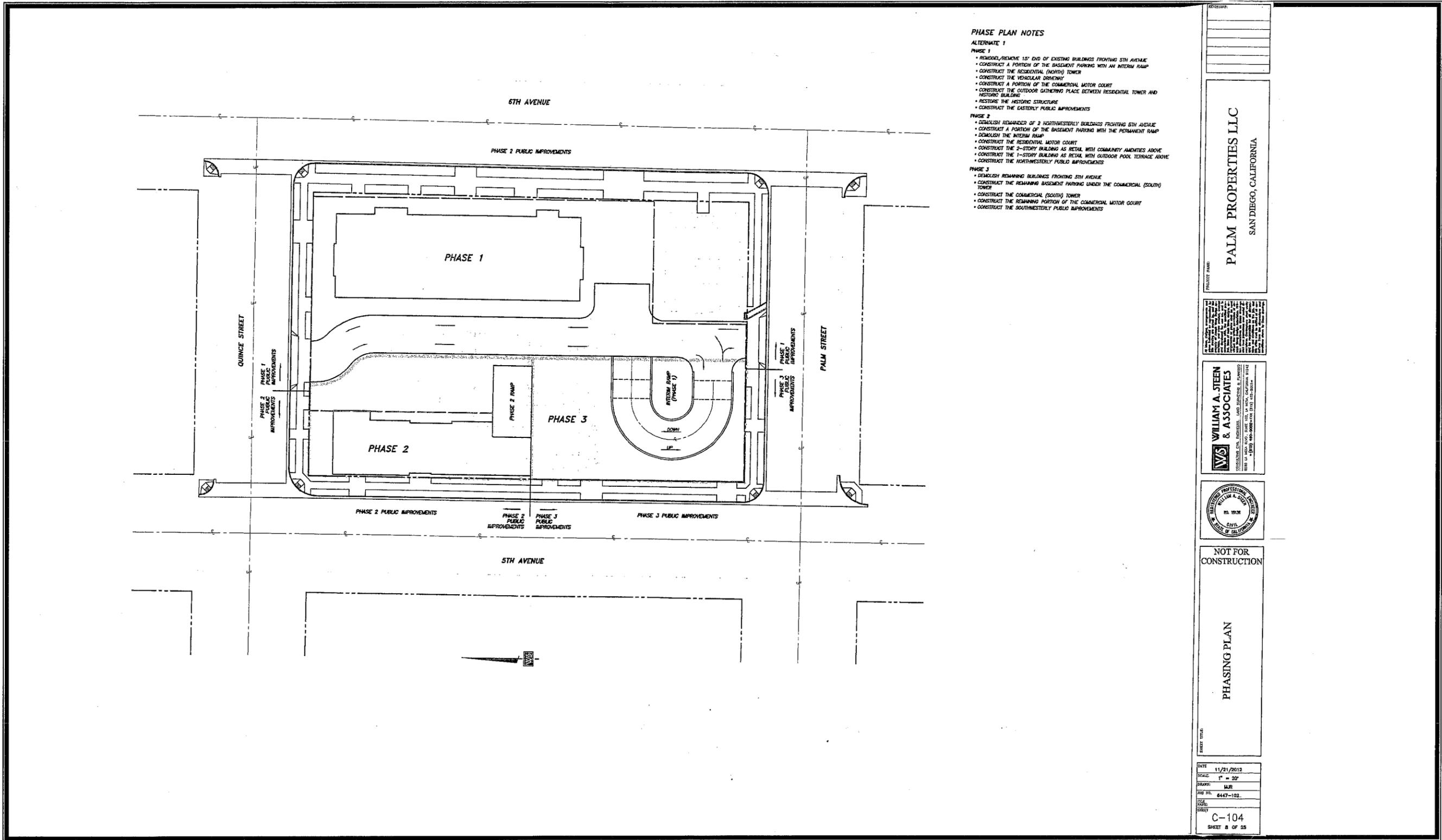
DATE: 11/21/2012
SCALE: 1" = 20'-0"
JOB NO: 2931
FILE: A-103
SHEET 4 OF 25



Site Plan
Environmental Analysis Section Project No. 271456
CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Palm Properties

Figure
2



PHASE PLAN NOTES

ALTERNATE 1

PHASE 1

- DEMOLISH/REMOVE 15' DND OF EXISTING BUILDINGS FRONTING 5TH AVENUE
- CONSTRUCT A PORTION OF THE BASEMENT PARKING WITH AN INTERIM RAMP
- CONSTRUCT THE RESIDENTIAL (NORTH) TOWER
- CONSTRUCT THE VEHICULAR DRIVEWAY
- CONSTRUCT A PORTION OF THE COMMERCIAL MOTOR COURT
- CONSTRUCT THE OUTDOOR GATHERING PLACE BETWEEN RESIDENTIAL TOWER AND HISTORIC BUILDING
- RESTORE THE HISTORIC STRUCTURE
- CONSTRUCT THE EASTERLY PUBLIC IMPROVEMENTS

PHASE 2

- DEMOLISH REMAINDER OF 2 NORTHWESTERLY BUILDINGS FRONTING 5TH AVENUE
- CONSTRUCT A PORTION OF THE BASEMENT PARKING WITH THE PERMANENT RAMP
- DEMOLISH THE INTERIM RAMP
- CONSTRUCT THE RESIDENTIAL MOTOR COURT
- CONSTRUCT THE 2-STORY BUILDING AS RETAIL WITH COMMUNITY AMENITIES ABOVE
- CONSTRUCT THE 1-STORY BUILDING AS RETAIL WITH OUTDOOR POOL TERRACE ABOVE
- CONSTRUCT THE NORTHWESTERLY PUBLIC IMPROVEMENTS

PHASE 3

- DEMOLISH REMAINING BUILDINGS FRONTING 5TH AVENUE
- CONSTRUCT THE REMAINING BASEMENT PARKING UNDER THE COMMERCIAL (SOUTH) TOWER
- CONSTRUCT THE COMMERCIAL (SOUTH) TOWER
- CONSTRUCT THE REMAINING PORTION OF THE COMMERCIAL MOTOR COURT
- CONSTRUCT THE SOUTHWESTERLY PUBLIC IMPROVEMENTS

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PROJECT NAME
PALM PROPERTIES LLC
SAN DIEGO, CALIFORNIA

DATE: 11/21/2012
SCALE: 1" = 20'
DRAWN: JLR
SHEET NO.: 6447-102
SHEET: C-104

WILLIAM A. STEEN & ASSOCIATES
REGISTERED CIVIL ENGINEER, LAND SURVEYOR & ARCHITECT
10101 LA JOLLA VILLAGE DRIVE, SUITE 100, LA JOLLA, CALIFORNIA 92037
TEL: (619) 499-9999 FAX: (619) 499-9999



NOT FOR CONSTRUCTION

PHASING PLAN

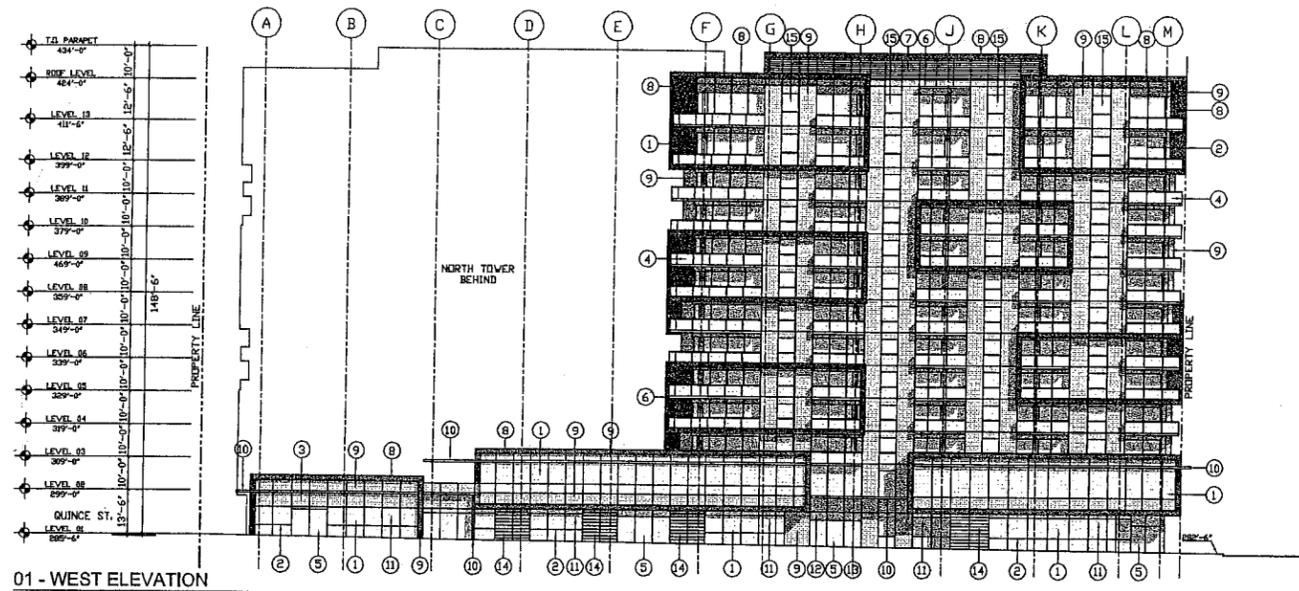
| | |
|-----------|------------|
| DATE | 11/21/2012 |
| SCALE | 1" = 20' |
| DRAWN | JLR |
| SHEET NO. | 6447-102 |
| SHEET | C-104 |
| SHEET | 8 OF 25 |

