

RESOLUTION NUMBER R- 309504

DATE OF FINAL PASSAGE FEB 23 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 193036, INCLUDING A WATER SUPPLY ASSESSMENT, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR ONE PASEO - PROJECT NO. 193036.

WHEREAS, on September 15, 2009, Kilroy Realty Corporation submitted an application to Development Services Department for a rezone, amendments to the General Plan, the Carmel Valley Community Plan, and the Carmel Valley Employment Center Development Unit Number Two Precise Plan, a Municipal Code amendment, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit, and a Neighborhood Development Permit for the development of a mixed-use project (Project); and

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

WHEREAS, the issue was heard by the City Council on February 23, 2015; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 193036 (Report) prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

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

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

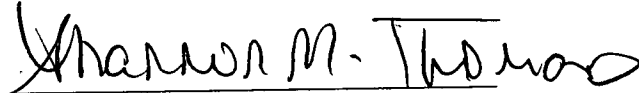
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment,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

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

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

the Project after final passage of O-20465 _____ rezoning the site from the existing Carmel Valley Planned District Employment Center (CVPD-EC) Zone to the Carmel Valley Planned District-Mixed-Use Center (CVPD-MC). The CVPD-MC is a newly created zone within the Carmel Valley Planned District pursuant to Section 153.0311.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keely M. Halsey
Deputy City Attorney

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1/30/2015
2/27/2015 COR. COPY
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ATTACHMENT(S): Exhibit A, Findings
Exhibit B, Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting Program

EXHIBIT A

**UPDATED DRAFT CANDIDATE FINDINGS OF FACT REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR ONE PASEO PROJECT**

SCH No. 2010051073

Project No. 193036

February 2015

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FINAL ENVIRONMENTAL IMPACT REPORT FOR ONE PASEO PROJECT**

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SECTION 1: INTRODUCTION

I. PROJECT DESCRIPTION

The One Paseo project (Revised Project) is a proposed mixed-use development located in the Carmel Valley neighborhood of the City of San Diego, consisting of 23.6 acres to the south of Del Mar Heights Road between El Camino Real and High Bluff Drive. This Revised Project was proposed in response to public comment on the One Paseo Draft Environmental Impact Report (EIR), and analyzed in the Recirculated Project Alternatives (Recirculated Alternatives) as the Reduced Main Street Alternative (EIR Section 12.9). In lieu of the originally proposed project, which is described in Section 3.2 of the EIR, for the reasons stated herein, the City Council of the City of San Diego has considered the Revised Project as the applicant's proposed project.

The Revised Project entails the phased construction of a mixed-use development encompassing a maximum of 1,454,069 square feet (sf) including approximately 198,500 gross sf of commercial retail (all of the 198,500 square feet comprises the gross leasable area [gla]), approximately 48,000 gross sf of cinema (48,000 sf gla), approximately 492,870 sf of commercial office (484,000 sf gla), and approximately 714,729 sf consisting of a maximum of 608 multi-family residential units. The Revised Project would provide a total of 10.7 acres of total open space including a 1.1 acre recreation area, a 0.4-acre children's play area, and 5.1 acres of landscaped greenbelts, plazas, paseos, and gardens. The Revised Project includes a 1,200-seat cinema. A total of 3,688 parking spaces would be provided in both structured and surface parking.

The Revised Project includes all of the land use components of the originally proposed project, except that the current project eliminates the hotel that was previously proposed and adds a 1.1-acre recreation area at the corner of Del Mar Heights Road and High Bluff Drive. The Revised Project retains the critical "Main Street" concept of the originally proposed project, but it reduces

the gross floor area by approximately 22 percent, resulting in an overall floor area ratio (FAR) of 1.4 instead of the 1.8 FAR of the originally proposed project.

Specifically, the Revised Project reduces the gla of commercial square footage by nearly ten percent, from 806,000 to 740,000 square feet. The reduction in the total commercial square footage includes a 14 percent reduction in the amount of office space and a 10 percent reduction in the amount of retail. The size of the cinema decreased by about 2,000 sf, but the total number of seats remains at 1,200. The Revised Project maintains the same number of multi-family residential units.

The Revised Project also reduces the building heights in comparison with the originally proposed project, such that no building will exceed nine stories from ground level. More specifically, the 125-foot-high, ten-story residential building proposed in the northwest corner of the site in Block C of the originally proposed project would be replaced by an 85-foot-high, six-story building. The residential building on Block B in the originally proposed project would be reduced from a maximum height of 100 feet to 90 feet from ground level. The building on Block A in the originally proposed project would be reduced from a height of 77 feet to a maximum height of 67 feet from ground level. In the Revised Project, the office buildings on Blocks D and E of the originally proposed project would be reduced from 199 feet to 170 feet from ground level. However, in response to comments made at the Planning Commission hearing, the applicant has agreed that the height of the office buildings on Blocks D and E will not exceed 150 feet.

The amount of open space increases from 7.6 to 10.7 acres with the Revised Project, as compared to the originally proposed project. The open space acreage, which includes greenbelts, plazas, paseos, and gardens, includes 4.1 acres that are expected to be subject to traffic noise levels that exceed acceptable levels. Of the remaining 6.6 acres of usable open space, 1.5 acres will be devoted to recreational uses including a 1.1-acre passive recreation area and a nearby 0.4-acre children's play area. All of the recreational areas will be available to Revised Project residents and visitors, and to the public at large.

II. PROJECT OBJECTIVES

The EIR included the following project objectives:

1. Develop a mixed-use village consistent with the goals of the General Plan.

2. Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.
3. Provide additional housing types and employment opportunities within the Carmel Valley community.
4. Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.
5. Provide the community with a place for public gathering and social interaction, reinforcing the sense of community and pride.
6. Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development.

SECTION 2: ENVIRONMENTAL REVIEW PROCESS

The City of San Diego (City) is the lead agency conducting environmental review under the California Environmental Quality Act (California Public Resources Code Sections 21000, *et seq.*, and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000, *et seq.* (CEQA Guidelines), hereinafter collectively, CEQA). The City as lead agency is primarily responsible for carrying out the project. In compliance with Section 15082 of the CEQA Guidelines, the City published a Notice of Preparation on May 25, 2010, which began a 30-day period for comments on the appropriate scope of the project Environmental Impact Report (EIR). Consistent with Public Resources Code Section 21083.9, the City held a public agency scoping meeting on June 9, 2010. The purpose of this meeting was to seek input and concerns from public agencies as well as the general public regarding the environmental issues that may potentially result from the project.

Pursuant to CEQA Guidelines Section 15084(d)(3), HELIX Environmental Planning, Inc. prepared and submitted environmental documents to the City on behalf of the applicant. The City published a Draft Environmental Impact Report in March 2012. The City posted a Notice of Availability of the EIR pursuant to CEQA Guidelines Section 15087. The Draft EIR was circulated for 60 days for public review and comment beginning on March 29, 2012. In response to comments received from the public on the Draft EIR, three additional project alternatives were

analyzed, including the Reduced Main Street Alternative (the Revised Project), the Reduced Mixed-use Alternative, and the Specialty Food Market Retail Alternative. The Recirculated Alternatives were released to the public for a 45-day public review period on October 24, 2013. After the close of public review, the City prepared the Final EIR, which provided responses in writing to all comments received on the Draft EIR and the Recirculated Alternatives. The Final EIR, which was published on August 5, 2014, has been prepared in accordance with CEQA.

The EIR addresses the environmental effects associated with implementation of the project. The EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project. The EIR addresses the potential significant adverse environmental impacts associated with the project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts.

The EIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a lead agency determines that a project has significant impacts that cannot be mitigated to a level below significance, the agency must adopt findings mandated by CEQA Guidelines Section 15091(a) explaining the specific factors which render mitigation measures or project alternative infeasible. In addition, the lead agency is required to state in writing the specific reasons and overriding considerations to support its actions before approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines, § 15093.)

The City, acting as the Lead Agency, hereby certifies that the EIR reflects the City's own independent judgment and analysis under Public Resources Code Section 21082.1(a)-(c) and CEQA Guidelines Section 15090(a)(3).

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Office of the City Clerk, 201 C Street, 2nd Floor, San Diego, California 92101. This information is provided in compliance with CEQA Guidelines Section 15091(e).

SECTION 3: FINDINGS

I. INTRODUCTION

CEQA states that no public agency shall approve or carry out a project which identifies one or more significant environmental impacts of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by an overriding justification and rationale for each finding in the form of a statement of overriding considerations. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

(Pub. Res. Code, § 21081; CEQA Guidelines, § 15091.)

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or lessen significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, when they are infeasible or when the responsibility for modifying the proposed project lies with another agency. (CEQA Guidelines, § 15091(a)(b).) For those significant impacts that cannot feasibly be reduced to a less than significant level, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefit of the proposed project outweighs the significant effects on the environment. (Pub. Res. Code, § 21081(b); CEQA Guidelines, § 15093.) If such findings can be made, the CEQA Guidelines state that "the adverse environmental effects may be considered acceptable." (CEQA Guidelines, § 15093.)

CEQA also requires that the findings made pursuant to Section 15091 be supported by substantial evidence in the record, meaning enough relevant information has been provided, including reasonable inferences that may be made from this information, to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (CEQA Guidelines, § 15384.)

The findings reported in the following pages incorporate the facts and discussions of the EIR, including the responses to comments, for the project as fully set forth therein. For each of the significant impacts associated with the Revised Project, the following discussion is provided:

Description of Significant Effects: A specific description of the environmental effects identified in the EIR, including a conclusion regarding the significance of the impact.

Finding: One or more of the three specific findings set forth in CEQA Guidelines Section 15091.

Mitigation Measures: Identified feasible mitigation measures or actions, that are required as part of the project, and if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.

Rationale: A summary of the reasons for the finding(s).

Reference: A notation on the specific section in the EIR that includes the evidence and discussion of the identified impact.

II. ENVIRONMENTAL EFFECTS FOUND NOT SIGNIFICANT DURING PROJECT SCOPING

The City Council of the City of San Diego hereby finds that the Revised Project would not have the potential to cause significant impacts associated with the impact categories outlined below. These findings are based on the discussion of impacts in Section 8 of the EIR.

A. Agriculture and Forestry Resources

The Revised Project would not result in impacts to agriculture or forestry resources. The Revised Project site does not contain and is not immediately adjacent to land designated as grazing land,

prime farmland, unique farmland, or farmland of local or statewide importance, as designated by the California Department of Conservation. The Revised Project site does not contain designated or zoned forest land or forest resources. Furthermore, the Revised Project site is on and surrounded by urban and built-up land, has been graded and contains fill material. Thus, no impacts to agriculture or forestry resources would occur.

Reference: EIR, § 8.1

B. Geology and Soils

Site-specific geotechnical reports were prepared for the Revised Project, and are contained in EIR Appendices O and P. No soil or geologic conditions within the Revised Project site pose a risk to development which cannot be overcome by standard grading and construction practices. The Revised Project site was previously graded as part of the North City West Development Unit 2 mass grading between 1986 and 1990. The Revised Project's geotechnical reports indicated that, prior to grading, the site was underlain at variable depths by dense sands of the Torrey Sandstone formation. The sandstone materials were overlain in a large portion of the site by undocumented (non-engineered) fill, alluvium, and colluvium. The soil investigation report recommended that these materials be removed and replaced with properly compacted structural (engineered) fill. Evaluations conducted for the geotechnical investigation (2008 and 2011) indicate that the soil engineering and engineering geologic aspects of site grading are in compliance with the 1986 geotechnical report and grading plans. With implementation of soil preparation and foundation recommendations in accordance with Appendices O and P, no significant impacts related to soil stability would occur.

Project implementation would not be subject to significant impacts related to seismic fault rupture and landslides (or related hazards as noted), based on the location and physical characteristics of the site. The site could be subject to moderate to severe ground shaking in the event of a major earthquake. Site-specific seismic design criteria for proposed structures in accordance with the geotechnical reports (EIR Appendices O and P), and required earthquake design in accordance with the California Building Code, would reduce potential impacts of earthquake ground motion to an acceptable level.

The Revised Project is also not anticipated to be subject to significant impacts from liquefaction, expansive soils, and related effects due to the nature of on-site materials and the lack of shallow groundwater.

As such, overall potential for geology and soils impacts associated with the project would be less than significant.

Reference: EIR, § 8.2

C. Mineral Resources

The Revised Project would not result in significant impacts to mineral resources. The City of San Diego CEQA Significance Determination Thresholds (2007) indicate that impacts to mineral resources are considered significant only in areas with identified mineral resource significance, classified Mineral Resource Zone (MRZ) 2. The Revised Project site is not located in an area mapped by the California Department of Conservation, Division of Mines and Geology for concrete-grade aggregate deposits (Open-File Report 96-04, 1996). Since the Revised Project site has been planned for development since the 1980s, and is located within an urbanized area near residences, it is unlikely that the site would be approved for quarry activities or quarried. The potential impacts to any deposits in this area are therefore considered not significant.

Reference: EIR, § 8.3

D. Population and Housing

No adverse impacts to population or housing are anticipated from development of the proposed project. The Revised Project would not displace any existing housing because the Revised Project site is graded and vacant.

During Revised Project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met by the local labor force within San Diego County, and would not require importation of a substantial number of workers that could cause an increased demand for temporary or permanent housing in this area. The completed development would create additional part-time and full-time employment, involving a wide variety of jobs ranging from low to high-wage scales. The proposed uses are not expected to require the importation of a specialized work force. While the Revised Project would foster

economic growth for the City through expanded sales and property tax revenues, the retail and office components are expected to have a negligible effect on regional population growth and the need for new housing because it is anticipated that these proposed uses would draw from the San Diego labor pool to fill jobs.

Furthermore, based on a Retail Market Analysis and an addendum prepared by the Kosmont Companies, the Revised Project would accommodate forecasted demand for retail uses commensurate with population growth within the project area. (*One Paseo Mixed Use Project-Retail Market Analysis*, February 9, 2012; *Addendum to February 2012 Retail Market Analysis Conducted for the One Paseo Project*, February 28, 2013 [collectively hereinafter, *Kosmont Retail Market Analyses*].) The retail demand analysis evaluated existing and projected demand for retail services within a 10-mile radius of the Revised Project site (defined as the Trade Area). The analysis concluded that the Trade Area is substantially underserved by retail uses, and suffers significant leakage of sales to other trade areas. Consequently, even with the Revised Project, there will continue to be a net demand for retail uses within the Trade Area. This means that future retail demand within the community is sufficient to support the project plus existing and additional retail uses, and that the Revised Project would provide these uses to serve the forecasted population within the community.

The Revised Project would provide additional housing within the Carmel Valley community. While residential uses were not anticipated for the Revised Project site in adopted land use plans, the Revised Project would contribute additional housing to the regional housing supply in the central part of San Diego County. The Regional Housing Needs Assessment (RHNA) calls for 88,096 new housing units (over half of the needed regional supply) to be provided in the City between 2010 and 2020. The City's General Plan Housing Element states that "[t]hrough the community plan update process, [the City shall] designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major employment centers and best transit service." (*General Plan Housing Element*, p. HE-45.) The Housing Element indicates that future modifications to community plans will be focused on creating more pedestrian and transit-oriented mixed-use environments in specific locations. It is expected that over the five years of this Housing Element cycle a number of locations will be identified for mixed-use development

throughout the City. The larger ones will be designated as urban villages. These are where opportunities for new housing construction will be concentrated in the future.

In initiating the proposed Community Plan Amendment (CPA) for the Revised Project site, the Planning Commission provided specific direction to evaluate a mixed-use village designation including a residential component. The Revised Project would construct 608 multi-family residential dwelling units equating to approximately 1,666 new residents, based on the San Diego Association of Government's (SANDAG) forecasted density factor of 2.74 persons per household unit (2010). It is anticipated that most of the new housing units would be absorbed by existing residents of the San Diego area. The number of additional housing units and the corresponding forecasted number of new residents is not substantial, and would contribute to the housing provision goals of the City's Housing Element by helping to accommodate regional growth projected for the Revised Project area, the City, and the region as a whole. Therefore, the residential component of the project is not anticipated to result in overall regional population growth beyond the levels anticipated in the applicable plans.

Based on the discussion above, population and housing related impacts associated with the Revised Project would not be significant.

Reference: EIR, § 8.4

III. ENVIRONMENTAL IMPACTS ANALYZED IN EIR THAT ARE LESS THAN SIGNIFICANT AND DO NOT REQUIRE MITIGATION

A. Direct and Cumulative

The City Council of the City of San Diego hereby finds that the following direct and cumulative environmental impacts will be less than significant. These findings are based on the discussion of impacts in Sections 5 and 6 of the EIR, as more fully described below.

1. Land Use

a. Consistency with General Plan, Community Plan, and Precise Plan

Upon approval of the proposed land use plan amendments and rezone, the Revised Project would be consistent with the land use designations and associated density. The Revised Project may not

fully satisfy the General Plan Mobility Element Policy ME-C.2 because some of the proposed traffic mitigation measures are beyond the control of the applicant and the City, as further discussed in Section VI of these Findings. Overall, the Revised Project is consistent with the regional goals of the 2050 Regional Transportation Plan and Regional Comprehensive Plan, as well as applicable policies and regulations contained in the General Plan, Community Plan, and Precise Plan. In addition, the proposed Revised Project would be compatible with surrounding land uses, and would not result in significant secondary land use impacts. Therefore, should the proposed Revised Project be approved, associated land use impacts would be less than significant.

Reference: EIR, § 5.1.2

- b. Consistency with any Agency's Land Use Plan, Policy or Regulation with Jurisdiction Over the Project

With approval of the proposed discretionary actions, the proposed Revised Project would be consistent with all adopted plans and regulations; therefore, no significant impact would occur.

Reference: EIR, § 5.1.3

- c. Urban Decay

Urban decay depends on a causal chain of events starting with a project's potential to result in store closures and physical deterioration of the area. Based on the analysis in EIR Section 5.1.4, the Revised Project would not cause other retail businesses within the Trade Area to close, as the demand for retail in the Trade Area is expected to exceed the supply even with the Revised Project. Because the Revised Project is not anticipated to result in store closures, no land use impacts related to urban decay would occur as a result of Revised Project implementation.

Reference: EIR, § 5.1.4

- d. Cumulative

The Revised Project's impact on land use would not be cumulatively considerable. The Revised Project seeks approval of General Plan, Community Plan, and Precise Plan amendments and a rezone. Should these discretionary land use changes or policies be approved, the Revised Project

will be consistent with land use designations and associated density. The Revised Project will be compatible with surrounding land uses. Considering that the surrounding area is generally built out per the Community Plan and Precise Plan, and considering that the Revised Project site will be compatible with surrounding uses, the Revised Project would not result in significant cumulative land use impacts.

Reference: EIR, § 6.2.1

2. Air Quality

a. Consistency with any Applicable Air Quality Plan

Although the Revised Project would require amendments to the General Plan, Community Plan and Precise Plan to allow for the proposed land uses, construction or operational air emissions generated by the Revised Project would not exceed applicable significance thresholds for ozone precursors or respirable particulate matter (PM10). Project design features are proposed to reduce project emissions in compliance with the strategies in the Regional Air Quality Strategy (RAQS) and State Implementation Plan (SIP) for attaining and maintaining air quality standards. The Revised Project, therefore, would not conflict with the RAQS or SIP and no associated significant air quality impacts would occur.

Reference: EIR, § 5.5.2

b. Compliance with Air Quality Standards

Emissions of criteria pollutants generated by Revised Project construction activities would be below applicable thresholds under the analyzed construction phasing scenarios. Therefore, construction-related air quality impacts resulting from the Revised Project would not exceed applicable air quality standards. Daily project operational emissions would not exceed the thresholds for criteria pollutants during Phase 1, Phases 1 and 2, or project buildout operating conditions. As such, Revised Project impacts resulting from operational air emissions would not exceed applicable air quality standards. Air quality impacts associated with concurrent construction and operational emissions due to Revised Project phasing would be less than significant given that emissions of combined construction and operational emissions would not exceed applicable thresholds. Also, the proposed Revised Project would not result in significant

air quality impacts associated with carbon monoxide (CO) "hot spots." As such, Revised Project impacts resulting from air emissions would not exceed applicable air quality standards.

Reference: EIR, § 5.5.3

c. Exposure of Sensitive Receptors to Substantial Pollutant Concentrations

During construction, the Revised Project would result in a less than significant toxic air contaminant(s) (TAC) impact, including diesel particulate matter and naturally occurring asbestos. During the Revised Project's operation, on-site or off-site sensitive receptors would not be exposed to substantial TAC concentrations from area sources. Therefore, operational TAC impacts resulting from the Revised Project would be less than significant.

Reference: EIR, § 5.5.4

d. The Project's Construction Activities Will Not Exceed 100 Pounds Per Day Of Particulate Matter

The predicted level of emissions of PM₁₀ during all of the analyzed construction phasing scenarios of the proposed Revised Project would be below the City's significance criteria. Thus, the project's construction-related dust emissions would be less than significant.

Reference: EIR, § 5.5.5

e. Objectionable Odors

The only source of odor anticipated from Revised Project construction would be exhaust emissions from the diesel equipment and haul trucks. Revised Project construction could result in minor amounts of odor compounds associated with diesel heavy equipment exhaust. During construction, diesel equipment operating at various locations on the site may generate some nuisance odors; however, the odors would be temporary and would cease at the completion of construction activity. As such, Revised Project construction would not cause a long-term odor nuisance, and associated odor impacts during project construction would be less than significant.

The Revised Project site would be developed with commercial (office and retail) and residential land uses, which are not land uses that are typically associated with objectionable odors. It is possible that restaurants may be located on site, but restaurants do not emit odors that are

generally perceived as unpleasant or a nuisance to sensitive receptors. On-site trash receptacles associated with proposed commercial and residential uses would have the potential to create adverse odors to on- and off-site sensitive receptors. As trash receptacles would be located and maintained in a manner that promotes odor control, such as keeping the receptacles closed and secured, and scheduling regular collections, no adverse odor impacts are anticipated from the proposed commercial and/or residential land uses. Therefore, Revised Project operations would result in less than significant air quality impacts related to objectionable odors.

Reference: EIR, § 5.5.6

f. Cumulative Impacts

The Revised Project would not generate operational emissions that would exceed the thresholds for criteria pollutants, including ozone precursors (volatile organic compounds (VOC) and nitrogen oxides (NOx) and PM10. Therefore, the Revised Project's contributions to the increase of these criteria pollutants, in combination with the cumulative projects, would not be cumulatively considerable. In addition, the Revised Project would not cause or contribute to a CO hot spot in combination with the cumulative projects.

The Revised Project's contribution to short-term, construction-related air emissions would not be cumulatively considerable since air emissions during all phases of Revised Project construction would be below screening level thresholds. Furthermore, the cumulative projects would be subject to the same air quality thresholds as the project and would be required to implement necessary mitigation measures during construction to ensure that short-term air emissions would not be significant. Therefore, construction of the Revised Project would not result in significant cumulative air quality impacts.

Reference: EIR, §§ 5.5.5, 6.2.3

3. Energy

- a. Use of Electrical Power, Fuel or Other Forms of Energy (Including Natural Gas, Oil, etc.)

Construction of the Revised Project would incorporate on-site energy conservation and demand-side management features as described in the Final EIR, including the limiting of trucks and

construction equipment idle times to reduce fuel consumption and pollutant emissions. Project construction would be required to comply with all applicable local, state, and federal regulatory requirements regarding energy conservation. Therefore, construction phase impacts related to energy conservation would be less than significant.

Upon implementation of the proposed energy-related project design features, the Revised Project would reduce its energy demand in compliance with local, state, and federal regulations. The Revised Project would not conflict with any adopted energy conservation plans, and development would not require new sources of energy. Therefore, operational-phase impacts related to energy conservation would be less than significant.

Reference: EIR, § 5.6.2

b. Cumulative Impacts

The cumulative impacts of past, present and probable future projects would result in an increase in local energy consumption. Because project energy use would meet the City's energy conservation requirements, and since other new projects in the City also must meet those requirements, the project's energy impacts would not be cumulatively considerable. Therefore, cumulative impacts on energy conservation would be less than significant.

Reference: EIR, § 6.2.4

4. Greenhouse Gas Emissions

a. Generation of Greenhouse Gas (GHG) Emissions

GHG emissions were quantified for both construction and operation of the project. GHG emissions generated during project construction would be temporary and limited to the construction phases of the Revised Project. Amortized over 30 years, the proposed construction activities under all three analyzed construction phasing scenarios would be less than the 900 metric tons screening threshold. Project construction, therefore, would result in less than significant GHG emissions impacts.

Operational GHG emissions were calculated for business-as-usual (BAU) conditions and conditions considering GHG emissions reduction strategies (i.e., state and federal regulations and

project design features). With these reduction strategies, project GHG emissions (combining construction and operations) would be reduced to a level that would be consistent with the goals of Assembly Bill (AB) 32, regulations adopted by the California Air Regional Board pursuant to AB 32, and the post-2020 emissions reduction goals of Executive Order S-03-05. Therefore, project operations would result in less than significant GHG emissions impacts.

Reference: EIR, § 5.7.2

b. Consistency with any Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing Emissions of Greenhouse Gases

The Revised Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. In addition, the Revised Project is not inconsistent with the achievement of long-term emissions reduction goals set forth in Executive Order S-03-05. The Revised Project is expected to include project features that are encouraged by the Conservation Element policies of the City's General Plan. (*General Plan Conservation Element*, pp. CE-9 – CE-12.) No significant GHG emissions impacts would occur as a result of the proposed Revised Project.

Reference: EIR, § 5.7.3

c. Cumulative Impacts

Total estimated Revised Project-related GHG emissions under BAU conditions would surpass the City's screening thresholds. The EIR demonstrated that the Revised Project will reduce its GHG emissions below BAU conditions by 58.11 percent through adherence to federal and state regulations and project design features. Thus, the Revised Project would not result in a cumulatively considerable GHG emissions impact.

The City acknowledges that the State's post-2020 emissions reduction goals will require measures at the state or regional level. The City believes that these agencies can and will, accordingly, implement these measures to reduce and control GHG emissions in furtherance of both the 2020 goals of AB 32 and 2050 goals of Executive Order S-3-05. Specifically, the City reasonably assumes that the California Air Resources Board will take further action to reduce vehicle emissions, and that the California Public Utilities Commission and the California Energy

Commission will take action to further reduce the per-megawatt GHG burden of energy used in the project, as set forth in the Scoping Plan and the First Update to the Climate Change Scoping Plan. (*First Update to the Climate Change Scoping Plan: Building on the Framework*, May 2014.) Thus, the Revised Project would not result in a cumulatively considerable GHG emissions impact.

Reference: EIR, § 6.2.5

5. Hydrology/Water Quality

a. Impervious Surfaces and Associated Runoff

As described in Section 5.10.1 (and in EIR Appendix H), the existing public storm drain system was designed for ultimate build out, including development of the Revised Project site and the identified off-site areas. Accordingly, both the Revised Project storm drain system and the described downstream drainage facilities would have adequate capacity to accommodate post-development (100-year) flows, with no associated issues related to capacity shortfalls or flooding hazards. The off-site traffic improvements that are proposed to be implemented by the Revised Project (as opposed to payment of a fair-share contribution) would occur within the existing developed right-of-way, and would therefore not result in substantial hydrological changes (or impacts) related to flow velocities or quantities. Based on the above-described conditions and the fact that flows from the site (and other associated watershed areas) would be contained in engineered storm drain facilities designed for ultimate flow prior to reaching Peñasquitos Lagoon, no significant impacts related to increases in impervious surfaces and runoff rates/amounts would result from the Revised Project.

Reference: EIR, §§ 5.10.1, 5.10.2

b. On- and Off-Site Drainage Patterns

The project would maintain the existing overall drainage patterns and directions both on and off the site. Accordingly, no significant impacts related to on- or off-site drainage alteration (including effects from changes in runoff rates or amounts) would result from the Revised Project. The hydromodification elements incorporated into the Revised Project will prevent an increase in the runoff discharged from the Project site.

Reference: EIR, § 5.10.3

c. Pollutant Discharge During Construction or Operation and Water Quality Standards or Waste Discharge Requirements

The Revised Project would conform to all applicable regulatory criteria, water quality standards and waste discharge requirements. Accordingly, the Revised Project would not result in any significant construction or post-construction water quality impacts.

Reference: EIR, § 5.10.4

d. Groundwater Extraction

The Revised Project would utilize municipal water service for all project-related water needs, with no associated impacts related to long-term groundwater extraction. In the event that shallow groundwater extraction/disposal is required, any associated impacts are anticipated to be minor based on the following considerations: (1) any Revised Project-related groundwater extraction required during construction would be short-term, and would be expected to be limited to relatively minor quantities; and (2) temporary Revised Project-related groundwater extraction and disposal would be subject to applicable regulatory requirements, including the National Pollutant Discharge Elimination System (NPDES) Groundwater Permit. As a result, no significant impacts related the potential depletion of groundwater supplies or interference with groundwater recharge would result from implementation of the Revised Project.

Reference: EIR, § 5.10.5

e. Groundwater Recharge

The Revised Project would entail the installation of impervious surfaces, which would reduce the infiltration and groundwater recharge capacity of the site. Associated impacts are anticipated to be minor, however, based on the following considerations: (1) the relatively small area of proposed new impervious surface area and the related minor reduction of infiltration/recharge capacity; (2) the proposed use of extensive landscaping and unlined drainage facilities (e.g., vegetated swales); (3) the fact that shallow groundwater is not expected to be encountered during project development; and (4) the entire Revised Project site vicinity and downstream areas are served by municipal water, with no known current use of groundwater in these areas. Therefore,

no significant impacts related the potential depletion of groundwater supplies or interference with groundwater recharge would result from implementation of the Revised Project.