Palm Properties



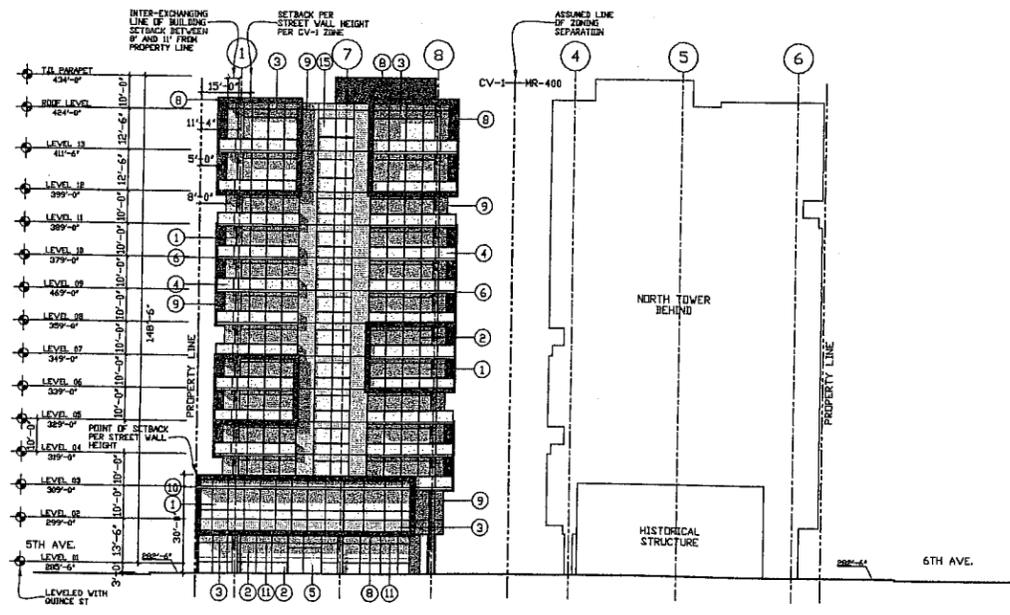
Phasing Plan
Environmental Analysis Section Project No. 271456
CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Figure
3



01 - WEST ELEVATION

SCALE: 1/16"=1'-0"



02 - SOUTH ELEVATION

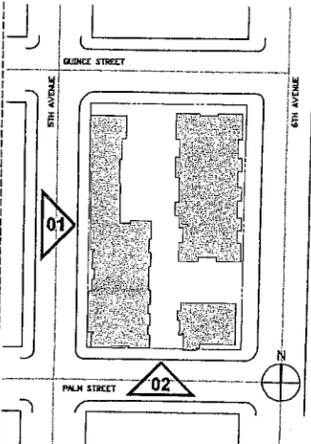
SCALE: 1/16"=1'-0"

ELEVATION NOTES

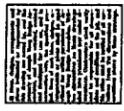
- ① WINDOW WALL GLAZING
- ② WINDOW MULLION
- ③ SPANDREL GLASS
- ④ GLASS RAILING
- ⑤ GLASS DOOR
- ⑥ EXPOSED SLAB
- ⑦ METAL LOUVERS
- ⑧ METAL PANEL 1
- ⑨ STUCCO
- ⑩ METAL & GLASS TRELLIS
- ⑪ CLEAR STORY WINDOW
- ⑫ TRANSOM WINDOW
- ⑬ ENTRY PORCH
- ⑭ PLANTED WALL LATTICE
- ⑮ 2' RECESSED WINDOW

1. THE MAXIMUM HEIGHT FOR THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE SAN DIEGO MUNICIPAL CODE SECTIONS 1512.0310(b)(3) FOR CV-1 & 1512.0303(e) FOR MR-400 IN THAT THE HIGHEST POINT ON THE ROOF, EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 150 FEET ABOVE GRADE.
2. IN COMPLIANCE WITH SECTION 1512.0304(a) FOR ARCHITECTURAL FEATURES:
 - 1) WINDOWS SHALL BE OF THE SAME MATERIAL AND MAINTAIN A CONSISTENT DESIGN THROUGHOUT.
 - 2) THERE SHALL BE NO MORE THAN TWO WALL SIDING MATERIALS ON ANY SINGLE BUILDING.
3. FROM SECTION 1512.0304(b)(1) OF THE SDMC CONTEMPORARY ARCHITECTURAL FEATURES:
 - (C) A MINIMUM OF ONE CLEAR STORY WINDOW PER 50 FEET OF STREET.
 - (E) A MINIMUM OF ONE TRANSOM WINDOW
 - (F) AN ENTRY PORCH
 - (H) PLANTED WALL LATTICE
 - (I) WINDOWS RECESSED AT LEAST 2'
4. TRANSPARENCY REQUIREMENT

NO MORE THAN A COMBINED TOTAL OF 50% OF EACH OF THE FACADES SHALL BE VISION GLASS OR REFLECTIVE SPANDREL CONSTRUCTION. ALL VISION GLASS AND REFLECTIVE SPANDREL CONSTRUCTION SHALL BE OF MATERIALS WHICH ARE NO MORE THAN 30% IN REFLECTIVITY.



PALM PROPERTIES LLC
SAN DIEGO, CALIFORNIA



JWDA
JAMES W. DEARDO ARCHITECTURE
1000 PLYMOUTH AVENUE
SAN DIEGO, CALIFORNIA 92108
TEL: 619.594.9977 FAX: 619.594.9944



NOT FOR CONSTRUCTION

WEST & SOUTH BUILDING ELEVATIONS

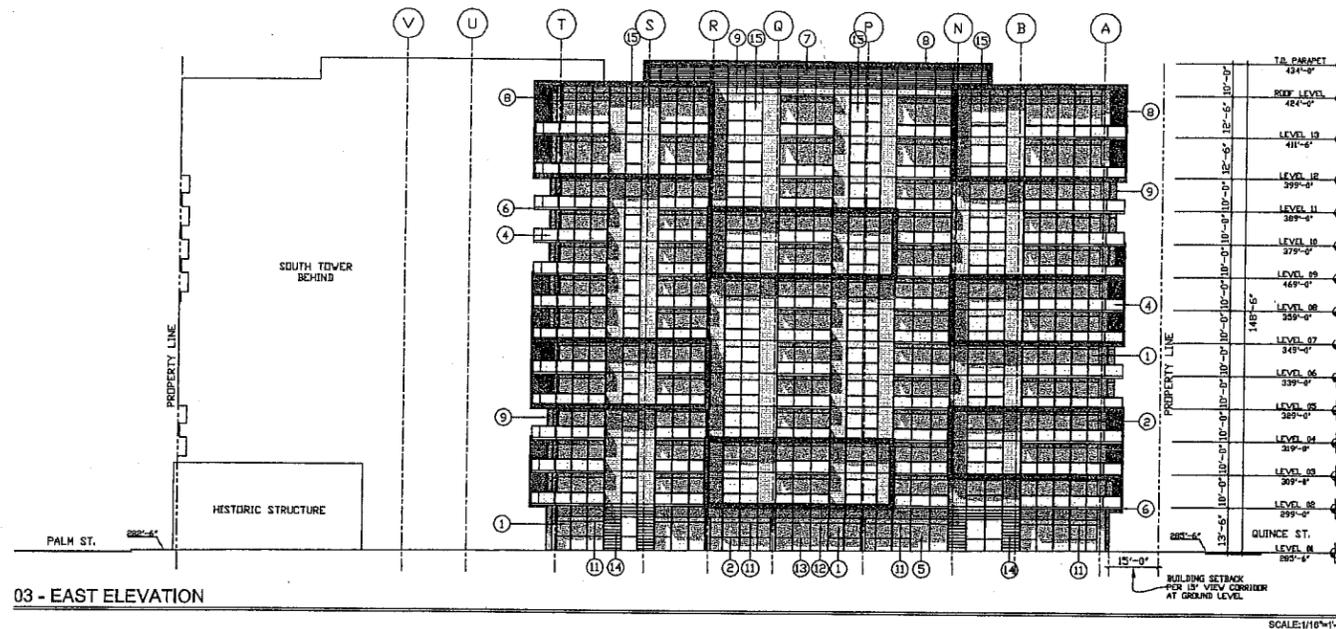
| | |
|--------------|---------------|
| DATE | 11/21/2012 |
| SCALE | 1/16" = 1'-0" |
| PROJECT | 2931 |
| SHEET NO. | A-301 |
| TOTAL SHEETS | 25 |



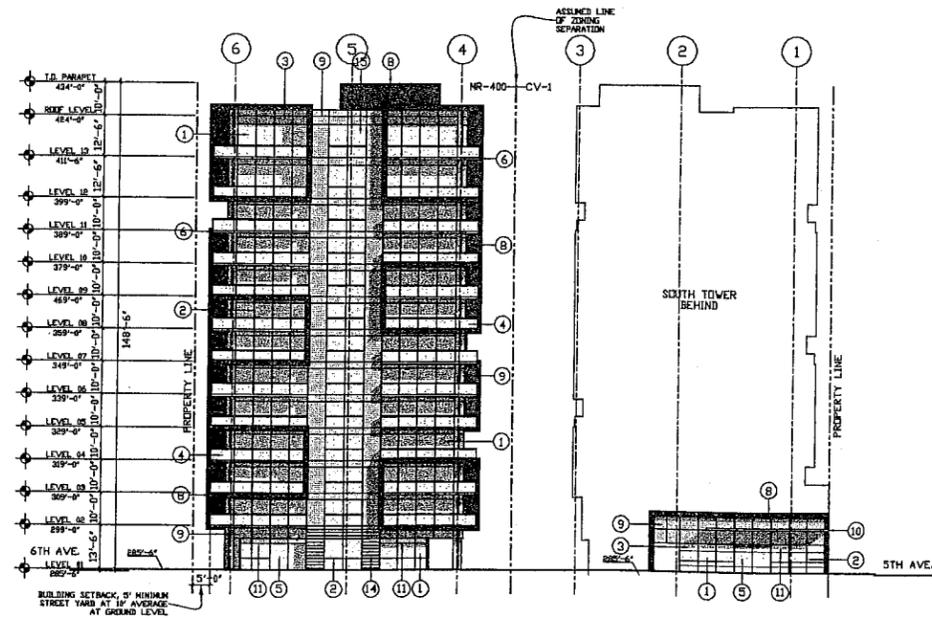
West & South Building Elevations
Environmental Analysis Section Project No. 271456
CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Palm Properties

Figure
4a



03 - EAST ELEVATION

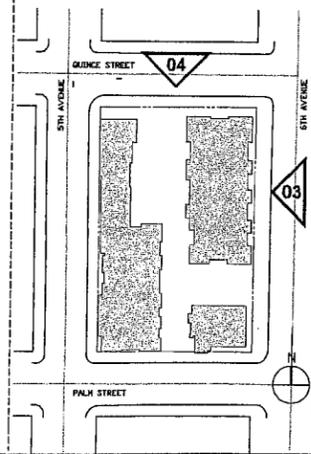


04 - NORTH ELEVATION

ELEVATION NOTES

- ① WINDOW WALL GLAZING
- ② WINDOW MULLION
- ③ SPANDREL GLASS
- ④ GLASS RAILING
- ⑤ GLASS DOOR
- ⑥ EXPOSED SLAB
- ⑦ METAL LOUVERS
- ⑧ METAL PANEL 1
- ⑨ STUCCO
- ⑩ METAL & GLASS TRELLIS
- ⑪ CLEAR STORY WINDOW
- ⑫ TRANSOM WINDOW
- ⑬ ENTRY PORCH
- ⑭ PLANTED WALL LATTICE
- ⑮ 2" RECESSED WINDOW