Reference: EIR, § 5.10.5

f. Cumulative Impacts

The Revised Project would not result in any significant project-specific impacts from considerations including increased impervious surfaces or runoff, drainage alteration, or related concerns such as on- or off-site storm drain capacity and associated flooding hazards. Hydromodification features included in the Revised Project would maintain the runoff volume and velocity leaving the site at pre-construction levels. Flows from the Revised Project site would be conveyed to the Peñasquitos Lagoon through a number of existing trunk storm drains and a regional detention basin, all of which were designed to accommodate 100-year flows from buildout within the associated watershed (which includes the Revised Project site). Accordingly, the existing storm drain system would also accommodate buildout flows from the cumulative projects located within the same watershed, and no significant hydrology-related cumulative impact would occur.

The Revised Project would incrementally contribute to cumulative water quality impacts. These impacts are considered less than significant, however, because: (1) all identified Revised Project-level water quality impacts would be avoided or reduced below a level of significance through site-specific measures and conformance with existing regulatory requirement, and (2) the identified cumulative projects would also be subject to the identified water quality standards.

The Revised Project does not include any long-term use of groundwater. It could potentially involve short-term groundwater extraction in association with construction dewatering, but related effects would not be cumulatively considerable due to their temporary nature and relatively minor extent.

The Revised Project's contribution to the cumulative loss of local groundwater recharge capacity due to the construction of impervious surfaces is considered less than significant because: (1) shallow permanent groundwater is generally not expected to occur in the Revised Project site and vicinity, (2) a number of the identified cumulative projects are located in areas with known groundwater aquifers that have no connection to the Revised Project, and (3) the potential use of

groundwater in the Revised Project vicinity is considered unlikely due to the widespread availability of municipal water and the anticipated low quality of local aquifers.

Reference: EIR, § 6.2.8

6. Public Utilities

a. Water Supply and Conservation

The Revised Project would be consistent with Metropolitan Water District and San Diego County Water Authority (SDCWA) supply/demand projections and applicable water supply regulations. Water supply over a 20-year planning horizon will be sufficient to meet the projected demands of the Revised Project, as well as other existing and planned development projects within the City's Public Utilities Department (PUD) service area in normal, single-dry year, and multiple-dry year forecasts. Based on these conditions, no associated significant impacts related to potable water supplies/demand would result from Revised Project implementation.

Reference: EIR, § 5.11.2

b. Water Infrastructure

The Revised Project would connect to existing water lines adjacent to the Revised Project site, and would not require any off-site pipeline upsizing or new water facilities. On-site water infrastructure would be designed and sized to meet the Revised Project's water needs in conformance with City standards. Therefore, Revised Project impacts to water infrastructure would be less than significant.

Reference: EIR, § 5.11.2

c. Wastewater Infrastructure

Wastewater service would be adequately provided by existing City wastewater facilities, and would not require off-site pipeline upsizing or new wastewater facilities. On-site wastewater infrastructure would be designed and sized to meet the Revised Project's wastewater needs in conformance with City standards. Therefore, Revised Project impacts to wastewater infrastructure would be less than significant.

Reference: EIR, § 5.11.2

d. Storm Water Drainage

The Revised Project would connect to the existing City of San Diego storm drain system, which was constructed to accommodate the buildout of the Revised Project area. On-site drainage facilities would be designed and sized to meet the Revised Project's stormwater drainage needs in conformance with City standards. Therefore, Revised Project impacts related to storm water drainage would be less than significant.

Reference: EIR, § 5.11.2

e. Solid Waste Disposal

A Waste Management Plan (WMP) (EIR Appendix M) was prepared and approved by the Environmental Services Department. Implementation of the approved WMP is a condition of Revised Project approval to ensure that direct solid waste Revised Project impacts would be less than significant.

Reference: EIR, § 5.11.2

f. Cumulative Impacts

The Revised Project would not result in significant impacts to water supply or utility. Cumulative projects would be required to analyze project water supply and demand, avoid conflicts with conservation plans, and provide upgrades or developer impact fees towards new infrastructure as needed. Therefore, the Revised Project would not result in cumulative water supply or utility infrastructure impacts.

Since cumulative projects would be required to prepare WMPs demonstrating waste reduction and since implementation of the project WMP will be a condition of Revised Project approval, the Revised Project's contribution to cumulative solid waste impacts would be less than significant.

Reference: EIR, § 6.2.9

7. Public Services and Facilities/Recreation

a. Fire and Emergency Medical Services

Although the Revised Project may result in minimal increases in calls for service, no new facilities or improvements to existing facilities would be required as a result of the Revised Project. The San Diego Fire-Rescue Department has facilities and staffing in the project area to adequately serve the proposed Revised Project. Fire Station 24, located 0.3 mile to the northeast, would serve the Revised Project. There are eight additional fire stations within an approximately 10-mile radius of the project site that could provide backup services. As the Revised Project would not result in the need for additional fire or emergency medical facilities, no physical impacts to the environment would occur as a result of the Revised Project.

Reference: EIR, § 5.12.2

b. Police Protection Services

The Revised Project may result in minimal increases in calls for service, but no new facilities or improvements to existing facilities would be required as a result of the Revised Project. The San Diego Police Department's current facilities and staffing ratio of 1.5 sworn personnel per 1,000 residents is considered adequate to handle demand for police services, including an average Priority E response time to the project area (Carmel Valley Community Planning Area) of 6.8 minutes. An increase in the City population may incrementally impact the ratio and require additional police officers; however, that impact would not be substantial and would not require construction of new facilities. New employees of the Revised Project would likely already reside locally or regionally and would already be included in the projected City population figures. The new residential units would increase the area's population by up to 1,666 persons, per SANDAG's forecasted density factor of 2.74 persons per household unit (2010). Some residents of the proposed multi-family residential dwelling units may also be relocating from other communities in the City. Development is not expected to decrease the City's ability to service the area. As the Revised Project would not result in the need for additional police facilities, no physical impacts to the environment would occur as a result of the Revised Project.

Reference: EIR, § 5.12.2

c. Schools

The Revised Project would increase the population in the Carmel Valley area due to construction of 608 multi-family residential dwelling units, which would also house a number of school-age children. The Revised Project would be required to pay state-mandated school facility fees, including payment both for commercial and residential development. Payment of development fees provide full and complete mitigation for impacts to school facilities in accordance with state law. Although the Revised Project would generate a number of school-age children, no significant impact is identified because the applicant would pay school fees. Pursuant to Government Code Section 65996, payment of school fees constitutes full mitigation. Therefore, the Revised Project would not result in significant impacts to schools.

Reference: EIR, § 5.12.2

d. Libraries

The 13,000-square-foot Carmel Valley Branch Library currently has adequate floor area to accommodate the needs of existing residents, and any new residents and employees who relocate to the Carmel Valley community. The Revised Project's population increase would not necessitate the need to construct new library facilities. Therefore, the Revised Project would not result in significant impacts to library facilities.

Reference: EIR, § 5.12.2

e. Parks and Recreational Facilities

Implementation of the Revised Project would create an additional demand for parkland within the Carmel Valley Community Plan area given the fact that residential development was not anticipated on the site. The 608 units associated with the proposed development are expected to generate an estimated 1,666 people. Based on the General Plan standard of 2.8 acres of parkland per 1,000 population (*General Plan Recreation Element*, p. RE-19), the population associated with the Revised Project would generate a demand for 4.67 acres of parkland. When the demand from the Revised Project (4.67 acres) is added to the currently projected demand at buildout (107.87 acres), the total demand for parkland including the Revised Project at buildout would be 112.54 acres. This would exceed the amount of parkland expected to be available (98.02 acres)

by 14.52 acres at community buildout. While the proposed development would create a demand for an additional 4.67 acres of parkland in the community, the applicant would be required to pay an estimated \$13.7 million Facilities Benefit Assessment (FBA) fee to the Carmel Valley Public Facilities Financing Plan (PFFP). The payment of this FBA fee is an adequate means of offsetting the impacts of a proposed development on public facilities, including parks, within communities with PFFPs. Thus, payment of the FBA fee would be considered adequate to offset the additional recreation demand associated with the project. Since the applicant would pay an FBA specifically intended to offset development impacts on public facilities including recreation, no associated significant impacts would occur with respect to parks and recreation facilities.

Reference: EIR, § 5.12.2

f. Cumulative Impacts

Fire and police services are adequate to serve the needs of the Carmel Valley community. The existing library also is considered adequate to meet the community's needs. Payment of FBA fees by the Revised Project and cumulative projects is considered adequate to offset the Revised Project's additional recreation demand. The Revised Project and other cumulative projects would be required to pay state-mandated school facility fees. The Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to public services would be less than significant.

Reference: EIR, § 6.2.10

B. Cumulative

The City Council of the City of San Diego hereby finds that the following potentially significant cumulative environmental impacts will be less than significant. These findings are based on the discussion of impacts in Section 6 of the EIR, as more fully described below.

1. Visual Effects and Neighborhood Character

The cumulative study area for visual impacts consists of the project site's viewshed. Only one project, The Heights at Del Mar, is within the same viewshed as the Revised Project. These two projects are situated in the portion of Carmel Valley that has been planned for the most intense

form of development within the community. The cumulative impact of these two projects is considered less than significant because: (1) neither project site contains significant scenic resources, (2) neither project site is within the viewshed of a state scenic highway or other designated scenic vista, and (3) the cumulative development will be consistent with the type of development already occurring in the area. The Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to visual effects and neighborhood character would be less than significant.

Reference: EIR, § 6.2.2

2. Paleontological Resources

Previously graded sites and sites that propose minimal grading have little potential to impact paleontological resources. Pre-graded sites have already been required to mitigate for paleontological resources. Like the Revised Project, cumulative projects will be required to include mitigation to avoid significant paleontological resources. The Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to paleontological would be less than significant.

Reference: EIR, § 6.2.6

3. Biological Resources

Migratory bird impact avoidance is required by law. Thus, the Revised Project and all cumulative projects will be required to comply and, thereby, avoid impacts to migratory birds will occur. Considering that all other cumulative projects will be subject to California Fish and Game Code Section 3503.5, and will be required to implement similar mitigation as the Revised Project, the Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to raptors would be less than significant.

Reference: EIR, § 6.2.7

4. Health and Safety

Cumulative projects may result in potentially significant impacts to health and public safety, similar to those that may occur with the Revised Project. However, all cumulative projects will be subject to the same applicable local, state and federal regulations as the Revised Project. As with the Revised Project, cumulative projects will be required to implement measures to protect health and safety. Thus, the Revised Project's impact with respect to other cumulative projects would not be considerable, and thus the cumulative impact of the Revised Project on health and safety would be less than significant.

Reference: EIR, § 6.2.11

5. Historical Resources

Previously graded cumulative project sites, like the Revised Project, are not expected to have historical resources in the fill areas. However, possible unknown subsurface historical and/or archaeological resources may be present in undisturbed areas. The Revised Project and all other cumulative projects will be required to implement mitigation that would require earthwork monitoring and proper handling of potential historical resources to ensure that no resources are adversely affected. The Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to historical resources would be less than significant.

Reference: EIR, § 6.2.12

IV. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City Council of the City of San Diego, having reviewed and considered the information contained in the EIR, hereby finds pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that the following potentially significant impacts will be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Sections 5 and 12 of the EIR, as more fully described below.

A. Transportation/Circulation/Parking

Description of Significant Effects: Implementation of the Revised Project would result in (i) a cumulative impact to the roadway segment of El Camino Real from Via de la Valle to San Dieguito Road, (ii) a cumulative impact to the roadway segment of Via de la Valle from San Andreas Drive to El Camino Real (West), (iii) direct and cumulative impacts to the intersection of Carmel Creek Road and Del Mar Trail, (iv) direct and cumulative impacts to the intersection of Del Mar Heights Road and High Bluff Drive, (v) direct and cumulative impacts to the intersection of Del Mar Heights Road and El Camino Real, (vi) construction impacts to the roadway segment of Del Mar Heights Road from I-5 northbound ramps to High Bluff Drive.

Finding: The City finds that with implementation of Mitigation Measures 5.2-3, 5.2-4, 5.2-5, 5.2-6, 5.2-7, 5.2-8, and 5.2-13, these impacts would be reduced to a less than significant level.

Mitigation Measures: The mitigation measures will ensure that the applicant makes the following fair share contributions: (1) prior to the issuance of the first building permit for Phase 1, a contribution equal to 4.9% of the cost of widening El Camino Real from Via de la Valle to San Dieguito Road to a four-lane Major (MM 5.2-3), and (2) prior to the issuance of the first building permit for Phase 1, a contribution equal to 19.4% of the cost of widening Via de la Valle from San Andreas Drive to El Camino Real (West) to a four-lane Major (MM 5.2-4).

Mitigation requires that prior to the issuance of the first certificate of occupancy for Phase 1, the applicant shall install a traffic signal at the Carmel Creek Road/Del Mar Trail intersection (MM 5.2-5), and prior to the issuance of the first certificate of occupancy for Phase 1, construct a dedicated, northbound, right-turn lane at the intersection of Del Mar Heights Road and High Bluff Drive (MM 5.2-6).

In addition, at the intersection of Del Mar Heights Road and High Bluff Drive, prior to the issuance of the first certificate of occupancy for Phase 1, the applicant must (1) widen Del Mar Heights Road on the north side receiving lanes, re-stripe the northbound, left-turn lane, re-phase the signal to provide northbound triple left-turn lanes, and modify the eastbound and westbound left-turn lanes to dual left-turn lanes; and (2) widen the eastbound approach by 2 feet on the south side to accommodate the eastbound and westbound dual left-turn lanes (MM 5.2-7).

Prior to the issuance of the first certificate of occupancy for Phase 1, the applicant must construct a 365-foot-long, eastbound right-turn lane at the Del Mar Heights Road/El Camino Real intersection (MM 5.2-8). Finally, concurrent construction of Phases 1, 2, and 3 shall be prohibited, although phases may overlap (MM 5.2-13).

Rationale: The significant effects described above would be mitigated to below a level of significance because the mitigation measures ensure that the impacted transportation facilities will operate at acceptable levels of service in compliance with applicable City standards.

Reference: Final EIR §§ 5.2, 6.1.1, 12.0

B. Noise

Description of Significant Effects: There is a potential for on-site commercial uses to generate noise that would exceed limits in noise levels between land uses established by the Noise Ordinance. Moreover, the construction of Phase 3 may generate noise levels above the allowable 12-hour average of 75 dBA at the on-site residences that would be constructed in earlier phases.

In addition, traffic noise generated by Del Mar Heights Road and El Camino Real would produce noise that exceeds the limits for residential, office and recreational uses, as defined by the General Plan Noise Element Land Use – Noise Compatibility Guidelines. (*General Plan Noise Element*, pp. NE-7 – NE-8.) As a result, future residents and office workers in buildings adjacent to these roadways could experience unacceptable exterior and interior noise levels. Similarly, persons using the recreation area in the northwest corner of the Revised Project could be exposed to unacceptable noise levels.

Finding: The City finds that with implementation of Mitigation Measures 5.4-1, 5.4-2, 5.4-3, 5.4-4 and 12.9-1, these direct and cumulative impacts would be reduced to a less than significant level.