1. THE MAXIMUM HEIGHT FOR THE PROPOSED DEVELOPMENT SHALL COMPLY WITH THE SAN DIEGO MUNICIPAL CODE SECTIONS 1512.0310(b)(3) FOR CV-1 & 1512.0303(e) FOR MR-400 IN THAT THE HIGHEST POINT ON THE ROOF, EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 150 FEET ABOVE GRADE.
2. IN COMPLIANCE WITH SECTION 1512.0304(a) FOR ARCHITECTURAL FEATURES:
 - 1) WINDOWS SHALL BE OF THE SAME MATERIAL AND MAINTAIN A CONSISTENT DESIGN THROUGHOUT.
 - 2) THERE SHALL BE NO MORE THAN TWO WALL SIDING MATERIALS ON ANY SINGLE BUILDING.
3. FROM SECTION 1512.0304(b)(1) OF THE SDMC CONTEMPORARY ARCHITECTURAL FEATURES:
 - (C) A MINIMUM OF ONE CLEAR STORY WINDOW PER 50 FEET OF STREET.
 - (E) A MINIMUM OF ONE TRANSOM WINDOW
 - (F) AN ENTRY PORCH
 - (H) PLANTED WALL LATTICE
 - (I) WINDOWS RECESSED AT LEAST 2"
4. TRANSPARENCY REQUIREMENT
NO MORE THAN A COMBINED TOTAL OF 50% OF EACH OF THE FACADES SHALL BE VISION GLASS OR REFLECTIVE SPANDREL CONSTRUCTION.
ALL VISION GLASS AND REFLECTIVE SPANDREL CONSTRUCTION SHALL BE OF MATERIALS WHICH ARE NO MORE THAN 30% IN REFLECTIVITY.



PALM PROPERTIES LLC
SAN DIEGO, CALIFORNIA

JWDA
ARCHITECTURAL FIRM

NOT FOR CONSTRUCTION

EAST & NORTH BUILDING ELEVATIONS

DATE: 11/21/2012
SCALE: 1/16" = 1'-0"
JOB NO: 2931
FILE: A-302
SHEET 23 OF 25

Palm Properties



East & North Building Elevations
Environmental Analysis Section Project No. 271456
CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Figure
4b

INITIAL STUDY CHECKLIST

1. Project Title/Project number:

Palm Properties/271456

2. Lead agency name and address:

City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

3. Contact person and phone number:

Rhonda Benally/(619) 446-5468

4. Project location:

2901, 2929, and 2941 5th Avenue,
2900 and 2950 6th Avenue, and
535 North Quince Street,
San Diego, CA 92103

5. Project Applicant/Sponsor's name and address:

Larry Cushman (Owner)
Palm Properties, LP
2900 6th Avenue,
San Diego, CA 92103

6. General Plan designation:

Commercial/Residential (73-110 dwelling units per acre (DU/AC)) and Very High Density Residential (73-110 DU/AC)

7. Zoning:

CV-1 (Commercial-Village) and MR-400 (Residential) Zones of the Mid-City Communities Planned District Ordinance

8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

A SITE DEVELOPMENT PERMIT (SDP) to allow for the demolition of several buildings, and the construction of two 150'-0" high buildings with 145 for-rent residential units, and a 56-room extended stay hotel with street level retail and commercial space, and three levels of underground parking, and the retention and refurbishment of an existing historic building, on a 1.34-acre site. The designated historical building, located on the corner of 6th Avenue and Palm Street, would remain in its current location and

maintain its commercial use. The project proposes a deviation to the street wall height which is described below.

The project is proposed in three phases. In Phase 1, the project proposes the remodeling and removal of 15 feet from the rear of two existing buildings fronting 5th Avenue. The project also proposes the construction of a portion of the basement parking with an interim ramp, the construction of the north tower, vehicular driveway, a portion of a commercial motor court, and the construction of an outdoor gathering place between the residential tower and the historic building. The north tower would be located on the corner of Quince Street and 6th Avenue. In Phase 2, the project proposes demolition of the remainder of the two northwesterly buildings fronting 5th Avenue, and the interim ramp. The project proposes construction of a two-story building with retail uses and community amenities on the second level, a one-story building for retail uses with a rooftop outdoor pool terrace, a residential motor court, and construction of a portion of the basement parking with a permanent ramp. The buildings would be located on the corner of Quince Street and 5th Avenue. In Phase 3, the project proposes demolition of the remaining buildings fronting 5th Avenue, construction of the south tower, and construction of the remaining portion of the commercial court, and parking beneath the south tower. The south tower would be located on the corner of 5th Avenue and Palm Street. The project also proposes public improvements in all three phases. See Figure 2-Site Plan and Figure 3-Phasing Plan.

In the north tower, the project proposes 13 floor levels consisting of 30 1-bedroom units, and 75 2-bedroom units for a total of 105 units for a Gross Floor Area (GFA) of approximately 152,153 square-feet. In the south tower, the project proposes 13 floor levels consisting of 20 1-bedroom units, 20 2-bedroom units for a total of 40 residential units, and 66 units of extended stay hotel (commercial). In sum, the south tower would have approximately 8,965 square-feet of retail space, 12,300 square-feet of recreational and support facilities, 58,846 square-feet for an extended stay hotel, and 48,205 square-feet of residential development for a total GFA of approximately 128,316-square-feet.

The total project area from both the north and south towers would provide approximately 145 residential units totaling 200,358 square-feet, 66 units of extended stay hotel totaling 58,846 square-feet, and 8,965 square-feet of retail/commercial space, and 12,300 square-feet of recreation and support facilities for a total of 280,469 square-feet. Additionally, 5,600 square-feet of commercial office space will remain located in the historic building.

The minimum parking requirement for the entire project is 343 spaces (230 residential and 113 commercial spaces). The project proposes a total of 377 spaces, including 24 tandem spaces. At all times and during all phases of the project, the minimum number of parking spaces required by the Land Development Code would be provided onsite for each phase/portion of the project.

The highest point of the two towers would be 150'-0" where the maximum height of 150'-0" is permitted. The proposed commercial Floor Area Ratio (FAR) in the CV-1 zone is 2.75, where the maximum permitted commercial FAR allowed in the CV-1 zone is 3.00. The 0.19 FAR of commercial area in the MR-400 zone is existing within the historic building and is Previously Conforming, pursuant to LDC, as defined in Chapter 11, Article 3, Division 1 of the Municipal Code. The proposed residential FAR for the entire site is 3.44 where the maximum FAR permitted in the MR-400 zone is 3.75 and the maximum residential FAR permitted in the CV-1 zone is unlimited. The maximum residential FAR may be distributed throughout the site without regard to the zones.

Project implementation would require grading of approximately 1.4 acres of the entire site and would include approximately 80,000 cubic yards of cut at a maximum depth of 40'-0", and 200 cubic yards of fill at a maximum depth of 3'-0", and result in the export of 80,000 cubic yards of soil.

The project proposes numerous trees and shrubs throughout various areas of the site, including but not limited to Carrot wood, Rustyleaf fig, Sage Palm, Pygmy Date Palm, and Chinese Flame Trees, Azaleas, Lily of the Niles, and Bear's Breech. Landscaping would be provided in conformance with the City's Landscape Standards.

Construction of the structures would consist of wood frame and stucco. The buildings would also have window wall glazing, window mullions, metal louvers, glass railings, and doors, and metal and glass trellis components.

The project would require a deviation from the street wall height requirement of the CV-1 zone by stepping the building above the street wall back 8 to 11 feet from the street wall instead of 15 feet as required.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The 1.34-acre site is addressed at 2901, 2929, and 2941 5th Avenue, and 2900 and 2950 6th Avenue, and 535 North Quince Street, Assessor Parcel Numbers 452-663-03, 04, 05, 06, 07, 08, 09 and 10 in the CV-1 (Commercial-Village) and MR-400 (Residential) zones of the Uptown Community Planning area. The project consists of the redevelopment of the block bounded by Quince Street to the north, Palm Street to the south, Sixth Avenue to the east, and 5th Avenue to the west.

The site consists of several parcels that are relatively flat in topography at an elevation of approximately 285 feet. The site is currently developed primarily with single-story restaurant structures, paved parking areas, a two-story historically designated building, and includes vacant undeveloped parcels.

The immediate surrounding areas are zoned CV-1 to the north, west, and south. The area across 5th Avenue to the east is unzoned because it is located in Balboa Park. Surrounding land uses consist of residential structures to the north and west, the Urban Discovery Institute to the south; commercial structures to the north and west, and, as noted, Balboa Park is located directly east across 6th Avenue.

The project site is located within the Banker's Hill/Park West Neighborhoods of the Uptown Community Planning area, Mid-City Communities Planned District, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and the Federal Aviation Administration (Part 77) Notification Area. The project site is designated for Commercial/Residential (73-110 dwelling units per acre (DU/AC)), and Very High Residential (73-110 DU/AC) per the Uptown Community Planning area. The project site includes eight-parcels situated in an urban community, in a residential neighborhood setting of similar uses, and is currently served by existing public services and utilities.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Not Applicable

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service System |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Mandatory Findings Significance |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses”, as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated”, describe the mitigation measures that were incorporated or

refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| I) AESTHETICS – Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Although the Uptown Community Plan does not designate specific scenic vistas, the Urban Design Element of the community plan recommends maintaining and enhancing pedestrian and auto views of Balboa Park from Fifth Avenue as well as establishing a 15-foot setback from the property line along both sides of Quince Street for landscaping in order to assist in creating visual entrance ways to Balboa Park. As proposed, the project would not result in a substantial adverse effect on a scenic vista.

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No such scenic resources or state scenic highways are located on, near, or adjacent to the project site. Therefore, the project would not result in a substantial adverse effect on a scenic resource.