Mitigation Measures: Mitigation Measure 5.4-1 requires, prior to the issuance of building permits, an assessment of noise generated by building-specific stationary noise sources as well as a determination and implementation of noise attenuation measures to reduce interior noise levels within nearby residential uses to within acceptable standards. Mitigation Measure 5.4-2 requires, prior to the issuance of building permits, an assessment of off-site noise sources as well as a determination and implementation of noise attenuation measures to reduce interior and exterior

noise levels to acceptable standards within residential and office uses. Mitigation Measure 5.4-3 requires, prior to the issuance of building permits, an assessment of construction noise as well as determination and implementation of noise attenuation measures to reduce interior noise levels to acceptable standards within residential uses. Mitigation Measure 12.9-1 requires, prior to the issuance of building permits, an assessment of traffic noise as well as a determination of noise attenuation measures to reduce exterior noise levels to acceptable standards within recreational uses. The noise attenuation barriers shall be in place prior to opening the area for recreational use.

Rationale: The significant effects described above would be mitigated to below a level of significance because the measures require, prior to the issuance of building permits and prior to opening the recreational area, the implementation of noise attenuation measures that have been determined to reduce noise to within acceptable standards.

Reference: EIR §§ 5.4, 6.1.2, 12.0

C. Paleontological Resources

Description of Significant Effects: The EIR concludes that Torrey Sandstone, which underlies the on-site fill deposits and was observed at depths of between 12 and 27 feet, is considered a high sensitivity formation for fossil localities. Grading for the proposed underground parking structures would have a cut depth greater than 10 feet in areas encompassing the Torrey Sandstone. Therefore, the Revised Project may result in significant impacts to paleontological resources.

Finding: The City finds that Mitigation Measure 5.8-1 would reduce identified impacts to paleontological resources to less than significant.

Mitigation Measures: Mitigation Measure 5.8-1 requires that grading in areas suspected of containing paleontological resources be monitored by a qualified paleontologist. The measure also requires recovery of significant paleontological resources that are encountered during grading by a qualified paleontologist.

Rationale: The inclusion of Mitigation Measure 5.8-1, which requires construction monitoring and recovery of significant paleontological resources encountered during grading, would reduce

the potential for grading to potentially impact paleontological resources to below a level of significance.

Reference: EIR §§ 5.8, 12.0

D. Biological Resources

Description of Significant Effects: Nesting raptors and migratory birds may be potentially impacted on a direct and indirect basis by the removal of onsite trees and project construction activities.

Finding: The City finds that Mitigation Measure 5.9-1 would reduce identified impacts to biological resources to a less than significant level.

Mitigation Measures: Mitigation Measure 5.9-1 will require pre-construction bird surveys be conducted during the breeding season. If raptors or migratory birds are found to be using on-site trees, construction activities within 300 feet of those trees would be limited.

Rationale: Implementation of the required mitigation measure, which includes limits on construction activities near trees being utilized by raptors or migratory birds during the designated breeding season, will reduce impacts to nesting raptors and migratory birds to a less than significant level.

Reference: EIR §§ 5.9, 6.2.7, 12.0

E. Health and Safety

Description of Significant Effects: Potentially significant impacts could occur during Revised Project construction activities, including an accidental release of hazardous materials such as oil and gasoline from construction equipment.

Finding: The City finds that implementation of Mitigation Measures 5.13-1 and 5.13-2 would reduce identified impacts to health and safety to a less than significant level.

Mitigation Measures: The mitigation measures require that the construction permits designate staging areas where fueling and oil-changing activities are permitted (MM 5.13-1), and prior to construction, the preparation of a Health and Safety Plan and the implementation of worker training (MM 5.13-2).

Rationale: The inclusion of Mitigation Measures 5.13-1 and 5.13-2 would reduce potentially significant impacts that could occur during Revised Project construction activities, including an accidental release of hazardous materials, to below a level of significance.

Reference: EIR §§ 5.13, 12.0

F. Historical Resources

Description of Significant Effects: The EIR determined that no impacts to known historical resources would occur as a result of the Revised Project, but as with many projects requiring grading and/or excavation activities, there remains a possibility that unknown subsurface historical resources associated with past activities, unknown prehistoric archaeological resources, or unknown subsurface Native American resources may be present. Given the depth and extent of Revised Project grading and excavation, it is possible that unknown subsurface historical and/or archaeological resources could be impacted.

Finding: The City finds that implementation of Mitigation Measure 5.14-1 would reduce impacts to unknown subsurface prehistoric, ethnohistoric, or historical cultural resources to a less than significant level.

Mitigation Measures: Mitigation Measure 5.14-1 requires that grading be monitored by a qualified archaeologist and Native American monitor. The measure also requires recovery of significant historical resources which are encountered during grading by a qualified archaeologist and Native American monitor.

Rationale: The inclusion of Mitigation Measure 5.14-1, which requires construction monitoring and recovery of significant historical resources encountered during grading, would reduce the potential impact to unknown subsurface prehistoric, ethnohistoric, or historical cultural resources during grading and excavation to below a level of significance.

Reference: EIR §§ 5.14, 12.0

V. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The City Council of the City of San Diego hereby finds that the environmental impacts described below, including Transportation/Circulation/Parking and Visual Effects and Neighborhood Character, are significant and unavoidable and that there is no feasible mitigation. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers. These findings are based on the discussion of impacts in Sections 5, 6 and 12 of the EIR, as more fully described below.

A. Transportation/Circulation/Parking

1. *Description of Significant Effect:* Implementation of the Revised Project would result in a direct impact on the existing roadway segment of Del Mar Heights Road between the I-5 southbound ramps and I-5 northbound ramps. As discussed in EIR Sections 5.2 and 12.0, the Revised Project will have significant impacts on traffic despite proposed mitigation measures. Certain traffic mitigation measures are within the jurisdiction of other agencies (Caltrans) and, if these mitigation measures are not implemented, the project will have significant impacts on traffic.

Finding: Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance, and the project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the Updated Draft Candidate Statement of Overriding Considerations Regarding Final Environmental Impact Report for One Paseo Project ("SOC"), the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-1 requires that the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, reconfigure the median on the bridge to extend the eastbound to northbound dual left-turn pocket to 400 feet to the satisfaction of the City Engineer. Even with implementation of this measure, impacts would remain significant and unavoidable.

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,192,500 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge as the applicant's fair share contribution to the improvements. The applicant has voluntarily agreed to pay Caltrans an additional \$307,500 at that time, an amount in excess of its fair share contribution, for a total payment of \$1,500,000. The amount paid in excess of the applicant's fair share contribution is included as a feature of the Revised Project.

Rationale: The Del Mar Heights Road/I-5 interchange, which contains the roadway segment at issue, is within the jurisdiction of Caltrans, not the City. Caltrans was consulted to discuss the Revised Project's impacts on Caltrans facilities and to explore various mitigation strategies. A number of measures proposed by the applicant were not acceptable to Caltrans. The measures included (i) a new northbound I-5 loop on-ramp (from eastbound Del Mar Heights Road), and (ii) reducing the lane widths and restricting pedestrian/bicycle access to the existing bridge, thereby creating additional capacity. Caltrans found these measures either inconsistent with the freeway project proposed by Caltrans as part of the I-5/SR 56 Connector Project, or to adversely impact bicycle and pedestrian movement. For these reasons, such alternative measures are considered infeasible.

Caltrans is proposing to lengthen the existing Del Mar Heights Road bridge as part of the proposed I-5/SR 56 Connector Project. The lengthened replacement bridge could include an additional lane, thereby increasing capacity and mitigating significant impacts from the Revised Project. As explained above, the applicant would contribute \$1,500,000 toward the design of a third eastbound through lane on the bridge. However, the construction and/or timing of the additional lane is outside the control of the City. In addition, the installation of a replacement bridge, if approved, is not likely to occur prior to the construction of the Revised Project. Consequently, the significant traffic impacts described above would occur during the interim

period between Revised Project construction and the completion by Caltrans of the replacement bridge.

Since responsibility for the Del Mar Heights Road bridge and the decision to implement the bridge widening necessary to mitigate the project's impacts are outside the City's jurisdiction, the direct impact on the existing roadway segment of Del Mar Heights Road from the I-5 southbound ramps to I-5 northbound ramps will remain significant. Section VI of these Findings addresses mitigation measures within the responsibility and jurisdiction of Caltrans.

Reference: EIR §§ 5.2, 12.0

2. *Description of Significant Effect* – Implementation of the Revised Project would result in direct and cumulative impacts on the roadway segment of Del Mar Heights Road between the I-5 northbound ramps and High Bluff Drive. As discussed in EIR Sections 5.2 and 12.0, the Revised Project will have significant impacts on traffic despite proposed mitigation measures. Certain traffic mitigation measures are within the jurisdiction of other agencies (Caltrans) and, if these mitigation measures are not implemented in a timely manner, the Revised Project will have additional impacts on traffic.

Finding: Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the project is expected to have a significant adverse impact on traffic. The City finds that there are no feasible mitigation measures that will mitigate the impact to below a level of significance, and that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-2 requires that the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, widen the segment of Del Mar Heights Road from the I-5 northbound ramps to High Bluff Drive including extending the westbound right-turn pocket at the I-5 northbound ramps by 845 feet and modifying the raised median.

Rationale: Implementation of the proposed improvement would reduce, but not fully mitigate the direct and cumulative impact identified above. Additional widening of this segment of Del Mar Heights Road, to include a fourth westbound through lane, would adversely impact existing private improvements on the north side of Del Mar Heights Road (the AT&T building/switching station), and thus is deemed infeasible. A portion of the improvements called for in Mitigation Measure 5.2-2 are located near the freeway interchange, which is within Caltrans' jurisdiction. The impacts will remain significant and unavoidable even if the identified improvements are approved by Caltrans and implemented. Section VI of these Findings addresses mitigation measures within the responsibility and jurisdiction of Caltrans.

However, if the Del Mar Heights Road/I-5 bridge replacement identified above in Finding V.A.1 is approved by Caltrans and implemented (an improvement at the west terminus intersection of this segment), Mitigation Measure 5.2-7 is implemented (intersection improvement at the east terminus intersection of this segment) and Mitigation Measure 5.2-2, (described above) is constructed, the Revised Project's direct and cumulative impacts to the identified segment of Del Mar Heights Road would be reduced to below a level of significance. Until such time, the impacts remain significant.

Reference: EIR §§ 5.2, 6.1.1, 12.0

3. *Description of Significant Effect:* Implementation of the Revised Project would result in a direct impact on the roadway segment of El Camino Real from Via de la Valle to San Dieguito Road.

Finding: Changes or alterations have been required in, or incorporated into, the project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-3 requires the applicant, prior to the issuance of the first building permit for Phase 1, to make a fair-share contribution (4.9%) towards the widening of El Camino Real from Via de la Valle to San Dieguito Road to a four-lane Major.

Rationale: Although mitigation is identified in the EIR that would reduce or avoid this direct impact, the segment of El Camino Real between Via de la Valle and San Dieguito Road is planned to be widened by others and not as part of this Revised Project. The widening of El Camino Real is part of the City's capital improvement project and is programmed and funded in the City's Facilities Financing Program as Project T-12.3. Although the fair share contribution will fully mitigate the Revised Project's cumulative impact to El Camino Real, the Revised Project's direct impact will remain significant because the identified improvements to El Camino Real may not be installed prior to Revised Project occupancy. In light of the overriding considerations set forth in the SOC, the City has determined that the implementation of the Revised Project should not be delayed pending completion of the identified improvements. Until such time as the improvements are completed, the direct impact remains significant.

Reference: EIR §§ 5.2, 12.0

4. *Description of Significant Effect:* Implementation of the Revised Project would result in a direct impact on the roadway segment of Via de la Valle from San Andreas Drive to El Camino Real (West).

Finding: Changes or alterations have been required in, or incorporated into, the project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-4 requires the applicant, prior to the issuance of the first building permit for Phase 1, to make a fair-share contribution (19.4%) towards the widening of Via de la Valle from San Andres Drive to El Camino Real (West) to a four-lane Major.

Rationale: Although mitigation is identified in the EIR that would reduce or avoid this direct impact, the segment of Via de la Valle between San Andres Drive and El Camino Real is planned to be widened by others and not as part of this project. The widening of Via de la Valle is identified in the Black Mountain Ranch Public Facilities Financing Plan as project No. T-32.1. Black Mountain Ranch is required to complete the roadway improvements and has posted a bond to that effect. Advance funding has been received from Black Mountain Ranch and additional funding is expected to be borne by other projects that contribute to traffic impacts on Via de la Valle, such as the Flower Hill Promenade project located at the northeast corner of Via de la Valle and I-5. Although the fair share contribution will fully mitigate the Revised Project's cumulative impact to Via de la Valle, the Revised Project's direct impact will remain significant because the identified roadway improvements may not be installed prior to Revised Project occupancy. In light of the overriding considerations set forth in the SOC, the City has determined that the implementation of the Revised Project should not be delayed pending completion of the identified improvements. Until such time as the improvements are completed, the direct impact remains significant.

Reference: EIR §§ 5.2, 12.0

5. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the intersection of El Camino Real/SR 56 eastbound on-ramp. As discussed in EIR Sections 5.2 and 12.0, certain traffic mitigation measures necessary to mitigate this impact are within the jurisdiction of other agencies (Caltrans) and, if these mitigation measures are not implemented, the Revised Project will have significant cumulative impacts on traffic.

Finding: Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-9 requires the applicant, prior to the issuance of the first building permit for Phase 3, to make a fair-share contribution (3.5%) towards the cost of re-striping the eastbound approach to provide one left-turn lane, one shared through/left-turn, one through, and two right-turn lanes at the El Camino Real/SR 56 eastbound on-ramp intersection.

Rationale: Implementation of the proposed improvement would fully mitigate the cumulative impact identified above. However, impacts remain significant since the improvements are within Caltrans' jurisdiction. As a result, the impacts would remain significant and unavoidable until Caltrans approves the improvements and they are implemented. Section VI of these Findings addresses mitigation measures within the responsibility and jurisdiction of Caltrans.

Reference: EIR §§ 5.2, 6.1.1, 12.0

6. *Description of Significant Effect:* Implementation of the Revised Project would result in direct and cumulative impacts on the intersection of Del Mar Heights Road/I-5 northbound ramps. As discussed in EIR Sections 5.2 and 12.0, the Revised Project will have significant impacts on traffic despite proposed mitigation measures. Certain traffic mitigation measures are within the jurisdiction of other agencies (Caltrans) and, if these mitigation measures are not implemented, the project will have significant impacts on traffic.

Finding: Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-10 requires the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, to construct the following improvements at the Del Mar Heights Road/I-5 northbound ramps: (1) widen/re-stripe the I-5 northbound off-ramp to include dual left-turn lanes, one shared through/right, and one right-turn lane; (2) extend the westbound right-turn pocket by 845 feet and modify the raised median; and (3) reconfigure the

median on the Del Mar Heights Road bridge to extend the eastbound dual left-turn pocket to 400 feet.

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,192,500 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge as the applicant's fair share contribution to the improvements. The applicant has voluntarily agreed to pay Caltrans an additional \$307,500 at that time, an amount in excess of its fair share contribution, for a total payment of \$1,500,000. The amount paid in excess of the applicant's fair share contribution is included as a feature of the Revised Project.

Rationale: The Del Mar Heights Road/I-5 interchange is within the jurisdiction of Caltrans, not the City. Caltrans was consulted to discuss the Revised Project's impacts on Caltrans facilities and to explore various mitigation strategies. A number of measures proposed by the applicant were not acceptable to Caltrans. The measures included (i) a new northbound I-5 loop on-ramp (from eastbound Del Mar Heights Road), and (ii) reducing the lane widths and restricting pedestrian/bicycle access to the existing bridge, thereby creating additional capacity. Caltrans found these measures either inconsistent with the freeway project proposed by Caltrans as part of the I-5/SR 56 Connector Project, or to adversely impact bicycle and pedestrian movement. For these reasons, such alternative measures are considered infeasible.

Caltrans proposes to lengthen the existing Del Mar Heights Road bridge as part of the proposed I-5/SR 56 Connector Project. The replacement bridge could include an additional lane, thereby increasing capacity and mitigating significant impacts from the Revised Project. As explained above, the applicant would contribute \$1,500,000 toward the design of a third eastbound through lane on the bridge. However, the construction and/or timing of the additional lane is outside the control of the City. In addition, the installation of a replacement bridge, if approved, is not likely to occur prior to the construction of the Revised Project. Consequently, the significant traffic impacts described above would occur during the interim period between Revised Project construction and the completion by Caltrans of the replacement bridge.

Since responsibility for the Del Mar Heights Road bridge and the decision to implement the bridge widening necessary to mitigate the project's impacts are outside the City's jurisdiction, the direct and cumulative impacts at the intersection of Del Mar Heights Road/I-5 northbound ramps

will remain significant. Section VI of these Findings addresses mitigation measures within the responsibility and jurisdiction of Caltrans.

Reference: EIR §§ 5.2, 6.1.1, 12.0

7. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the Del Mar Heights Road/I-5 southbound on-ramp meter. As discussed in EIR Sections 5.2 and 12.0, the Revised Project will have significant impacts on traffic despite proposed mitigation measures. Certain traffic mitigation measures are within the jurisdiction of other agencies (Caltrans) and, if these mitigation measures are not implemented, the Revised Project will have significant impacts on traffic.

Finding: Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-11 requires the applicant, prior to the issuance of the first building permit for Phase 3, to make a fair-share contribution (34.8%) towards adding a high occupancy vehicle (HOV) lane to the I-5 southbound on-ramp.

Rationale: Implementation of the proposed improvement would fully mitigate the cumulative impact identified above. However, impacts remain significant since the improvements are within Caltrans' jurisdiction. As a result, the impacts will remain significant and unavoidable until Caltrans approves and the applicant implements the improvements. Section VI of these Findings addresses mitigation measures within the responsibility and jurisdiction of Caltrans.

Reference: EIR §§ 5.2, 6.1.1, 12.0

8. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the Del Mar Heights Road/I-5 northbound on-ramp meter. As discussed in

EIR Sections 5.2 and 12.0, the Revised Project will have significant impacts on traffic despite proposed mitigation measures. Certain traffic mitigation measures are within the jurisdiction of other agencies (Caltrans) and, if these mitigation measures are not implemented, the Revised Project will have additional impacts on traffic.

Finding: Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-12 requires the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, to widen and re-stripe the I-5 northbound on-ramp to add an HOV lane.

Rationale: Implementation of the proposed improvement would fully mitigate the cumulative impact identified above. However, impacts remain significant since the improvements are within Caltrans' jurisdiction. As a result, the impacts will remain significant and unavoidable until Caltrans approves and the applicant implements the improvements. Section VI of these Findings addresses mitigation measures within the responsibility and jurisdiction of Caltrans.

Reference: EIR §§ 5.2, 6.1.1, 12.0

B. Visual Effects and Neighborhood Character

Description of Significant Effect: The Revised Project site is located at a visually prominent location within Carmel Valley and the proposed structures would, despite design strategies to minimize apparent height and mass, contrast with existing development immediately adjacent to the Revised Project site.

Finding: The Revised Project was included as the Reduced Main Street Alternative in Section 12.9 of the EIR. The Revised Project would reduce bulk and scale, and building height, in comparison to the originally proposed project. While the reduction in development intensity

would reduce such impacts, the Revised Project nevertheless would result in significant impacts to neighborhood character. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, as well as matters of public policy, make infeasible the mitigation measures or alternatives identified in the EIR that would mitigate such impacts. As described in the SOC, the City has determined that this impact is acceptable because of specific overriding considerations.

Mitigation Measures: There are no feasible mitigation measures to reduce neighborhood character impacts to below a level of significance.

Rationale: The Revised Project would introduce additional buildings and site features into the existing visual environment. The proposed land uses are consistent with, and would mirror, existing surrounding land uses. The height and bulk of the proposed structures would be compatible with broad development patterns in the Community Plan Area, and the proposed structures would provide architectural features and themes consistent with existing development. The Revised Project would not substantially alter existing topography or natural landforms in the area or result in the loss, isolation, or degradation of a landmark or community identification feature. The Revised Project would include increased setbacks and varied building heights as a buffer for immediately adjacent development.

Nevertheless, the Revised Project site is visually prominent and the proposed structures would, despite design strategies to minimize apparent height and mass, contrast with the existing development immediately adjacent to the Revised Project site. These impacts are anticipated with implementation of the City of Villages strategy, as discussed in the General Plan EIR at Section 3.16.5, which states that "the policies resulting from the adoption of the Draft General Plan could avoid or reduce the potential significant impacts to topography, public views and the existing character of established communities, but possibly not to below a level of significance." The General Plan EIR acknowledges the potential conflict in community character with the change in the development strategy proposed by the implementation of the City of Villages strategy, stating that, "[a]s new development occurs, a transition in building mass, form, and intensity is likely to occur in many areas of the City. For example, an existing commercial corridor which is currently characterized as having one- and two-story structures with surface

parking may transition into a corridor with multistory structures and underground parking." (*General Plan EIR*, p. 3-16.9.)

The General Plan's City of Villages strategy encourages a denser, more vertical development pattern and acknowledges that this new approach to growth may cause visual inconsistencies in established neighborhoods. The General Plan EIR Findings, adopted by the City Council, also acknowledge that visual inconsistencies may occur as a result of the City of Villages implementation. Specifically, the General Plan EIR Findings state: "The PROJECT anticipates future growth to be focused into mixed-use activity centers, and encourages infill development in selected areas to be identified through future community plan updates. As well, the PROJECT guides the development of remaining vacant, developable land. Because of this, development may require changes to landforms through site-specific grading. Furthermore, development could result in a change in building mass, form and intensity in many areas of the City which may be significantly different from other neighboring development in its proximity and considered incompatible with surrounding neighborhood character. New and greater intensity or mass of development could also block a view from a designated open space, view corridor or scenic highway to any significant visual landmark or scenic vista...The PROJECT does provide policies to help reduce the potential for significant impacts to visual effects, such as preserving open space, targeting growth into compact villages with strong urban form and design policies, reducing visual impacts to scenic areas or viewsheds through design guidelines like setbacks and screening, and addressing development adjacent to natural features...Despite these policies, there is a possibility that implementation of the PROJECT could change the landscape of the built environment and result in grading or a change in ground surface relief in order to maximize the development potential of a particular site, or could allow development to occur which would alter the character of existing neighborhoods and/or block scenic viewsheds from public spaces." (*General Plan EIR Findings*, p. 26.) The General Plan EIR Findings go on to state: "Future projects will develop site-specific mitigation measures around this framework to lessen the impacts of individual plans or projects. Still, mitigation could prove infeasible to reduce visual effects to a level below significant, and both project-level and cumulative impacts would remain significant and unavoidable." (*General Plan EIR Findings*, p. 27.)

Here, the Revised Project is located in an infill location of the Carmel Valley community and is implementing the City of Villages strategy. During the October 16, 2014 Planning Commission

hearing on the Revised Project, Planning Commissioner Theresa Quiroz provided her opinion regarding the Revised Project's consistency with the General Plan. Commissioner Quiroz stated, "Our General Plan is clear, we need infill development. That infill development is the City of Villages concept. And this is, without a doubt, a City of Village in the best way that our general plan has tried to set out." As noted above, implementation of the City of Villages "could change the landscape of the built environment and result in grading or a change in ground surface relief in order to maximize the development potential of a particular site, or could allow development to occur which would alter the character of existing neighborhoods and/or block scenic viewsheds from public spaces." (*General Plan EIR Findings*, p. 26.) Therefore, because of the infill nature of the Project site near existing homes and employment, and the Revised Project's consistency with the City of Villages strategy, the Revised Project's community character impacts have been contemplated, considered, acknowledged and accepted as part of the City's growth strategy embodied in the General Plan and the General Plan EIR Findings.

With regard to the potential for significant impacts to community character from the implementation of the City of Villages strategy, the City made the following finding in the General Plan EIR Findings: "The City, having reviewed and considered the information contained in the EIR, including the [Additional Information Statement], finds pursuant to Public Resources Code §21081(a)(3) and Guidelines §15091(a)(3) that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR, and that potentially significant and unavoidable project- and cumulative-level environmental effects identified in the EIR will remain significant and unavoidable, for environmental issues evaluated in: ... visual effects and neighborhood character." (*General Plan EIR Findings*, p. 9.)

The City now finds that the Revised Project implements the City of Villages strategy consistent with the General Plan and implements the General Plan's Urban Design Element policies that help reduce the potential for significant impacts to visual effects, such as: preserving open space; targeting growth into compact villages with strong urban form and design policies; reducing visual impacts to scenic areas or viewsheds through design guidelines such as setbacks and screening; and addressing development adjacent to natural features.

Further, in connection with its adoption of the General Plan City of Villages strategy, the City Council previously recognized the potentially significant community character impact of the City of Villages strategy and adopted a statement of overriding considerations that balanced the economic, legal, social, technological and other benefits of that strategy with this potential impact. As set forth in the SOC, the City Council finds that the benefits of implementing the City of Villages strategy through the Revised Project outweigh identified impacts to community character.

In addition, when considering the City of Villages strategy, the City Council previously analyzed and rejected a General Plan Alternative called the "Reduced Density/Maintain Existing Neighborhood Character Alternative" (GP Reduced Density Alternative) that "was designed to reduce citywide growth across all neighborhoods in order to maintain existing neighborhood character." (*General Plan EIR Findings*, p. 35.) The GP Reduced Density Alternative would have reduced density, which would decrease the need for denser, more vertical development at infill locations throughout the City. The City rejected the GP Reduced Density Alternative because it would "reduce the City's overall housing stock and increase the demand for housing. Because population growth and demand for housing would continue to increase over time, the alternative would likely force needed housing units development and projected population outside of the City into other jurisdictions, and result in the overcrowding of existing units or the division of existing single-family homes into multiple units, or other changes to existing neighborhoods as a result of increased demand and limited housing supply. Over the long-term, this pattern of growth would likely increase the environmental impacts associated with agricultural resources, air quality, biological resources, hydrology, paleontological resources, noise, traffic, water quality, and possibly others. Furthermore, this alternative would reduce the City's housing capacity which would be inconsistent with the City's adopted housing element and state requirements. For these reasons, this alternative was rejected from further analysis as infeasible and inconsistent with PROJECT goals and policies." (*General Plan EIR Findings*, p. 35.) While the GP Reduced Density Alternative was considered on a City-wide planning level, the issues of reduced density and community character are similar, relevant and related to the issues raised by the Revised Project. The implementation of the City of Villages strategy will require the City to consider appropriate densities of development on a project by project basis. In this instance, the City Council finds that reducing the density of the Revised Project to lessen impacts to neighborhood character would contribute to the long-term environmental impacts

identified in the General Plan EIR and frustrate the City's achievement of the goals outlined in the City of Villages strategy.

The City Council further found that conflicts with neighborhood character caused by the implementation of the City of Villages strategy were acceptable. Specifically, the General Plan EIR Findings stated that the "City Council, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits of the PROJECT outweigh the aforesaid significant, unmitigable effects on the environment." (*General Plan EIR Findings*, p. 35.)

Consistent with the General Plan findings cited above, the General Plan's Urban Design Element Policy UD-B.1.a acknowledges that "taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods but must be designed with sensitivity to existing development." (*General Plan Urban Design Element*, p. UD-17.) The City Council finds that the Revised Project has been designed with sensitivity to existing development and is consistent with the General Plan's Urban Design Element. Although the Revised Project's density and height vary from that of the overall neighborhood, the City Council finds that there are compelling public policy reasons to implement the Revised Project as proposed and that the City has anticipated the potential significant impacts that may occur with the implementation of the City of Villages and separately made findings and a statement of overriding considerations in the certification of the General Plan EIR.

The City finds that there are no feasible mitigation measures or other feasible alternatives (as discussed in Section VII below) to reduce community character impacts to below a level of significance. As a result, notwithstanding the lessening of such impacts associated with the Revised Project in comparison to the originally proposed project, impacts to the character of the neighborhood immediately surrounding the Revised Project site would remain significant and unavoidable.

Reference: EIR §§ 5.3, 12.0

VI. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL EFFECTS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

The City Council of the City of San Diego hereby finds that the environmental impacts described below, including Transportation/Circulation/Parking, are within the responsibility and jurisdiction of Caltrans, and not the City of San Diego. The City of San Diego finds that changes or alterations necessary to address the significant impacts can and should be adopted by Caltrans. The Findings below are made pursuant to CEQA Guidelines Section 15091(a)(2). These Findings are based on a discussion of impacts in Sections 5.2 and 12.0 of the EIR.

A. Transportation/Circulation/Parking

1. *Description of Significant Effect:* Implementation of the Revised Project would result in a direct impact on the existing roadway segment of Del Mar Heights Road between I-5 southbound ramps and I-5 northbound ramps. Certain traffic mitigation measures described below are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented in a timely manner, the project will have significant impacts on traffic.

Finding: Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-1 requires that the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, reconfigure the median on the bridge to extend the eastbound to northbound dual left-turn pocket to 400 feet to the satisfaction of the City Engineer. Even with implementation of this measure, impacts would remain significant and unavoidable.

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,192,500 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge as the applicant's fair share contribution to the improvements. The applicant has voluntarily agreed to pay Caltrans an additional \$307,500 at that time, an amount in excess of its fair share contribution, for a total payment of \$1,500,000. The amount paid in excess of the applicant's fair share contribution is included as a feature of the Revised Project.

Rationale: The Del Mar Heights Road/I-5 interchange which contains the roadway segment at issue is within the jurisdiction of Caltrans, not the City. Caltrans was consulted to discuss the Revised Project's impacts on Caltrans facilities and to explore various mitigation strategies. A number of measures proposed by the applicant were not acceptable to Caltrans. The measures included (i) a new northbound I-5 loop on-ramp (from eastbound Del Mar Heights Road), and (ii) reducing the lane widths and restricting pedestrian/bicycle access to the existing bridge, thereby creating additional capacity. Caltrans found these measures either inconsistent with the freeway project proposed by Caltrans as part of the I-5/SR 56 Connector Project, or to adversely impact bicycle and pedestrian movement. For these reasons, such alternative measures are considered infeasible.