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The proposed project is located along the 5th and 6th Avenue corridors within the Bankers Hill/Park West neighborhood where the Uptown Community Plan allows mixed-use development with High to Very High residential densities at 73 to 110 dwelling units per acre. Additionally, maximum buildings heights allowed by the existing zoning, range from 100 to 150 feet. The project site consists of a partially vacant city block that includes surface parking, single-story commercial buildings, and a 2-story historic building. The project is located west of Balboa Park. Surrounding existing development includes a 7-story office building to the south; a 2-story multi-family residential structure located between two 3 story office buildings to the west; and a 6-story office building, a 5-story multi-family residential structure, and a 10-story high-rise residential building to the north. Additionally, past development along the 5th and 6th Avenue street corridors between Upas and Kalmia Streets consists of various mixed-use, high rise developments which have become part of the emerging visual character within this part of the community as new developments take advantage of scenic views to Balboa Park to the east and San Diego Bay to the west. The demolition of several buildings, and the construction of two 150'-0" high buildings and retention of a historically designated building would be compatible with the surrounding neighborhood. As proposed, the project would be allowed by the adopted community plan land and zoning. The project, therefore, would not result in a degradation of the existing visual character or visual quality of the site, and its surroundings.

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The demolition of several buildings, and construction of two 150'-0" high buildings, and retention of a historically designated building would not be expected to cause substantial light or glare. Furthermore, no substantial sources of light would be generated during project construction, as construction activities

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| would occur during daylight hours. All lighting would be required to comply with all current lighting regulations. | | | | |

II) AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

- a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The *Uptown Community Plan* designates the project site as Commercial/Residential (73-110 dwelling units per acres (DU/AC)). The project is consistent with the community plan and would not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance (farmland). Agricultural land is not present on the site or in the general site vicinity.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

Refer to IIa. The site is not designated or zoned for agricultural use; the *Uptown Community Plan* designates the project site as Commercial/Residential (73-110 dwelling units per acres (DU/AC)), and it is zoned CV-1 (Commercial-Village) and MR-400 (Residential). Agricultural land is not present on the site or in the general vicinity of the site.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The *Uptown Community Plan* designates the project site as Commercial/Residential (73-110 dwelling units per acres (DU/AC)), and it is zoned CV-1 (Commercial-Village) and MR-400 (Residential). The project would not result in the rezoning of forestland or timberland. Forestland is not present on the site or in the general vicinity.

- d) Result in the loss of forest land or conversion of forest

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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land to non-forest use?

Refer to IIc.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The *Uptown Community Plan* designates the project site as Commercial/Residential (73-110 dwelling units per acres (DU/AC)) The project would not involve any changes that would affect or result in the conversion of Farmland or forestland to non-agricultural or non-forest uses. The project is consistent with the community plan. Refer to IIa and IIc.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

The demolition of several buildings, and construction of two 150'-0" high buildings, and retention of a historically designated building is compatible with the underlying zoning and community plan designation and would not conflict or obstruct implementation of applicable air quality plans.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The demolition of several buildings and construction of two 150'-0" high buildings, and retention of a historically designated building is not expected to generate substantial emission that would violate and/or impact the region's air quality.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The project did not meet the City's CEQA Significance Determination Thresholds to require an air quality analysis. The County is non-attainment under federal standards for ozone (8-hour standard). The demolition of several buildings, construction of commercial/multi-family residential, and retention of a historically designated building is not expected to generate considerable ozone or PM10. The project would not result in a cumulatively considerable net increase.

d) Create objectionable odors affecting a substantial number of people?

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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The demolition of several buildings and construction of two 150'-0" high buildings, and retention of a historically designated building would not be associated with the creation of objectionable odors affecting people.

IV. BIOLOGICAL RESOURCES – Would the project:

- a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site developed and is situated in an urban setting. No sensitive plants or animals are on, or adjacent to the site, and therefore no substantial adverse effects to any species would result.

- b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site does not contain riparian habitat; therefore, no adverse effect would result.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There are no federally protected wetlands on the project site; therefore no adverse effects would result.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site does not contain any sensitive habitat, or any native resident or migratory fish or wildlife species; therefore no interference with wildlife movement would occur.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project site is located in urban neighborhood and is not adjacent to the Multi-Habitat Planning area (MHPA). Therefore, the project would not conflict with any local policies and/or ordinances protecting biological resources.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is within an urbanized neighborhood and is not adjacent to the MHPA. Therefore, the project would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES – Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

The purpose and intent of the *Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2)* is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects, which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. Further review by City staff of archaeological maps in the Entitlements Division indicated several archaeological resources have been identified within a mile of the project site.

The project has been reviewed by the City’s Plan-Historic staff (PHS). The project site located at 2900 6th Avenue is a designated historic resource and is listed as HRB Site #938- the George and Alice Hazzard House. Additionally, the other buildings onsite located at 2950-2950A 6th Avenue were reviewed by the Historic Resources Board (HRB) in 2009, and the building located at 2901 5th Avenue was also reviewed by the HRB in 2010, however these buildings were not designated. The project does not propose modifications or relocation of the historic resource, and the designated historical building would remain in its current location. Further, a note has been added to the plans stating that if any modification or work would occur on the historically designated building, it shall be consistent with the U.S. Secretary of Interior’s Standards. No impact would result, therefore, and mitigation is not required.

On April 11, 2012, Qualified City Staff (QCS) conducted a record search of the California Historic Resources Information System (CHRIS) database; no recorded archaeological resources were identified within the project’s boundary. Based on the proposed project and historicity of the site, however, there is a potential for encountering buried historical resources associated with

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| the designated building as well as historical uses of the site (such as trash deposits, privies, root cellars, cisterns/wells, etc.), therefore archaeological monitoring is required. Implementation of the MMRP detailed in Section V of the MND would reduce potentially significant impacts to historical (archaeological) resources to below a level of significance. | | | | |

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

See V.a.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

According to the Geology of the San Diego Metropolitan Area, California (1975) published by the California Division of Mines and Geology, the project site is underlain by Lindavista Formation which is considered moderately sensitive for paleontological resources. The City of San Diego's CEQA Significance Determination Thresholds states that grading/excavation greater than 2,000 cubic yards and at a depth of 10 feet or greater in moderately sensitive formations would require monitoring for paleontological resources. Project implementation would require grading of approximately 1.4 acres of the entire site that would include approximately 80,000 cubic yards of cut at a maximum depth of 40'-0", and 200 cubic yards of fill at a maximum depth of 3'-0", and the export of 80,000 cubic yards of soil. The project meets the City's CEQA Significance Determination Thresholds for Paleontological resources; therefore monitoring is required. Mitigation measures for paleontological resources have been incorporated into the Mitigation Monitoring and Reporting Program (MMRP).

- d) Disturb and human remains, including those interred outside of formal cemeteries?

No cemeteries, formal or informal, have been identified on the project site. No impacts would occur.

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

According to the City of San Diego Safety Seismic Study Maps, the project is assigned a geologic risk category of 52 which is characterized, as other level areas, gently sloping to steep terrain, favorable geologic structure, and low risk. In addition, the project site is not located on nor is it adjacent to an earthquake fault. The project would be required to utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage. Therefore, no impact was identified, and no mitigation measures are required.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The project area is located in a seismically active region of California, and therefore, the potential exists for geologic hazards such as earthquakes and ground failure to occur. Proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant, and no mitigation measures are required. See VI a.ii.

| | | | | |
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| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project area is located in a seismically active region of California, and therefore, the potential exists for geologic hazards such as earthquakes and ground failure, including liquefaction to occur. Proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant, and no mitigation measures are required.

| | | | | |
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| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The area has no mapped landslide areas.

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| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The site would be landscaped in accordance with the City requirements and all storm water requirements would be met, therefore, no impacts would occur and no mitigation measures are required. Refer to VIa.

| | | | | |
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| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The site is not located in an earthquake fault zone. Proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant, and no mitigation measures are deemed necessary.

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| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project did not require the preparation of a geotechnical report; therefore, it is unknown whether the project site has expansive soils. Proper engineering design and utilization of standard construction practices will be verified at the building permit stage. If the site has expansive soils, the project would utilize standard construction practices to mitigate substantial risks to life or property.

| | | | | |
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| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| No septic or alternative wastewater systems are proposed. The project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines). | | | | |

VII. GREENHOUSE GAS EMISSIONS – Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The State of California has passed a number of policies and regulations that are either directly or indirectly related to greenhouse gas emissions (GHG). Notably, the California legislature passed AB32 (Nunez), the California Global Warming Solutions Act of 2006”. It requires the California Air Resources Board (CARB) to adopt rules and regulations that would reduce GHG emissions to 1990 levels by year 2020. The CARB is also required to publish a list of discrete GHG emission reduction measures. SB 375 requires CARB to set regional targets for GHG emissions. Its purpose is to reduce emissions by promoting high-density, mixed-use developments around mass transit hubs. SB 375 requires that Metropolitan Planning Organizations (MPOs) in California update their Regional Transportation Plans (RTPs) to promote this smart growth development.

Lastly, SB 97, signed by the governor on August 24, 2007, required that the CEQA guidelines be amended to address impacts from transportation and energy consumption and appropriate mitigation for GHG emissions, and requires the Resources Agency to certify and adopt those guidelines by January 1, 2010. Those guidelines took effect on March 18, 2010.

The City of San Diego currently does not yet have adopted GHG Thresholds of Significance for CEQA. Therefore, the City of San Diego is using the California Air Pollution Control Officers Association (CAPCOA) report “CEQA & Climate Change”, dated January 2008, as guidance in determining when a project-level GHG analysis is required. The CAPCOA report references an annual 900 MTCO2E guideline as a conservative threshold for requiring further analysis and mitigation. A 900 MTCO2E screening criteria was thus established by the City for determining when a greenhouse gas analysis is required, based on available guidance from the CAPCOA report. This emissions level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects. Based upon this threshold, the project was required to complete a GHG Emission analysis in order to determine what, if any, cumulative impacts would result through project implementation. Although the criteria listed above provide interim guidance, a good faith effort has been made to evaluate whether GHG impacts from the project are potentially significant, taking into account the type and location of the proposed development, the best available scientific data regarding GHG emissions, and the current statewide goals and strategies for reduction of GHG emissions. It is important to note that the San Diego Air Pollution Control District has not provided any guidance on the quantification of GHG emissions or emissions thresholds.

A “Greenhouse Gas Emission Analysis for Palm Properties-5th and Palm Project,” was prepared by Helix Environmental Planning, Inc., November 9, 2012. The results for the GHG emissions analysis estimated that the proposed project would result in the net emissions of 2,597 CO2e/yr. The Project’s GHG emissions exceed the City’s 900 metric ton GHG screening threshold that identifies when a project must perform further analysis to show a 28.3% reduction in Business-As-Usual (BAU) emissions.

Combining all regulatory measures such as the Pavley Standards and the reduction strategies described in detail in the Greenhouse Gas Emissions report (e.g., alternative transportation, indirect electricity use, Title 24 2008 efficiencies over Title 24 2005, solid waste recycling program per AB 341, and water usage) the

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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project would be expected to reduce the project's GHG emissions from BAU by 30.3%.,

Based upon the findings of the proposed project, both regulatory reductions and design features would adequately reduce daily operational CO₂e emissions per year by more than the City of San Diego accepted 28.3% reduction benchmark as recognized as being necessary to achieve AB 32 goals. Therefore, the project would not result in any direct impacts and cumulative impacts would be reduced to below a level of significance.

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The GHG report included a sustainable element review as stated on pages 32 through 34 for consistency with the City's General Plan Conservation Element. The project will employ sustainable and green building techniques for construction and operation of the buildings through the installation of energy and water efficient systems and adherence to waste diversion programs. By implementing these project design features and by complying with City waste diversion ordinances, the project would be consistent with the applicable General Plan goals and policies. Therefore, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emission. Refer to VII a.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

- a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?

The project would not involve the routine transport, use or disposal of hazardous materials. No such impacts, therefore, will occur and no mitigation is required.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No such impacts, therefore, will occur. Refer to VIII a.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. No such impacts, therefore, will occur.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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The project site is not located on a site which is included on a list of hazardous materials locations.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project site is not located within any Airport Environs Overlay Zone (AEOZ), Airport Approach Overlay Zone (AAOZ), Airport Land Compatibility Overlay Zone (ALCOZ), or Airport Influence Area, The project is located within the Federal Aviation Administration (FAA) Part 77 Notification Area for the San Diego International Airport and North Island Naval Air Station. The project required an FAA Notification; however a consistency determination was not required. The City received a total of six FAA Determination letters on various locations on the subject site that the project is **not** a hazard to Air Navigation. Therefore, the project would not result in a safety hazard for people residing or working in the project area.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site is not located within proximity of a private airstrip.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The demolition of several buildings, and construction of two 150'-0" high buildings, and retention of a historically designated building would not interfere with the implementation or physically interfere with an adopted emergency response plan or evacuation plan.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project is located in an urban environment and not adjacent to or intermixed with wildlands. The project, therefore, would not significantly expose people or structures to a significant risk of loss, injury, or death involving wildfires.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

A "Water Quality Technical Report for Palm Properties, San Diego, California, (January 9, 2013)," was prepared by William A. Steen & Associate, the purpose of the report was to describe the permanent stormwater Best Management Practices (BMPs) that will be incorporated in the project to mitigate the impacts of urban runoff due to the development.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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The project is located within the Pueblo San Diego Hydrologic Unit (908), San Diego Mesa Hydrologic Area (908.2), and Lindberg Hydrologic Subarea (908.21). The project site is a tributary to and approximately 1.2 miles northeast of the San Diego Bay.

The report states that runoff from the north tower roof, one half of the existing historic structure roof, the recreation pavilion roof and the driveway will be collected in a trench drain across the south end of the driveway. The trench drain will discharge to an inlet on the east side of the driveway just inside the property line. The trench drain will provide pre-treatment for trash and debris. The runoff will then be conveyed by gravity flow through a pipe to an underground vault located north of the historic structure. Runoff from the outdoor gathering space will sheet flow to a drain inlet(s) along the southern edge of the gathering space.

The anticipated and potential pollutants of concern are trash and debris, oil and grease, heavy metals, oxygen demanding substances, sediment, nutrients, pesticides, and bacteria and viruses, however, the project is required to comply with all storm water quality standards during and after construction, and appropriate BMPs (Low Impact Development, Source Control, Treatment Control) would be implemented. Implementation of the aforementioned measures would reduce potential environmental impacts to hydrology/water quality to below a level of significance.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site does not require the construction of wells.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not substantially increase flow rates or volumes and thus, would not adversely affect on- and off-site drainage patterns. Refer to IX a.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project does not require the alteration of a stream or river in that no such resources exist on the project site. Refer to IX a.

- e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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systems or provide substantial additional sources of polluted runoff?

The project would be required to comply with all storm water quality standards during construction, and after construction appropriate Best Management Practices (BMPs) will be utilized that would ensure that water quality is not degraded and that project runoff would not exceed existing or planned capacity of the stormwater drainage system.

- f) Otherwise substantially degrade water quality?

The project would be required to comply with all storm water quality standards during construction, and after construction appropriate Best Management Practices (BMPs) will be utilized that would ensure that water quality is not degraded.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project site is not located with a 100-year flood hazard area.

- h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

The project site is not located within a 100-year flood hazard area nor would the project place structures that would impede or redirect flows.

X. LAND USE AND PLANNING – Would the project:

- a) Physically divide an established community?

The demolition of several buildings, and construction of two 150'-0" high buildings, and retention of a historically designated building on a developed site, consistent with the community plan, would not physically divide an established community.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The Uptown Community Plan designates the 1.34-acre project site for Commercial/Residential (73 to 110 dwelling units per acre) and Very High Residential (73 to 110 dwelling units per acre). According to the project's site area, approximately 98 to 147 dwelling units would be allowed. The proposal of a mixed development consisting of 145 dwelling units, ground level commercial retail, and a 56-unit extended stay hotel would implement the existing land use designation. Through the incorporation of a 15-foot setback from the property line with landscaping along Quince Street the project would meet the objective and recommendation in the Urban Design Element of the community plan for maintaining and enhancing pedestrian and auto views of Balboa

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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Park and as well as assist in creating visual entryways to Balboa Park. The incorporation of a pool and terrace that would be located on the roof of the northwest portion of the proposed project, balconies for the residential units, and siting of a plaza located along 6th Avenue would implement the guideline in the Urban Design Element of the community plan for maximizing useable open space for residential projects. Additionally, the proposed project would implement policies in the Urban Design Element for the provision of street trees by the use of 36-inch box canopy trees and 24-inch box Palm trees along Quince Street, 5th Avenue, and Palm Street. A double row of Palm trees would be planted along 6th Avenue to complement the existing tree pattern along 6th Avenue and on the Balboa Park side of the street. The project would meet the objective in the Conservation, Cultural, and Heritage Resources objective of preserving historic structures at their original location a well as in their historic context whenever possible by maintaining the existing 2-story structure at its current location.

The proposed project is located along 5th Avenue which is identified in the community plan as a Class III bikeway. A goal of the Mobility Element of the General Plan is to encourage bicycling as a viable travel choice within the City. The project would assist in attaining this goal by providing 93 bicycle spaces where 71 are required and locating bicycle storage facilities on all parking levels. In addition five locations for bike racks would be provided at street level along 5th Avenue where the commercial-retail component of the project is proposed.

Policy NE-A.4 of the Noise Element of the General Plan requires an acoustical study consistent with Acoustical Study Guidelines (Table NE-4 of the General Plan) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the Land Use – Noise Compatibility Guidelines (Table NE-3 of the General Plan), so that noise mitigation measures can be included in the project design to meet the noise guidelines. According to Table NE-3, a proposed mixed-use project within an exterior noise exposure level of 60 to 65 CNEL would be “conditionally compatible” and must attenuate exterior noise to an indoor noise level of 45 CNEL. An acoustical report prepared for the proposed project evaluated traffic noise impacts on 5th and 6th Avenue as well as minor contributions from Palm and Quince Street. The outdoor balcony areas of residences facing 5th and 6th Avenue or with a partial street view, as well as other outdoor balcony areas below a height of 60 feet, would exceed the 65 CNEL planning requirement for outdoor noise levels. To mitigate for exterior noise impacts at all outdoor residential use areas (up to a height of 60 feet) the proposed project would incorporate as a design feature, 4-foot-high noise walls along balconies or higher noise barriers in exterior use areas to attenuate exterior noise to below 65 CNEL. The sound attenuations barriers would need to be constructed as stated on Page 27 of the acoustical report to reduce noise exposure levels at or below 45 CNEL. This project design feature would attenuate exterior traffic noise consistent with the General Plan.

To mitigate for interior noise below 45 CNEL within the proposed residential development or 50 CNEL for commercial, the project would be required to comply with Title 24. The project will be required to complete an interior noise analysis (exterior to interior study) prior to building permit issuance to show the incorporation of appropriate architectural materials, and techniques that would achieve interior noise levels in habitable rooms, specifically 45 CNEL for residential and 50 CNEL for commercial.

The report further describes that the project design feature of 4-foot-high or higher sound attenuation would ensure that transportation noise levels on balconies would be reduced to less than the 65 CNEL threshold for outdoor area established by the City’s General Plan.

As proposed, the project would be consistent with the underlying zone, the Uptown Community Plan, as well as with applicable policies contained in the General Plan, therefore the project would

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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not conflict with any applicable land use plan, policy, or regulation.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The site is developed in an urban developed neighborhood, and therefore the project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES – Would the project?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is located in an urban neighborhood. There are no such resources located on the project site.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

See XI.a. There are no such resources located on the project site.

XII. NOISE – Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

“Acoustical Report for Palm Properties, LLC-5th and Palm Project,” was prepared by Helix Environmental Planning, November 9, 2012. The purpose of the report is to address the potential for noise impacts to proposed onsite uses and the surrounding community generated by the project as well as from off-site and on-site noise sources to the project’s usable outdoor and indoor areas. The project evaluated construction noise, operational noise (i.e. stationary source noise) and transportation noise. The report also evaluated off-site sensitive receptors including residential uses to the north and west, a school (Urban Discovery Institute) to the south, and Balboa Park to the east. The planned on-site residences include the transient lodging, and outdoor use areas were also considered in the analysis.

The noise regulations applicable to this project are contained within Chapter 5, Article 9.5, Division 4 of the San Diego Municipal Code which specifies noise limits based on the land use of the properties in question. The report also considered the Land Use-Noise Compatibility in the City of San Diego Noise Element to the General Plan, and the City’s CEQA Significance Determination Thresholds for traffic noise.