Caltrans is proposing to lengthen the existing Del Mar Heights Road bridge as part of the proposed I-5/SR 56 Connector Project. The lengthened replacement bridge could include an additional lane, thereby increasing capacity and mitigating significant impacts from the Revised Project. As explained above, the applicant would contribute \$1,500,000 toward the design of a third eastbound through lane on the bridge. However, the construction and/or timing of the additional lane is outside the control of the City. In addition, the installation of a replacement bridge, if approved, is not likely to occur prior to the construction of the Revised Project. Consequently, the significant traffic impacts described above would occur during the interim period between Revised Project construction and the completion by Caltrans of the replacement bridge.

Since responsibility for the Del Mar Heights Road bridge and the decision to implement the bridge widening necessary to mitigate the project's impacts are outside the City's jurisdiction, the direct impact on the existing roadway segment of Del Mar Heights Road from I-5 southbound ramps to I-5 northbound ramps will remain significant.

Reference: EIR §§ 5.2, 12.0

2. *Description of Significant Effect:* Implementation of the Revised Project would result in direct and cumulative impacts on the roadway segment of Del Mar Heights Road from the I-5 northbound ramps to High Bluff Drive. Certain traffic mitigation measures described below are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented in a timely manner, the Revised Project will have significant impacts on traffic.

Finding: Changes or alterations to the Revised Project are within the responsibility and jurisdiction of other agencies and can and should be adopted by those other agencies. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-2 requires that the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, widen the segment of Del Mar Heights Road from the I-5 northbound ramps to High Bluff Drive, including extending the westbound right-turn pocket at the I-5 northbound ramps by 845 feet and modifying the raised median.

Rationale: Implementation of the proposed improvement would reduce, but not fully mitigate the direct and cumulative impacts identified above. A portion of the improvements called for in Mitigation Measure 5.2-2 are located near the freeway interchange, which is within Caltrans' jurisdiction. The impacts will remain significant and unavoidable even if the identified improvements are approved by Caltrans and implemented.

However, if the Del Mar Heights Road/I-5 bridge replacement identified above in Finding V.A.1 is approved by Caltrans and implemented (an improvement at the west terminus intersection of this segment), Mitigation Measure 5.2-7 is implemented (intersection improvement at the east terminus intersection of this segment) and Mitigation Measure 5.2-2 (described above) is constructed, the Revised Project's direct and cumulative impacts to the identified segment of Del Mar Heights Road would be reduced to below a level of significance. Until such time, the impacts remain significant.

Reference: EIR §§ 5.2, 6.1.1, 12.0

3. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the intersection of El Camino Real/SR 56 eastbound on-ramp. As discussed in EIR Sections 5.2 and 12.0, certain traffic mitigation measures necessary to mitigate this impact are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented, the Revised Project will have significant cumulative impacts on traffic.

Finding: Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-9 requires the applicant, prior to the issuance of the first building permit for Phase 3, to make a fair-share contribution (3.5%) towards the cost of re-stripping the eastbound approach to provide one left-turn lane, one shared through/left-turn, one through, and two right-turn lanes at the El Camino Real/SR 56 eastbound on-ramp intersection.

Rationale: Implementation of the proposed improvement would fully mitigate the cumulative impact identified above. However, impacts remain significant since the improvements are within Caltrans' jurisdiction. As a result, the impacts would remain significant and unavoidable until Caltrans approves the improvements and they are implemented.

Reference: EIR §§ 5.2, 12.0

4. *Description of Significant Effect:* Implementation of the Revised Project would result in direct and cumulative impacts on the intersection of Del Mar Heights Road/I-5 northbound ramps. Certain traffic mitigation measures described below are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented, the project will have significant traffic impacts.

Finding: Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-10 requires the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, to construct the following improvements at the Del Mar Heights Road/I-5 northbound ramps: (1) widen/re-stripe the I-5 northbound off-ramp to include dual left-turn lanes, one shared through/right, and one right-turn lane; (2) extend the westbound right-turn pocket by 845 feet and modify the raised median; and (3) reconfigure the median on the Del Mar Heights Road bridge to extend the eastbound dual left-turn pocket to 400 feet.

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,192,500 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge as the applicant's fair share contribution to the improvements. The applicant has voluntarily agreed to pay Caltrans an additional \$307,500 at that time, an amount in excess of its fair share contribution, for a total payment of \$1,500,000. The amount paid in excess of the applicant's fair share contribution is included as a feature of the Revised Project.

Rationale: The Del Mar Heights Road/I-5 interchange is within the jurisdiction of Caltrans, not the City. Caltrans was consulted to discuss the Revised Project's impacts on Caltrans facilities and to explore various mitigation strategies. A number of measures proposed by the applicant were not acceptable to Caltrans. The measures included (i) a new northbound I-5 loop on-ramp (from eastbound Del Mar Heights Road), and (ii) reducing the lane widths and restricting pedestrian/bicycle access to the existing bridge, thereby creating additional capacity. Caltrans found these measures either inconsistent with the freeway project proposed by Caltrans as part of the I-5/SR 56 Connector Project, or to adversely impact bicycle and pedestrian movement. For these reasons, such alternative measures are considered infeasible.

Caltrans proposes to lengthen the existing Del Mar Heights Road bridge as part of the proposed I-5/SR 56 Connector Project. The replacement bridge could include an additional lane, thereby increasing capacity and mitigating significant impacts from the Revised Project. As explained above, the applicant would contribute \$1,500,000 toward the design of a third eastbound through lane on the bridge. However, the construction and/or timing of the additional lane is outside the control of the City. In addition, the installation of a replacement bridge, if approved, is not likely to occur prior to the construction of the Revised Project. Consequently, the significant traffic impacts described above would occur during the interim period between Revised Project construction and the completion by Caltrans of the replacement bridge.

Since responsibility for the Del Mar Heights Road bridge and the decision to implement the bridge widening necessary to mitigate the Revised Project's impacts are outside the City's jurisdiction, the direct and cumulative impacts at the intersection of Del Mar Heights Road/I-5 northbound ramps will remain significant.

Reference: EIR §§ 5.2, 6.1.1, 12.0

5. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the Del Mar Heights Road/I-5 southbound on-ramp meter. Certain traffic mitigation measures described below are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented, the Revised Project will have significant impacts on traffic.

Finding: Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-11 requires the applicant, prior to the issuance of the first building permit for Phase 3, to make a fair-share contribution (34.8%) towards adding a high occupancy vehicle (HOV) lane to the I-5 southbound on-ramp.

Rationale: Implementation of the proposed improvement would fully mitigate the cumulative impact identified above. However, impacts remain significant since the improvements are within Caltrans' jurisdiction. As a result, the impacts will remain significant and unavoidable until Caltrans approves and the applicant implements the improvements.

Reference: EIR §§ 5.2, 6.1.1, 12.0

6. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the Del Mar Heights Road/I-5 northbound on-ramp meter. Certain traffic mitigation measures discussed below are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented, the Revised Project will have significant impacts on traffic.

Finding: Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in the SOC, the City has determined that this impact is acceptable because of overriding considerations.

Mitigation Measures: Mitigation Measure 5.2-12 requires the applicant, prior to the issuance of the first certificate of occupancy for Phase 1, to widen and re-stripe the I-5 northbound on-ramp to add an HOV lane.

Rationale: Implementation of the proposed improvement would fully mitigate the cumulative impact identified above. However, impacts remain significant since the improvements are within Caltrans' jurisdiction. As a result, the impacts will remain significant and unavoidable until Caltrans approves and the applicant implements the improvements.

Reference: EIR §§ 5.2, 6.1.1, 12.0

VII. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Project Objectives

An important consideration in the analysis of project alternatives is the degree to which such alternatives will achieve project objectives. To facilitate this comparison, the project objectives are restated here:

1. Develop a mixed-use village consistent with the goals of the General Plan.
2. Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.
3. Provide additional housing types and employment opportunities within the Carmel Valley community.
4. Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.
5. Provide the community with a place for public gathering and social interaction, reinforcing the sense of community and pride.
6. Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development.

B. Project Alternatives

In addition to the originally proposed project, the EIR evaluated the following eight alternatives:

- The No Project/No Development Alternative (Alternative 1)
- The No Project/Employment Center Alternative (Alternative 2)
- The Commercial Only Alternative (Alternative 3)
- The Medical Office/Senior Housing Alternative (Alternative 4)
- The No Retail Alternative (Alternative 5)
- Reduced Main Street Alternative, also known as the Revised Project (Alternative 6)

- Reduced Mixed-use Alternative (Alternative 7)
- Specialty Food Market Retail (Alternative 8)

The City Council of the City of San Diego hereby finds that Alternative 1, Alternative 2, Alternative 3, Alternative 4, Alternative 5, Alternative 7, and Alternative 8 are not feasible. The City finds that there are specific economic, legal, social, technological and technological, and other considerations, including the provision of employment opportunities for highly trained workers and important matters of public policy, which make infeasible these project alternatives identified in the EIR. As noted earlier, "feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject an alternative if it finds that it would be infeasible to implement because of "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers." (CEQA Guidelines, § 15091(a)(3).) An agency may also reject an alternative that does not meet the public policy goals and objectives of the agency. In *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899, 947, the city approved a project while rejecting as infeasible a reduced-density alternative that stripped out portions of the project that would have created a synergistic mix of retail and restaurant tenants. Additionally, in *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, the court upheld the city's findings requiring that additional preservation of open space would be infeasible because it would "at the very least [slow] 'the progress of necessary development such that the public's health and welfare is harmed through lack of economic growth and productivity and a shortage of housing supply.'" (*Environmental Council of Sacramento, supra*, (2006) 142 Cal. App. 4th 1018, 1039). Similarly, courts have upheld a city's infeasibility finding on a policy-based rationale in the following cases: *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal. App. 4th 911, 936, and *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1270.

The following findings are based on the discussion in Section 12.0 of the EIR.

1. No Project/No Development Alternative

Alternative Description: Pursuant to Section 15126.6(e)(3)(B) of the CEQA Guidelines, the No Project Alternative is defined as the "circumstances under which the project does not proceed." For purposes of the EIR, the No Project/No Development Alternative assumes that the site would remain in its current vacant, graded condition, and would not be developed with the proposed mixed uses. In addition, none of the discretionary land use approvals would occur.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: Implementation of the No Project/No Development Alternative would avoid all identified significant project-related impacts, including significant and unavoidable transportation/circulation/parking and neighborhood character impacts associated with the originally proposed project.

However, this alternative fails to meet the basic objectives of the Revised Project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible Project Alternative must implement the City of Villages strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would fail to implement that strategy because without new development, the site cannot be used to integrate a variety of uses in one compact village. Therefore, due to its failure to comply with the General Plan growth policy in the City of Villages strategy, the No Project/No Development Alternative is infeasible as a matter of public policy.

2. No Project/Employment Center

Alternative Description: The No Project/Employment Center Alternative evaluates development consistent with the current land use and zoning designations of the Community Plan, Precise

Plan, and the Carmel Valley PDO. Buildout under the existing zoning would allow for approximately 510,000 square feet of multi-tenant corporate office uses and associated parking. Due to the size of development under this alternative compared to the size of the Revised Project site and existing parking facilities in the Employment Center, parking likely would be provided primarily with surface parking lots. The amount of earthwork, therefore, would be greatly reduced from the Revised Project because subsurface parking would not be constructed.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: Implementation of the No Project/Employment Center Alternative would avoid or reduce identified significant project-related neighborhood character impacts, on-site noise generators, and paleontological and historical resource impacts. Identified significant impacts to transportation/circulation/parking, on-site sensitive noise receptors, biological resources, paleontological resources, and health and safety from the originally proposed project would remain under this alternative; however, two significant traffic impacts associated with the originally proposed project would be avoided. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

This alternative fails to meet the basic Revised Project objectives. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, or provide a place for public gathering and social interaction.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible project alternative must implement the City of Villages strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The General Plan defines a village as "the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated." (*General Plan Strategic Framework*, p. SF-3.) This alternative would fail to implement the City of Villages strategy because it fails to provide the mix of uses needed to be defined as a village, and therefore fails to meet the growth policy objectives of the General Plan. The No Project/Employment Center Alternative also

would fail to comply with the Housing Element's goals and policies because no new housing would be developed, and it would be inconsistent with the Urban Design Element because without a mixed-use village, this alternative would not provide new commercial shopping destinations or function as a focal point for public gathering. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25.) Therefore, due to its failure to implement these identified General Plan policies, this alternative is infeasible as a matter of public policy.

The Housing Element "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "Ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Housing Element's Adequate Sites Inventory allocates 608 dwelling units to the Project site, describing those units as "Review In Process With Plan Amendment." (*General Plan Housing Element*, p. HE-149.) The No Project/Employment Center Alternative would remove the residential units and therefore would necessitate a future update of the Housing Element. This action would reduce the available land for housing in the Adequate Sites Inventory.

In addition, Housing Element Policy HE-A.5 states: "Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The Revised Project site has been deemed suitable by the Adequate Sites Inventory; however, the No Project/Employment Center Alternative fails to utilize the site for residential uses, and therefore is infeasible from a policy perspective because it conflicts with the policies of the General Plan.

Further, Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major

employment centers and transit service." (*General Plan Housing Element*, p. HE-45.) As noted above, the General Plan directs growth into mixed-use centers that have both housing and employment opportunities. Housing Element policy HE-A.4, further seeks to "promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving." (*General Plan Housing Element*, p. HE-45.) Similarly, Housing Element Policy HE-A.7, seeks to "[d]evelop a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities," (*General Plan Housing Element*, p. HE-45.) These three Housing Element policies apply the City of Villages strategy to cluster employment, housing and commercial opportunities in close proximity to create a sustainable live/work/shop environment. The No Project/Employment Center Alternative would fail to designate any portion of the site for commercial shopping or residential units and would therefore fail to meet the General Plan policy objective of promoting clusters of activities in the same area and providing housing for a variety of household sizes. The singular land use of the No Project/Employment Center Alternative is not consistent with these key policies of the City of Villages strategy and is therefore infeasible as a matter of public policy.

The No Project/Employment Center Alternative would similarly be inconsistent with Urban Design Element Policy UD-C.1.a which states that mixed use centers should "encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development." (*General Plan Urban Design Element*, p. UD-21].) The failure of this alternative to provide for a mixed-use center makes it run counter to this Urban Design Element Policy. Further, even if a single use were within the public policy objectives of the City for this site, Urban Design Element policy UD-C.8 provides direction to "[r]etrofit existing large-scale development patterns, such as 'superblocks' or 'campus-style' developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system." (*General Plan Urban Design Element*, p. UD-25.) The No Project/Employment Center Alternative is conceived as an traditional office park, like those in the surrounding area, and would not be required to contain linkages between neighboring developments, which would further the standalone design of the current environment.

As noted above, due to the size of development under this alternative compared to the size of the Revised Project site, parking under the alternative would likely be provided primarily with surface parking lots contrary to the Urban Design Policies of the General Plan. Urban Design Policy UD-A.11 "[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking" and Policy UD-A.12 seeks to "[r]educe the amount and visual impact of surface parking lots." (*General Plan Urban Design Element*, pp. UD-12 – UD-14.) Therefore, the No Project/Employment Center Alternative would fail to meet the public policy objectives found in the Urban Design Element of the General Plan and is therefore found to be infeasible as a matter of public policy.