On May 15, 2012, an onsite noise inspection and noise measurements were obtained between the hours of 3:30 PM and 4:20 PM. Noise measurements were obtained using a Larson-Davis System LxT Integrating Sound Level Meter and Larson Davis Model CA250 Calibrator.

Airport noise

The project site is located outside the 65 Community Noise Equivalent Level (CNEL) noise contour for the San Diego International Airport. The airport noise is considered to be negligible and is not

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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considered further in this report.

Existing Noise Environment

The dominant noise source at the project site is vehicular traffic on 5th and 6th Avenues. As noted above, on-site inspection and traffic noise measurements were completed on May 15, 2012. One of the measurements (M1) was taken at the middle of the project site along 6th Avenue, and the second measurement (M2) was taken on the opposite side of the project site along 5th Avenue. M1 measured noise level is 63.2 dBA Leq, and M2 is 62.1 dBA Leq. The two measurement locations are shown on Figure 4 of the analysis.

Future Noise Environment

Construction Noise Impacts

The report states construction noise, including excavation, is anticipated to be in compliance with the Municipal Code requirements governing construction noise at the surrounding property lines. Therefore, no noise attenuation measures are required, and impacts would be less than significant.

Operational Noise Impacts

Stationary noise sources:

The report evaluated the potential impacts from the HVAC equipment on and off-site to sensitive receptors (residents). The HVAC systems would be mounted on building rooftops, as well as on upper levels of adjacent buildings which would be surrounded with visual and acoustic screening walls. The calculated noise impacts for the HVAC systems at the upper levels of the adjacent buildings were estimated to be less than 45 dBA. The property line noise level impact threshold for nighttime noise at multi-family residences is 45dBA. The report concluded that the potential noise impact from the HVAC systems is anticipated to be less than significant, and no noise attenuation measures are required.

The report also evaluated new noise sources (other than the previously discussed HVAC systems) for land use-noise compatibility with the proposed project between residential/hotel uses and commercial uses. Specifically, the proposed onsite retail, restaurants, and nighttime entertainment venues (i.e. amplified music systems) may create a noise impact on the proposed residences or hotel uses where these uses occur adjacent to each other or are stacked residential/hotel over commercial. At the time of discretionary permit processing, building plans were not yet developed and specific uses/tenants not yet identified. Therefore, it was not fully possible to accurately analyze the potential noise compatibility issues. However, the report concluded the potential exists for the areas with commercial and residential uses stacked or adjacent to each other to experience significant compatibility noise impacts, and identified several project design features such as: the location and type of HVAC system in proximity to living areas, strict enforceable limitations on the use of exterior amplified music systems, and commercial lease agreements to control interior and exterior noise impacts to residential areas, as required permit conditions to preclude potential noise impacts from onsite stationary noise to on-site sensitive receptors.

All potential noise impacts to on-site residential land uses caused by the project would be precluded from occurring with the incorporation of the project design features as stated in Section 6.0 of the report. As noted, these would be assured as conditions of the permit. Impacts would not occur, therefore and mitigation is not required.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- b) Generation of excessive ground borne vibration or ground borne noise levels?

The demolition of several buildings, and construction of two 150'-0" high buildings, and retention of a historically designated building would not expose people to generation of vibration and or ground borne noise levels. The project site is not in close proximity to any vibrating producing uses (i.e. freeway, airport, truck routes, and railways). No impacts would occur, therefore, and no mitigation is required. Refer to XII a.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Refer to XII.a.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?

Refer XII.a. Temporary construction noise would result from the demolition of several buildings, and construction of two 150'-0" high buildings. The project's required compliance with the San Diego Municipal Code, Article 9.5, Noise Abatement and Control would keep the construction noise to below a level of significance.

- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?

The project is not located within an Airport Land Use Compatibility Overlay Zone, Airport Influence Area or ALUCP noise contours, therefore the project is not anticipated to expose people residing or working in the area to excessive noise levels.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The project site is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The construction of two 150'-0" high buildings, with 145 for-rent residential units, and a 56-room

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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extended stay hotel with street level retail and commercial space, and three levels of underground parking, and retention of the historically designated building is permitted per the underlying zone and land use designation of the adopted community plan. As such, the development would not induce substantial population growth as it was already anticipated by the adopted community plan.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The project would remove existing commercial structures, retain an existing historically designated building and provide an additional 145 dwelling units, therefore, no such displacement would result.

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- i) Fire Protection

The project would not require the construction of new or altered governmental facilities.

- ii) Police Protection

The project would not affect existing levels of police protection services and would not require the construction of a new police station.

- iii) Schools

The project would not require the construction of new or the expansion of existing schools.

- v) Parks

The project would not require the construction of new or the expansion of existing park facilities.

- vi) Other public facilities

The project would not affect existing levels of public services.

XV. RECREATION -

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

-

The project would not adversely affect the availability of and/or need for new or expanded recreational resources.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Refer to XV.a. The project does not propose recreation facilities nor require the construction or expansion of any such facilities.

XVI. TRANSPORTATION/TRAFFIC – Would the project?

| | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

The project consists of the redevelopment of the block bounded by Quince Street to the north, Palm Street to the south, Sixth Avenue to the east, and Fifth Avenue to the west.

TRAFFIC ANALYSIS

A “Traffic Impact Analysis for Palm Properties,” dated January 2013 was prepared by CJ Roberts, Inc to assess the potential traffic impacts associated with the project. This study analyzes the potential traffic-related impacts associated with the project. The project analyzed Existing Conditions, Existing Plus Project Conditions, Near Term Condition, Near Term Plus Project, Horizon Year Condition, and Horizon Year Plus Project. Results of the study are summarized below.

Existing Land Uses:

The existing project site consists of approximately 4,900 square feet of various restaurants/cafes along Fifth Avenue. A historic building is located on the corner of Sixth Avenue/Quince Street; however this building will remain in its current location and use as office space.

The project would add the following additional land uses to the existing land use:

The project proposes construction of two towers on the project site with street level commercial and retail space on the 1.34 acre site. The north tower would contain 105 residential units; and the south tower would contain 40 residential units, 66 units for an extended stay hotel, and approximately 10,800 square-foot of commercial/retail/restaurant space. The project also proposes demolition of several buildings, and is proposed in three phases of development for a total area of approximately 280,469 square feet. Parking would be provided in three levels of an underground parking garage. Access would be provided off of Quince and Palm Streets.

PARKING

As shown in the Parking Summary, the proposed project is required to provide a minimum of 343 parking spaces; however the project is providing 377 parking spaces. The amount of parking throughout the

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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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phasing of the project would be provided onsite for that phase/portion of the project to the satisfaction of the City Engineer. Per Table 8-1 of Traffic Impact Analysis (TIA), the for a breakdown of the total number of parking spaces provided is as follows:

| Table 8-1 Parking Summary | | | | |
|---|----------|--------------|------------------|----------------------|
| Building Use | Quantity | Parking Rate | Parking Required | Parking Provided (a) |
| 1-bedroom condos | 50 units | 1.25/unit | 63 | 365 |
| 2-bedroom condos | 95 units | 1.75/unit | 167 | |
| Extended Stay Hotel | 78 rooms | 1/room | 78 | |
| Commercial | 8,965 sf | 2.1/1000 sf | 19 | |
| Office (Historic Bldg) | 5,600 sf | 2.9/1000 sf | 16 | |
| Total Parking | | | 343 | |
| Notes: (a) The total parking stalls provided does not include 12 tandem spaces, which would bring the total parking supply to 377 parking spaces. The total of 365 spaces include 10 accessible parking stalls. | | | | |

Source: Traffic Impact Analysis for Palm Properties, prepared by CJ Roberts, January 2013.

STUDY AREA

The report studied the following roadway segments:

Fourth Avenue:

- Between Upas Street and Quince Street
- Between Quince Street and Olive Street
- Between Olive Street and Laurel Street

Fifth Avenue:

- Between Upas Street and Quince Street
- Between Quince Street and Olive Street
- Between Olive Street and Laurel Street

Sixth Avenue:

- Between Upas Street and Quince Street
- Between Quince Street and Olive Street
- Between Olive Street and Laurel Street

Quince Street:

- Between Fourth Avenue and Fifth Avenue
- Between Fifth Avenue and Sixth Avenue

Palm Street:

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- Between Fourth Avenue and Fifth Avenue
- Between Fifth Avenue and Sixth Avenue

Laurel Street:

- Between First Avenue and Fourth Avenue
- Between Fourth Avenue and Fifth Avenue
- Between Fifth Avenue and Sixth Avenue

The report studied the following 14 intersections:

- Sixth Avenue and Upas Street
- Sixth Avenue and Redwood Street
- Sixth Avenue and Quince Street
- Sixth Avenue and Palm Street
- Sixth Avenue and Olive Street
- Sixth Avenue and Laurel Street
- Fifth Avenue and Upas Street
- Fifth Avenue and Redwood Street
- Fifth Avenue and Quince Street
- Fifth Avenue and Palm Street
- Fifth Avenue and Olive Street
- Fifth Avenue and Laurel Street
- Fourth Avenue and Quince Street
- Fourth Avenue and Palm Street

Roadway Network

Sixth Avenue is classified and functions as a north-south, 4-lane collector in the study area. On-street parallel parking is provided on both sides of the roadway. An existing Class III bike route is provided along Sixth Avenue within the study area. The posted speed limit is 30 miles per hour (mph).

Fifth Avenue is classified and functions as a one-way northbound, 3-lane collector in the study area. On-street parallel parking is provided on both sides of the roadway. Metropolitan Transit System Bus Route 3 provides service along Fourth Avenue. The posted speed limit is 30 mph.

Fourth Avenue is classified and functions as a one-way southbound, 3-lane collector in the study area. On-street parallel parking is provided on both sides of the roadway. Metropolitan Transit System Bus Route 3 provides service along Fourth Avenue. The posted speed limit is 30 mph.

Quince Street functions as an east-west, 2-lane local street in the study area. To the east of Sixth Avenue, Quince Street provides a connection from the northbound direction of SR-163 through the west side of Balboa Park. On-street parallel parking is provided on both sides of the roadway between Fifth Avenue and Sixth Avenue. Between Fourth Avenue and Fifth Avenue, parking is provided in the eastbound direction. No speed limit is posted.

Palm Street functions as an east-west, 2-lane local street in the study area. On street diagonal parking is provided on both sides of the roadway between Fourth Avenue and Fifth Avenue. All of these stalls are metered parking. Between Fifth Avenue and Sixth Avenue, on street diagonal parking is provided in the

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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westbound direction (metered parking) and parallel parking is provided in the eastbound direction. No speed limit is posted.

Laurel Street is classified and functions as a 2-lane collector with a continuous two-way left turn lane between First Avenue and Sixth Avenue. To the east of Sixth Avenue, Laurel Street turns into El Prado, and leads directly into Balboa Park. On street parallel parking is provided on both sides of the roadway. All stalls between Third Avenue and Fifth Avenue are metered parking. The posted speed limit is 25 mph.

Analysis Approach

The study area locations were analyzed in the following six scenarios to determine the potential impacts to the road network:

- Existing Conditions
- Existing Plus Project Conditions
- Near-Term Conditions
- Near Term Plus Project Conditions
- Horizon Year (2030) Conditions
- Horizon Year Plus Project Conditions

SIGNIFICANCE CRITERIA

To determine the project impacts to roadway segments and intersections, the City of San Diego has developed thresholds based on allowable increases in delay at intersections and volume to capacity (v/c) ratio for roadway segments. At intersections, the measure of effectiveness (MOE) is based on allowable increase in delay. At roadway segments, the MOE is based on allowable increases in the v/c ratio.

At intersection that are expected to operate LOS E with the project, the allowable increase in delay is two seconds, while for intersections that are expected to operate LOS F, the allowable increase in delay is one second. If vehicle trips from a project cause the delay at an intersection to increase by more than the City's thresholds, this would be considered a significant impact.

For roadway segments that are forecasted to operate at LOS E, the allowable increase in v/c ratio is 0.02, while for roadway segments that are forecasted to operate at LOS F, the allowable increase in v/c ratio is 0.01. An increase in v/c ratio higher than the City's thresholds would be considered significant impact that requires mitigation.

Table 2-3 of TIA summarizes the criteria for determining levels of significance at intersections and roadway segments.

| Facility | Measurements of Effectiveness (MOE) | Significance Thresholds |
|---------------|-------------------------------------|--|
| Intersections | Seconds of delay | >2.0 seconds of delay at LOS E or > 1.0 seconds of delay LOS F |

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| Roadway Segments | v/c Ratio | >0.02 at LOS E or >0.01 at LOS F and adjacent intersections operating at unacceptable LOS | | |

Source: Traffic Impact Analysis for Palm Properties, prepared by CJ Roberts, January 2013.

Additionally, two classes of impacts are measured for significance: Direct Impacts and Cumulative Impacts. Direct traffic impacts are those projected to occur at the time a proposed development becomes operational at that time (Near Term). Cumulative traffic impacts are those projected to occur at some point after a proposed development becomes operational, such as during subsequent phases of a project and when additional proposed development in the area become operational (short term cumulative) or when the affected community plan area reaches planned build out (long term cumulative).

EXISTING CONDITIONS

Existing Study Intersections

Table 3-1 of the Traffic Impact Analysis (TIA) report summarizes the list of intersections in the study area and lists the traffic control at each intersection. As shown in the table, most of the intersections in the study area are unsignalized. Signalized intersections are located at the northern and southern end of the study area along Upas Street and Laurel Street, respectively and at the Sixth Avenue/Quince Street intersection.

Existing Intersection Analysis

Table 3-2 of TIA displays the LOS analysis results for the key study area intersections under Existing Conditions. As shown in the table, all intersections currently operate at an acceptable LOS C or better during both peak periods.

Existing Roadway Analysis

Table 3-3 of TIA displays the roadway segment analysis under Existing Conditions. As shown in the table, all roadway segments function at an acceptable LOS D or better in the study area.

TRIP GENERATION

Trip generation rates published in the City of San Diego Trip Generation Manual, May 2003 were applied to the existing and proposed uses within the project site. Trip generation was estimated for the AM and PM peak periods and also for daily traffic. Since the City’s Trip Generation Manual does not include a rate for extended stay hotel use, the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th edition was used. Trip rates for land use code 311 (All Suites Hotel) was used since it was the most applicable rate for the proposed Extended Stay Hotel. Table 4-1 of the TIA summarizes the trip generation for the project. As shown in the table, the proposed project would generate approximately 2,066 daily trips, including 114 (44 inbound, 70 outbound) AM trips and 189 (119 inbound, 70 outbound) PM trips. However, as part of this project, some of the existing uses on site would be demolished. The existing uses are calculated to generate approximately 493 daily trips, including 5 (3 inbound, 2 outbound) AM trips and 39 (27 inbound, 12 outbound) PM trips. The resulting net trip generation

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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(proposed minus existing) would equal 1,573 new daily trips, including 109 (41 inbound, 68 outbound) AM trips and 150 (92 inbound, 58 outbound) PM trips. The net increase in traffic (herein referred to as “project traffic”) is added traffic volumes to determine if there are any project impacts. It should be noted that pass-by vehicular trip reduction could be applied to the new commercial/retail land use; however, due to the size of the proposed new retail and as a conservative approach, a pass-by trip reduction was not applied.

Trip Distribution and Assignment

Figure 4-1 of TIA displays the general trip distribution that will be applied to the project traffic. Figure 4-2 of TIA shows the trip distribution at the studied intersections. Figure 4-3 of TIA shows the peak hour trip assignment at the study intersections, and Figure 4-4 of TIA shows the daily trip assignment along the roadway segments.

EXISTING PLUS PROJECT CONDITIONS

This section provides a summary of the traffic operations for the Existing Plus Project Conditions with and without the project traffic.

Roadway Network

The only roadway network change that is expected to occur under this scenario includes the project driveways along Quince Street and Palm Street. No other changes are assumed under this scenario.

Roadway Segment Analysis

Table 5-2 of TIA displays the roadway segment analysis under Existing Plus Project Conditions. As shown in the table, all roadway segments function at an acceptable LOS D or better in the study area with or without the project traffic. As a result the project would not result in any significant impacts and thus would not require any mitigation in this scenario.

Intersection Analysis

Table 5-1 of TIA displays the LOS analysis results for the key study area intersections under Existing Plus Project Conditions. As shown in the table, all intersections would operate at an acceptable LOS D or better in the study area with or without the project traffic. As a result, the project would not result in any significant impacts, and therefore would not require any mitigation in this scenario.

NEAR-TERM WITH AND WITHOUT THE PROJECT CONDITIONS:

This section provides a summary of the traffic operations for the Near Term Conditions with and without the project traffic.

Roadway Network

No roadway network changes are assumed to take place under the Near Term scenario, with the exception of the project driveways, which would be constructed as a feature of the proposed project. Each driveway would be one-way stop controlled with one ingress lane and one egress lane.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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Cumulative Analysis

The following five projects within the vicinity were considered in this analysis; St. Paul’s Cathedral, Park at Sixth, Upas Street Jack in the Box, Park Boulevard Promenade, and Plaza de Panama. The TIA states after further review of the trip distribution and assignment of the cumulative projects, it was determined that only the St. Paul’s Cathedral and Park at Sixth projects would contribute traffic to the study area, and are included in this cumulative analysis. Table 6-1 of TIA summarizes the trip generation associated with the cumulative projects in the study area. As shown in above mentioned table, the two cumulative projects would generate a total of approximately 1,415 ADT with 86 (30 inbound, 56 outbound) AM peak-hour trips and 126 (77 inbound, 49 outbound) PM peak-hour trips.

Intersection Analysis

As shown in Table 6-2 of TIA, all intersections and project driveways would operate at an acceptable LOS D or better in the study area with or without the project. The project would not result in any significant impacts, and therefore would not require mitigation in this scenario.

Roadway Segment Analysis

As shown in Table 6-3 of TIA, all roadway segments would function at an LOS D or better in the study area with or without the project. The project would not result in significant impacts, and therefore not require mitigation in this scenario.

HORIZON YEAR WITH AND WITHOUT THE PROJECT CONDITIONS:

Roadway Network

No roadway network changes are assumed to take place under the Horizon Year scenario, with the exception of the two project driveways which would be constructed as a feature of the proposed project.

Roadway Segment Analysis

As shown in Table 7-3 of TIA, all roadway segments would function at an acceptable LOS D or better in the study area with or without the addition of the proposed project. As a result the project would not result in any significant impacts, and therefore mitigation is not required.

Intersection Analysis

As shown in Table 7-2 of TIA, all intersections and project driveways would operate at an acceptable LOS D or better in the study area with or without the project traffic except for the following intersection:

- Fifth Avenue at Quince Street (LOS E during the PM peak-hour)

The addition of the project traffic would increase the delay at the intersection shown in Table 7-1 of TIA more than the acceptable threshold. Thus, the project would be considered to have a significant cumulative impact and require mitigation.

Mitigation

To mitigate the project’s cumulative impact at the Fifth Avenue/Quince Street intersection, the proposed

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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project would pay a fair share contribution of 20.1% of the cost of installation of a traffic signal at this intersection. Table 7-4 of TIA summarizes the delay and LOS with the proposed improvement. As shown in the table, a traffic signal would reduce the delays at this intersection and result in LOS A operations during both the AM and PM peak-hour.

SUMMARY OF ANALYSIS

Intersection Analysis

As shown in Table 9-1 of TIA, all study intersections would operate at an acceptable LOS D or better during both peak periods and for all scenarios, except at the Fifth Avenue/Quince Street intersection for the Horizon Year Plus Project scenario during the PM peak hour. This intersection would operate at LOS E and would result in a significant cumulative impact.

Roadway Segment Analysis

As shown in Table 9-3 of TIA, all roadway segments would function at an acceptable LOS D or better for all scenarios. As a result, the project would not result in any significant impacts at any of the roadway segments in the study area.