3. Commercial Only Alternative

Alternative Description: The Commercial Only Alternative would include the commercial elements of the originally proposed project. Development under this alternative would include 510,000 sf of corporate office, 21,000 sf of professional office, and 270,000 sf of retail, for a total of 806,000 sf. No residential uses or hotel would be constructed. Similar to the originally proposed project, General Plan, Community Plan, and Precise Plan amendments would be required, as well as a Rezone. Parking for the proposed uses would be provided through surface parking lots and/or above-grade parking structures; no subsurface parking garages would be constructed. As a result, the amount of earthwork would be greatly reduced from the originally proposed project.

The Commercial Only Alternative was developed to (1) reduce project-generated traffic, and (2) lessen or avoid neighborhood character impacts relating to the bulk and scale of some of the proposed structures, by removing the residential and hotel uses of the originally proposed project, yet providing retail uses to satisfy unmet demand and office uses consistent with adjacent development.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: Implementation of the Commercial Only Alternative would reduce Revised Project-generated traffic by removing hotel and residential uses of the originally proposed project. It would avoid or reduce identified significant project-related on-site sensitive noise generators,

and paleontological and historical resource impacts. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise sensitive receivers, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

The alternative fails to meet the basic objectives of the Revised Project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible project alternative must implement the City of Villages strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The General Plan defines a village as "the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated." (*General Plan Strategic Framework*, p. SF-3.) This alternative would fail to implement the City of Villages strategy because it would not provide the mix of uses, specifically residential uses, needed to be defined as a village, and therefore would fail to meet the growth policy objectives of the General Plan. Because the Commercial Only Alternative would not include housing, or comply with the City of Villages strategy, it would not comply with the General Plan Housing Element's goals and policies. The Housing Element "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "Ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Housing Element's Adequate Sites Inventory allocates 608 dwelling units to the Project site, describing those units as "Review In Process With Plan Amendment." (*General Plan Housing Element*, p. HE-149.) The Commercial

Only Alternative would remove the residential units and therefore would necessitate a future update of the Housing Element. This action would reduce the available land for housing in the Adequate Sites Inventory.

In addition, Housing Element Policy HE-A.5 states: "Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The Revised Project site has been deemed suitable by the Adequate Sites Inventory; however, the Commercial Only Alternative fails to utilize the site for residential uses, and therefore is infeasible as a matter of public policy.

Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major employment centers and transit service." (*General Plan Housing Element*, p. HE-45.) As noted above, the General Plan directs growth into mixed-use centers that have housing, commercial and employment opportunities. To this end, Housing Element Policy HE-A.4, seeks to "promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving." (*General Plan Housing Element*, p. HE-45.)

Similarly, Housing Element Policy HE-A.7, seeks to "[d]evelop a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities," (*General Plan Housing Element*, p. HE-45.) These three Housing Element policies apply the City of Villages mixed-use strategy to cluster employment, housing and commercial opportunities in close proximity to create a sustainable, live, work, shop, environment. The Commercial Only Alternative would fail to designate any portion of the site for residential units and would therefore fail to meet the General Plan objective of promoting clusters of activities in the same area as housing for a variety of household sizes. Removing the housing would create additional car trips, which would not advance the GHG reduction goals in SB375. The singular land use of this alternative would not

advance these key policies of the City of Villages strategy and is therefore infeasible as a matter of public policy.

The Commercial Only alternative would similarly be inconsistent with the Urban Design Element Policy UD-C.1.a which states that mixed use centers should "encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development." (*General Plan Urban Design Element*, p. UD-21.) The failure of the alternative to provide for a mixed-use center makes it run counter to this Urban Design Element Policy. Further, Urban Design Element policy UD-C.8 provides direction to "[r]etrofit existing large-scale development patterns, such as 'superblocks' or 'campus-style' developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system." (*General Plan Urban Design Element*, p. UD-25 .) The lack of residential units will require this alternative to be designed to the car, which would limit the pedestrian and bicycle connections called for in the Urban Design Element policies.

As noted above, parking for the proposed uses in this alternative would be provided through surface parking lots and/or above-grade parking structures; no subsurface parking garages would be constructed, contrary to the Urban Design Policies of the General Plan. Urban Design Policy UD-A.11 "[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking" and Policy UD-A.12 seeks to "[r]educe the amount and visual impact of surface parking lots." (*General Plan Urban Design Element*, pp. UD-12 – UD-14.) Therefore, the Commercial Only Alternative would fail to meet the public policy objectives found in the Urban Design Element of the General Plan and is found to be infeasible as a matter of public policy.

Therefore, as shown above, by eliminating the mixed-use concept, this alternative fails to comply with the identified General Plan policies, and is found to be infeasible as a matter of public policy. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25.)

4. Medical Office/Senior Housing Alternative

Alternative Description: The Medical Office/Senior Housing Alternative would be a mixed-use development, but would be limited to medical office and senior housing components. It would consist of approximately 425,000 sf of medical office and 600 senior housing units. Similar to

the originally proposed project, General Plan, Community Plan, and Precise Plan amendments would be required, as well as a Rezone. Parking for the proposed uses would be provided through surface parking lots and/or above-grade parking structures, but no subsurface parking garages would be constructed because it is assumed that all required on-site parking would be accommodated in surface lots and/or above-grade parking structures. As a result, the amount of earthwork would be greatly reduced from the originally proposed project.

The Medical Office/Senior Housing Alternative was developed to reduce the bulk and scale of development relative to the originally proposed project, as well as to reduce project-generated traffic and to respond to the growing need for senior housing and medical facilities in the region. According to Census Bureau statistics, the number of Americans over the age of 85 is expected to reach 15 million by the year 2050. Developers have been trying to meet this demand by focusing development and rehabilitation efforts on three primary senior housing options: congregate living facilities, assisted living facilities, and continuing care retirement communities. Senior housing facilities are ideally located in or near village or town centers because they would provide seniors with easier access to essential services, such as a pharmacy, food market, shops, banks and general merchandise within a close distance to their home. The market demand for such facilities is justified given the trend of an aging population, barriers to enter new geographic markets and slow delivery of senior housing and medical facilities to match increasing demand.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: Implementation of the Medical Office/Senior Housing Alternative would avoid or reduce identified significant project-related impacts on paleontological and historical resource impacts below a level of significance. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance. This alternative would reduce peak hour traffic trips and would slightly reduce the scale and bulk of development when compared to the originally proposed project.

While this alternative would provide a medical office and senior housing uses within close proximity to major roads, freeways, and existing community amenities, the alternative would not meet identified Project objectives because it would fail to provide a place for public gathering and social interaction. This alternative also would not promote sustainable development principles and smart growth to the same degree as the originally proposed project, as it would not combine residential uses integrated with retail/commercial uses.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible project alternative must implement the City of Villages strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would not be consistent with that strategy because without retail uses, the alternative is not a true mixed-use development and the site cannot be used to integrate a variety of uses in one compact village.

Because only medical office and senior housing are proposed, this alternative does not comply with Housing Element Policy HE-A.4, which seeks to "promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving." (*General Plan Housing Element*, p. HE-45.)

Similarly, the senior-only housing proposed by this alternative would conflict with Housing Element Policy HE-A.7, which seeks to "[d]evelop a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities." (*General Plan Housing Element*, p. HE-45.)

Because only medical office and senior housing would be provided, this alternative does not comply with the following goals of the General Plan's Urban Design Element:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.

- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.
- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20.)

By failing to encourage mixed-use development, whether vertical (stacked) or horizontal (side-by-side), and by failing to "provide more and improved linkages among uses in the superblock, neighboring development and the public street system," the Medical Office/Senior Housing Alternative would be inconsistent with the Urban Design Element's policies. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25.] As a result, this alternative conflicts with the identified goals of the General Plan, and in-turn the Project objectives, and is therefore infeasible as a matter of public policy.

5. No Retail Alternative

Alternative Description: The No Retail Alternative would include all of the basic elements of the originally proposed project with the exception of the retail uses. This alternative would consist of 510,000 sf of office, a 150-room hotel, and 608 multi-family residences. The Main Street component and ground floor retail uses in the office buildings would not be constructed. As a result, the office buildings would be reduced by one level compared to the originally proposed project. Parking would be provided in subsurface garages and an above-ground structure.

This alternative was developed to reduce Revised Project-generated traffic by removing the commercial retail uses of the originally proposed project. Retail uses have a higher average daily traffic trip generation rate than commercial or residential uses, and therefore, an alternative that does not include the proposed retail uses was considered. This alternative would also provide a slight reduction in development intensity relative to the originally proposed project.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: Implementation of the No Retail Alternative would not avoid or reduce identified significant project-related impacts below a level of significance, although it would reduce overall

impacts to volume/capacity ratio along roadway segments and delay at intersections and freeway ramps, and would reduce the scale and bulk of development in comparison to the originally proposed project. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

While this alternative would provide offices, a hotel, and multi-family residences within close proximity to major roads, freeways, and existing community amenities, it lacks the retail component needed to achieve the Revised Project's Main Street concept. As discussed in more detail below, without a retail component, this alternative would fail to serve the immediate needs of the community (which include retail/commercial uses) and would not provide a place for public gathering and social interaction. Additionally, while this alternative would promote sustainable development principles and smart growth to a certain extent with proposed office, hotel, and residential uses, it would not provide shopping or dining opportunities within the development.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) Since no retail uses are proposed, this alternative would not provide a compact, mixed-use village and it would fail to meet the basic objectives of the General Plan Strategic Framework codified in the City of Villages strategy. By eliminating shopping and dining uses, the No Retail Alternative is inconsistent with the Strategic Framework, which was "created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools and civic uses at different scales, in village centers." (*General Plan Strategic Framework*, p. SF-6.) In addition, this alternative does not comply with Housing Element Policy HE-A.4, which seeks to "promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving." (*General Plan Housing Element*, p. HE-45.)

In addition, the No Retail Alternative would fail to meet an important need in the community for retail services, and thus force residents of the community to drive to other communities to receive those services. The report prepared by The London Group Realty Advisors, concludes at page 1 that "74% of annual retail expenditures by Primary Market Area residents are leaving the market in the form of 'outflow leakage.' In fact [the] analysis demonstrates retail support for an additional 1.4 million square feet of space in the PMA." (*Retail Market Analysis and Retail Critical Mass Associated with a Reduced Project Alternative*, February 5, 2014 [hereinafter, *London Group February 5, 2014 Critical Mass Report*].) The City of Villages strategy seeks to create mixed-use villages to serve the needs of community, in that community, to reduce driving trips and subsequent GHG emissions. The elimination of retail in this alternative would fail to place retail services where they are shown to be needed and therefore necessitate additional vehicle miles traveled to meet the need for those services. This is counter to the goals of the City of Villages strategy.

The No Retail Alternative would not comply with the following goals of the General Plan's Urban Design Element:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.
- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20.)

Without retail uses, this alternative cannot "encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development," nor can it effectively "provide more and improved linkages among uses in the superblock, neighboring development and the public street system" since only office, residential and hotel uses would be developed. As a result, this alternative would be inconsistent with the Urban Design Element's policies and therefore infeasible as a matter of public policy. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25.)

6. Reduced Main Street Alternative (Revised Project)

Alternative Description: This alternative, also known as the Revised Project, would include all of the elements of the originally proposed project with the exception of the proposed hotel. In addition, this alternative would decrease the commercial square footage by nearly 10 percent, from 806,000 to 730,500 sf. The reduction in the total commercial square footage would include a 14 percent reduction in the amount of office space and a 10 percent reduction in the amount of retail. Although the size of the cinema would decrease by about 2,000 sf, the total number of seats would remain at 1,200. The number of residential units would remain at 608 multi-family units, and the overall floor area ratio would be reduced by 22 percent from 1.8 to 1.4.

This alternative would reduce the building heights in comparison with the originally proposed project. Under this alternative, no building would exceed nine stories from ground level. The amount of open space under this alternative would increase from 7.6 to 10.7 acres. Within the 10.7 acres of open space, 4.1 acres would be comprised of ground level open space that is not technically considered usable because of anticipated traffic noise levels. Of the 6.6 acres of usable open space, 1.5 acres would be devoted to recreational use accessible to the public including a 1.1-acre passive recreation area and a nearby 0.4-acre children's play area.

Finding: The City has determined that this alternative is preferred to the originally proposed project and is feasible.

Rationale: Implementation of this alternative would lessen, but not eliminate, significant impacts associated with the originally proposed project. The most notable reductions in impacts would be related to traffic and neighborhood character, yet such impacts would remain significant under this alternative. Building heights and overall bulk and scale under this alternative would be reduced, yet the project would still result in significant neighborhood character impacts. Significant impacts related to noise, biological resources, paleontological resources, and health and safety would be reduced to a less than significant level with mitigation.

This alternative would meet the basic project objectives because it would provide a place for public gathering and social interaction and advance sustainable development and smart growth principles. As with the originally proposed project, this alternative will combine residential and retail/commercial uses.

As noted the first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible project alternative must implement the City of Villages strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) As with the originally proposed project, this alternative satisfies this objective.

The Strategic Framework Element of the City's General Plan creates the overarching vision for how the City will develop in the future. The City of Villages strategy is a departure from the suburban development model employed by the 1979 General Plan, which generally has been implemented in the Carmel Valley area. The General Plan explained that "[o]ver the last two centuries, San Diego has grown by expanding outward onto land still in its natural state. This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open lands. It establishes the strategic framework for how the City grows while maintaining the qualities that best define San Diego." (*General Plan Strategic Framework*, p. SF-1.)

Based on this direction, the General Plan seeks to efficiently use the remaining developable land in the City, consistent with the new growth policies of the Strategic Framework. The Strategic Framework Element embraces mixed use villages as the desirable development pattern for the City stating that "new policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City's continued growth over the long term." (*General Plan Strategic Framework*, p. SF-6.)

Toward that end, the General Plan employs the City of Villages strategy to implement this new development pattern. The General Plan notes that the "City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system." (*General Plan Strategic Framework*, p. SF-3.) The General Plan defines a village as "the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages

will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system." (*General Plan Strategic Framework*, p. SF-3.) The Reduced Main Street Alternative will implement the City of Villages strategy since it will create a mixed-use heart of Carmel Valley where residential, commercial, employment, and civic uses are together on one site. The City of Villages strategy requires transit supportive residential and retail density to achieve the mixed use benefits of a Village, and this alternative will meet those requirements. Therefore, the Reduced Main Street Alternative is consistent with the Strategic Framework Element of the City's General Plan.

General Plan Housing Element Policy HE-A.4 states: "Through the community plan update process, encourage location and resource efficient development. The community plans should focus on policies which promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools, and recreation, providing residents and employees with the option of walking, biking or using transit rather than driving." (*General Plan Housing Element*, p. HE-45.) Because the Reduced Main Street Alternative will cluster activities onsite and provide a balanced mix of different uses, it is consistent with this policy.

The Housing Element also "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "[e]nsure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element.