Conclusion

Based on the analysis of the existing, existing plus project, near-term, near-term plus project, horizon year, and horizon year plus project traffic conditions for this project, the project would result in significant cumulative transportation/traffic at the Fifth Avenue/Quince Street intersection. Therefore, the project is required to implement specific measure as outlined in Section V, Mitigation, Monitoring, and Reporting, Program (MMRP) of the Mitigated Negative Declaration (MND). This measure would ensure that cumulative impacts to transportation/traffic would be reduced to below a level of significance.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The demolition of several buildings, and construction of two 150'-0" high buildings, and retention of a historically designated building is consistent with the community plan designation and underlying zone and would not result in significant traffic generation, therefore not decreasing the level of service on the existing roadways. Refer to XVI a.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The highest point of the two buildings would be 150'-0". Six letters were received by the City from the Federal Aviation Administration (FAA) (dated August 21, 2012) for various locations on the subject site that the project is "Not a Hazard to Air Navigation." The project would not result a change in air traffic

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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patterns nor would the project create a safety risk.

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| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project proposes two buildings that would be a maximum height of 150'-0" is consistent with the community plan designation and underlying zone. Further, the project would require a deviation from the street wall height requirement of the CV-1 zone by stepping the building above the street wall back 8 to 11 feet from the street wall instead of 15 feet as required. An FAA Determination was completed which included an aeronautical study which revealed that the structure would not have a substantial adverse effect on navigable airspace. Therefore, the design of the structures would not result in a hazard in that that there are no features proposed that would be incompatible with the existing urban environment. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.

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| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project has been reviewed by the City's Fire Chief and determined to be consistent with all policies of that department, therefore the project would not result with impediments to emergency access.

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| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project is consistent with the community plan designation and underlying zone, and would not result in any conflicts regarding policies, plans, or programs regarding public transit, bicycle or pedestrian facilities.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would result in standard residential and commercial consumption, and is not anticipated to result in additional impacts. Adequate services are available to serve the site.

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| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Adequate services are available to serve the site; therefore, neither the construction or expansion of new water or wastewater treatment facilities is required.

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| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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effects?

Adequate services are available to serve the site.

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| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Adequate services are available to serve the site.

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| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Adequate services are available to serve the site.

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| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The City of San Diego's CEQA Significance Thresholds document establishes solid waste thresholds for direct and cumulative impacts. Projects that include the construction, demolition, and/or renovation of 40,000 square-foot (SF) or more of building space may generate approximately 60 tons of waste or more, and are considered to have cumulative impacts on solid waste facilities. Projects that include construction, demolition, or renovation of 1,000,000 square-foot or more of building space may generate approximately 1,500 tons of waste or more during construction and demolition, and are considered to have direct impacts on solid waste services. The report would generate more than 1,500 tons of solid waste materials during construction and demolition and would have the potential to exceed direct and cumulative solid waste thresholds, therefore the applicant was advised that preparation of a Waste Management Plan (WMP) was required for this project.

A "Preliminary Waste Management Plan for Palm Properties (November 20, 2012)," was prepared by Helix Environmental Planning, and was approved by the City's Environmental Services Department (ESD). The purpose of the Waste Management Plan (WMP) is to identify the quantity of solid waste that will be generated by the project throughout demolition, construction, and operation, and to identify measures to reduce potential impacts associated with management of such waste.

The State of California Integrated Waste Management Act (CIWMA) of 1989 [California Assembly Bill (AB) 939], which is administered by the Department of Resources Recycling and Recovery (CalRecycle), requires counties to develop an Integrated Waste Management Plan (IWMP) describing local waste diversion and disposal conditions and laying out realistic programs to achieve the waste diversion goals. AB 939 required all cities and counties to divert a minimum 50 percent of all solid waste from landfill disposal. In 2011, the State legislature enacted AB 341, increasing the diversion target to 75 percent statewide.

The WMP includes guidelines and procedures for contractor(s) and staff to implement waste reduction and recycling efforts. During each phase from preconstruction to occupancy of this project, the WMP will provide contractors and staff guidelines to ensure proper reduction, segregation, recycling, and disposal of demolition, construction, and on-going operational waste. The assigned contractor/staff will coordinate with ESD and/or Mitigation Monitoring staff, including regular communication and invitation

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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to the work site. The WMP provides several tables with a detailed breakdown regarding estimated quantities generated during the pre-construction (demolition), construction phase, and occupancy phase.

During pre-construction demolition, clearing/grubbing/grading and excavation, the project will produce approximately 105,429 tons of soils, green waste, asphalt, concrete, and other Construction and Demolition (C&D) waste, and divert approximately 105,313 tons of these materials from the landfill, as identified in Table 5 of the plan. Approximately, 116 tons of solid waste material generated during the pre-construction is anticipated to be disposed of as non-recyclable/non-reusable waste at Miramar Landfill, for an overall pre-construction diversion rate of 99 percent.

During construction, the project will produce approximately 1009.69 tons of solid waste (concrete, drywall, carpet, carpet padding, ceramic tiles, metals, packaging), and divert approximately 843.09 tons of solid waste materials from the landfill. The diverted material will consist of clean, source separated (segregated) recyclable and/or reusable material, as well as mixed-debris to be deposited at the recycling/reuse facilities identified in Table 6 of the report. Approximately, 166.60 tons of solid waste material generated during construction is anticipated to be disposed of as non-recyclable/non-reusable waste at the Miramar Landfill, for an overall diversion rate during construction of approximately 83 percent.

During occupancy, the project will generate approximately 463 tons of waste per year, and will divert approximately 177 tons per year to recycling/reuse facilities, resulting in an estimated 40 percent diversion of waste from the landfill. These materials will consist of clean, recyclable materials, gathered in on-site recycling bins. Approximately 286 tons per year, or 60 percent of occupancy material generated, are anticipated to be disposed of as non-recyclable/non-reusable waste at the Miramar Landfill.

Further, the project proposes and lists 14 (including but not limited to) sustainable and efficiency features consistent with the requirements of the California Green Building Code and these features are listed on Pages 32 and 33 of the Waste Management Plan.

In conclusion, compliance with the listed waste diversion measures, plus implementation of proposed sustainable features would reduce the project's contribution to cumulative C&D solid waste generation to a level of less than cumulatively considerable, and no mitigation is required.

- g) Comply with federal, state, and local statutes and regulation related to solid waste?

The project would be required to comply with all federal, state, and local statutes as they relate to the project. See XVIIIf.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE -

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Implementation of the Historical Resources (Archaeology), Paleontological Resources, and Transportation MMRP's will reduce impacts to below a level of significance.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable futures projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The project would have cumulative impacts for traffic, however implementation of traffic mitigation would reduce impacts to below a level significance.

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| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not be associated with such impacts.

INITIAL STUDY CHECKLIST

REFERENCES

I. AESTHETICS / NEIGHBORHOOD CHARACTER

City of San Diego General Plan.

Community Plan.

Local Coastal Plan.

II. AGRICULTURAL RESOURCES & FOREST RESOURCES

City of San Diego General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Agricultural Land Evaluation and Site Assessment Model (1997)

Site Specific Report:

III. AIR QUALITY

California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

Regional Air Quality Strategies (RAQS) - APCD.

Site Specific Report:

IV. BIOLOGY

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996.

City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

Community Plan - Resource Element.

California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

___ City of San Diego Land Development Code Biology Guidelines.

___ Site Specific Report:

V. CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES)

___ City of San Diego Historical Resources Guidelines.

X City of San Diego Archaeology Library.

X Historical Resources Board List.

___ Community Historical Survey:

___ Site Specific Report:

VI. GEOLOGY/SOILS

X City of San Diego Seismic Safety Study.

___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

___ Site Specific Report:

VII. GREENHOUSE GAS EMISSIONS

X Site Specific Report: A "Greenhouse Gas Emission Analysis Technical Report for Palm Properties, LLC-5th and Palm Project," prepared by Helix Environmental Planning, November 9, 2012.

VIII. HAZARDS AND HAZARDOUS MATERIALS

X San Diego County Hazardous Materials Environmental Assessment Listing,

___ San Diego County Hazardous Materials Management Division

X FAA Determination, August 2012.

___ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized.

___ Airport Land Use Compatibility Plan.

___ Site Specific Report:

IX. HYDROLOGY/WATER QUALITY

- ___ Flood Insurance Rate Map (FIRM).
- ___ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- ___ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html).
- X Site Specific Report: A “Water Quality Technical Report for Palm Properties, LLC, San Diego, California, City Project No. 271456, I.O. No. 24002485,” prepared by William A. Steen & Associates, January 9, 2013.
- X Site Specific Report: A “Preliminary Drainage Study for Palm Properties, LLC,” prepared by William A. Steen & Associates, June 2012.

- X. LAND USE AND PLANNING**
- X City of San Diego General Plan.
- X Community Plan.
- ___ Airport Land Use Compatibility Plan
- ___ City of San Diego Zoning Maps
- X FAA Determination, Six (6) Letters, August 21, 2012.

- XI. MINERAL RESOURCES**
- ___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.
- ___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.
- ___ Site Specific Report:

- XII. NOISE**
- ___ Community Plan
- ___ San Diego International Airport - Lindbergh Field CNEL Maps.
- ___ Brown Field Airport Master Plan CNEL Maps.
- ___ Montgomery Field CNEL Maps.
- ___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- ___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

- ___ City of San Diego General Plan.
- X Site Specific Report: "Acoustical Report for Palm Properties, LLC-5th Avenue and Palm Project," prepared by Helix Environmental Planning, Inc., November 9, 2012.

XIII. PALEONTOLOGICAL RESOURCES

- X City of San Diego Paleontological Guidelines.
- ___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
- X Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.
- ___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.
- ___ Site Specific Report:

XIV. POPULATION / HOUSING

- ___ City of San Diego General Plan.
- ___ Community Plan.
- ___ Series 11 Population Forecasts, SANDAG.
- ___ Other:

XV. PUBLIC SERVICES

- ___ City of San Diego General Plan.
- ___ Community Plan.

XVI. RECREATIONAL RESOURCES

- ___ City of San Diego General Plan.
- ___ Community Plan.

- ___ Department of Park and Recreation
- ___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:

XVII. TRANSPORTATION / CIRCULATION

- ___ City of San Diego General Plan.
- ___ Community Plan.
- ___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- ___ San Diego Region Weekday Traffic Volumes, SANDAG.
- X Site Specific Report: A "FINAL REPORT Palm Properties Traffic Impact Study," prepared by CJ Roberts, Inc., January 2013.

XVIII. UTILITIES

- X Site Specific Report: A "Preliminary Waste Management Plan for Palm Properties, City of San Diego Project No. 271456 (their Helix Job No. CUS-03)" prepared by Helix Environmental Planning, November 20, 2012.

XIX. WATER CONSERVATION

- ___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.