The Reduced Main Street Alternative is feasible from a policy standpoint because it maintains the same number of dwelling units as the originally proposed project, and thus it brings the City closer to achieving its goals under the RHNA. As noted in the General Plan Housing Element, "the General Plan sets forth direction to update the City's many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with community

stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City." (*General Plan Housing Element*, p. HE-46.) The Housing Element's Adequate Sites Inventory identifies the Project site and the 608 units as "Review In Process With Plan Amendment." Those units are included in the inventory of housing which could accommodate the City's housing needs in the RHNA. (*General Plan Housing Element*, p. HE-149.) The 608-units proposed in this alternative would contribute to the realization of the City's housing goals and therefore are consistent with the Adequate Sites Inventory.

The Project site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a "full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City's communities." (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the Project is already in place, and therefore, the site is more desirable for meeting the RHNA than infill sites in areas where infrastructure does not exist. The Carmel Valley Community Plan anticipated approximately 500 units of multifamily housing on a site east of the Del Mar Highlands Town Center, which is now the site of Solana Pacific Elementary School. The school removed the unbuilt housing units through eminent domain.

The Reduced Main Street Alternative maintains the same number of housing units on the Project site as the originally proposed project, and therefore maximizes the site for housing consistent with the Adequate Sites Inventory and places those units in close proximity to available infrastructure. In addition, SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the Revised Project site as a Town Center smart growth area. (*Smart Growth Concept Map*, January 27, 2012 [*Concept Map*].) The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the Regional Comprehensive Plan (RCP) specifically recognizes local planning efforts

aimed at intensifying land use near designated Town Centers, and specifically cites the General Plan "City of Villages Strategy" as supporting the Town Center concept. (*Regional Comprehensive Plan*, November 2006 [RCP].)

The Reduced Main Street alternative is consistent with the Town Center designation and the overall regional vision and core values of the RCP. The Revised Project will contribute to the implementation of the RCP's goals and key policy objectives by developing a mixed-use project that provides additional housing types and employment opportunities within close proximity to major road and freeways and to existing community amenities within the Carmel Valley neighborhood.

Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major employment centers and transit service." (*General Plan Housing Element*, p. HE-45.) By placing 608-dwelling units in the same location as a new employment center, the Reduced Main Street Alternative concentrates development on a site designated by the City for increased density and as an opportunity site for accommodating projected housing needs and, in doing so, protects areas far from developed employment centers from future residential development. By focusing higher densities in the major employment center of the community, which is located directly south and west of the Project site on El Camino Real and High Bluff Drive, this alternative is feasible as a matter of public policy.

Housing Element Policy HE-A.5 seeks to "[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use, which is what will happen with the Reduced Main Street Alternative. Since this site has been deemed suitable by the Adequate Sites Inventory, this alternative will maximize the density of the proposed zone. It is therefore feasible from a policy perspective because it is consistent with the policies of the General Plan.

Housing Element Policy HE-A.7 encourages the "develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income

workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities." (*General Plan Housing Element*, p. HE-45.) This alternative will create a mix of housing types on the Project site and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting, keeping with the goals of SB375. Therefore, the Reduced Main Street Alternative's housing units are consistent with Policy HE-A.7 and the alternative is feasible as a matter of public policy.

In addition, the Mayor Kevin Faulconer and Councilmember Todd Gloria have introduced a draft Climate Action Plan to reduce GHG emissions by 50% by 2035. Although the draft Climate Action Plan has not yet been approved by the City Council, the draft Climate Action Plan provides an understanding of the Mayor and Councilmember Gloria's' proposed priorities for growth in San Diego. The draft Climate Action Plan is consistent with current General Plan principles, including the City of Villages strategy, and provides an implementation plan that would encourage uses like the Revised Project. The draft Climate Action Plan states: "The City of San Diego General Plan (2008) is based on the City of Villages smart growth strategy which directs growth into compact, mixed-use, walkable centers linked by transit. This compact urban form reduces the need to travel and makes alternative modes of transportation easier to use. The [Climate Action Plan] will support implementation of the General Plan through support for continued incremental changes to the urban land use form, providing greater transportation choices, and transforming how we produce and use energy. Further, the [Climate Action Plan] will complement the General Plan policies to reduce greenhouse gas emissions with quantifiable data and benchmarks for success." (*Draft City of San Diego Climate Action Plan*, September 2014, p. 10 [hereinafter, *Draft Climate Action Plan*].) Because the City finds that the Revised Project implements the City of Villages strategy, the City also finds that the Revised Project is consistent with the City's goal to reduce GHG emissions.

Moreover, the Revised Project contains features that are consistent with the draft Climate Action Plan and the City of Villages strategy to reduce GHG emissions through sustainable design. On

August 27, 2010, the Revised Project was registered with the Green Building Certification Institute with a certification goal of LEED® Silver under the LEED® for Neighborhood Development™ rating system.¹ In January 2011, the Revised Project achieved Smart Location and Linkages Prerequisite review approval, the first certification level, from the Green Buildings Certification Institute. LEED®-certified buildings are designed to reduce waste, conserve energy and water, reduce greenhouse gas emissions, and lower operating costs. Toward that end, the Revised Project would incorporate the following sustainable design features:

- Proposed buildings would exceed Title 24 energy standards by a minimum of 20 percent;
- The proposed site design is compact and walkable, and bicycle storage facilities would be available for residents and employees with connectivity to surrounding bike routes;
- The Revised Project will include one or more shuttle stops;
- All lighting systems and infrastructure, such as traffic lights, parking meters, and street lamps, would use energy efficient technology such as light-emitting diode (LED) bulbs;
- Proposed buildings would use energy-efficient heating and cooling systems, equipment, and lights, and have sophisticated controls to monitor ongoing energy consumption;
- Electric vehicle charging stations would be included in the parking structures;
- The site would limit the hours of operation of outdoor lighting to conserve energy, while maintaining the level of light required for security and safety;
- The site would feature water-efficient landscaping and irrigation systems;
- All site buildings will employ high-performance "cool roof" materials, and the sidewalks and streets will use "cool" paving materials to reduce building cooling loads; canopy shading along sidewalks and roadways would also contribute to cooling load reduction;

¹ The Revised Project number associated with this registration is 1000008984.

- The proposed office buildings will target reducing their water use by 35 percent compared to standard office buildings by installing water-efficient fixtures in restrooms and kitchens; and
- The Revised Project site will feature a comprehensive recycling plan with a hazardous waste drop-off point, and several easy-to-access recycling bins.

Furthermore, the Revised Project proposes a traffic signal synchronization program that will help the City to achieve its GHG reduction goals. For instance, Action 3.4 of the draft Climate Action Plan calls for the reduction in vehicle fuel consumption through implementation of the City's Traffic Signal Communications Master Plan. (*Draft Climate Action Plan*, p. 39; *Traffic Signal Communications Master Plan*.) The target is to retime either 200 traffic signals or 13 coordinated traffic signal systems per year. The Revised Project traffic signal synchronization program would help fulfill the draft Climate Action Plan's Action 3.4 and achieve 20% of the near term goal by implementing the City's Traffic Signal Communications Master Plan at approximately 45 intersections throughout Carmel Valley. The City finds that the Revised Project helps implement a compelling public policy goal and is therefore a feasible alternative to the originally proposed project.

The Urban Design Element of the General Plan also provides goals and policies for the implementation of the City of Villages strategy. The goals for mixed use areas in the Urban Design Element include:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.
- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20.)

The Reduced Main Street Alternative is consistent with these goals, because as explained in the Recirculated Alternatives, this alternative will integrate a number of uses onsite, it will create a heart for Carmel Valley, it will serve as a neighborhood destination and provide attractive and

functional retail shopping uses in an underserved community, both as to the amount and variety of retail available. (*London Group February 5, 2014 Critical Mass Report; Kosmont Retail Market Analyses.*)

In addition, Urban Design Element Policy UD-C.1.a states that mixed use centers should "encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development." (*General Plan Urban Design Element*, p. UD-21.) The variety of uses proposed in this alternative comply with this element because the Reduced Main Street Alternative will maximize vertical and horizontal mixed-use development. By mixing uses onsite and increasing linkages to neighboring job centers, this alternative will also be consistent with Urban Design Element Policy UD-C.8 which provides direction to "[r]etrofit existing large-scale development patterns, such as 'superblocks' or 'campus-style' developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system." (*General Plan Urban Design Element*, p. UD-25.)

Finally, the Recirculated Alternatives section of the EIR states that "Parking facilities [for the Reduced Main Street Alternative] would include underground garages beneath the site, a multi-level, above-ground parking structure, and some surface parking." By creating a mixed-use development that minimizes surface parking lots, the Reduced Main Street Alternative complies with Urban Design Policy UD-A.11, which "[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking" and policy UD-A.12, which seeks to "[r]educe the amount and visual impact of surface parking lots." (*General Plan Urban Design Element*, p. UD-12 – UD-14.) As a result, this alternative is feasible from a policy standpoint because it would implement the Urban Design goals and policies of the General Plan.

7. Reduced Mixed-use Alternative

Alternative Description: The Reduced Mixed-use Alternative would retain all of the land use components of the originally proposed project, with the exception of the hotel. This alternative would reduce the amount of commercial development by approximately 50 percent, from the proposed 806,000 to 407,800 sf. This alternative would reduce the number of residential units by 50 percent from 608 to 304 units. The Alternative would consist of 140,000 sf (GFA) of retail, 267,800 sf (GFA) of commercial office, and 304 multi-family residential units. This alternative

would not include the 1.5 acres of open space accessible to the public which would be included in the Reduced Main Street Alternative. The overall GFA of this alternative would be reduced by 1.04 million sf (50 percent) from 1,857,440 sf to 817,800 sf. The FAR would be reduced from 1.8 to 0.8.

The Reduced Mixed-use Alternative is intended to reduce traffic and neighborhood character impacts while retaining the basic elements of the originally proposed project, with the exception of the hotel. Similar to the originally proposed project, discretionary land use approvals would be required.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds. The City also finds that the strategy underpinning the Reduced Mixed-use Alternative (reduced density in an effort to reduce certain environmental impacts) is similar in nature to the GP Reduced Density Alternative analyzed on a City-wide basis and ultimately rejected by the City Council as infeasible when considering the General Plan EIR. Reductions in density at the individual project level have the potential to frustrate implementation of the General Plan, contrary to the adopted City of Villages strategy. Therefore, the City Council finds the approval of the Reduced Mixed-use Alternative infeasible as a matter of public policy.

Rationale: Implementation of the Reduced Mixed-use Alternative would reduce, but not eliminate, significant impacts associated with the originally proposed project. The most notable reduction in impacts would be related to traffic. The other impact reduction would be related to visual effects and neighborhood character.

Although this alternative would not eliminate the significant traffic impacts in the horizon year, it would reduce the magnitude of some of the traffic impacts in the interim. In the existing and near-term condition, the Reduced Mixed-use Alternative would avoid the significant impact associated with the originally proposed project on the Del Mar Heights Road bridge, between the I-5 northbound and southbound ramps. In addition, although Del Mar Heights Road, between the I-5 northbound ramp and High Bluff Drive, would continue to be significantly impacted by the Reduced Mixed-use Alternative, the level of service (LOS) would be E rather than F (with the originally proposed project) in the existing and near-term scenarios. However, as with the

originally proposed project, the LOS would be F with the Reduced Mixed-use Alternative in the long-term condition. In the existing plus project condition, this alternative would avoid the impact to the Carmel Creek Road/Del Mar Trail intersection.

While the reduction in development intensity would be accompanied by a reduction in building heights and mass, the scale of the Reduced Mixed-use Alternative would lessen significant neighborhood character impacts, yet they would remain significant and unmitigated. Significant impacts related to noise, biological resources, paleontological resources, and health and safety would remain under this alternative, but would be reduced to below a level of significance with mitigation.

The reduction in retail would eliminate the critical mass necessary to implement the "Main Street" concept. As discussed and analyzed in the London Group February 5, 2014 Critical Mass Report, the originally proposed project, as well as the Reduced Main Street Alternative, contemplate a retail tenant and merchandise mix consistent with lifestyle centers, which are generally defined as retail development between 150,000-500,000 square feet that included national-chain specialty stores within dining and entertainment in an outdoor setting. Such high-quality specialty retailers typically locate in projects with similar quality retailers and require a volume of shoppers to sustain their operations not generated by smaller, neighborhood-oriented shopping centers. (*London Group February 5, 2014 Critical Mass Report.*) The 50 percent reduction in retail associated with this alternative would not generate the number of shoppers necessary to sustain and attract the desired class of retailers necessary to address the retail gap within Carmel Valley identified in the London Group February 5, 2014 Critical Mass Report. Moreover, the greatly reduced intensity of uses would promote surface parking, in the place of more costly underground or structured parking, reducing the available land for public gathering spaces thereby resembling a traditional suburban shopping center.

As noted, the first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible project alternative must implement the City of Villages strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The Urban Design Element of the General Plan, discussed in greater detail below, includes a goal that mixed-use areas include "vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system." (*General Plan*

Urban Design Element, p. UD-20.) The Main Street design concept promotes a pedestrian-oriented public gathering space associated with residential and commercial development, often associated with successful "lifestyle centers" developed over the last decade. (*London Group February 5, 2014 Critical Mass Report*.) The Land Use and Community Planning Element of the General Plan specifically promotes the enhancement or maintenance of a "Main Street" character for infill projects. (*General Plan Land Use Element*, p. LU-11.) The "Main Street" concept is central to the mixed-use village goals included in the General Plan's Urban Design Element.

Moreover, the Economic Prosperity Element of the General Plan contemplates the Main Street design concept:

The City of Villages strategy incorporates the growing need for convenience and good design to attract the consumer. Many of the new shopping centers of this coming era will be designed to resemble a community and will function like a Main Street. The provision of traditionally stand-alone commercial uses within mixed-use development is an important strategy in using the City's land more efficiently. (*General Plan Economic Prosperity Element*, p. EP-13.)

As noted, the Revised Project objective quoted above seeks to create "a mixed-use village consistent with the goals of the General Plan." The phrase "consistent with the General Plan" involves development of a village that will provide opportunities for "public gathering and social interaction, reinforcing the sense of community." A village integrates residential, commercial, employment, and civic uses in pedestrian-friendly, inviting, accessible, and attractive streets and public spaces. Over time, the General Plan anticipates that these villages will be increasingly connected to each other by an expanded regional transit system. The village land use pattern and densities help make transit operate more efficiently, which in turn allows for improved and more cost effective transit services. (*General Plan Land Use Element*, p. LU-6.)

Section 4.2 of the proposed Precise Plan Amendment sets forth specific design guidelines to achieve the necessary critical mass and mix of uses to implement the village concept, including:

- Vertical integration of retail, residential and office uses;
- Pedestrian-oriented ground floor retail or other street-activating uses fronting Main Street;

- Outdoor gathering spaces, including plazas and landscaped open space to accommodate a wide-range of activities including strolling, sitting, eating and entertainment; and
- Paseos to provide a pedestrian and bicycle network between retail and residential uses.

The Reduced Mixed-use Alternative reduces retail space to 140,000 square feet of gross floor area, reduces office space to 267,800 square feet and reduces housing by 50% to 304 dwelling units. The Reduced Mixed-use Alternative's significant reduction in housing and retail density leads to a reduction in the mixed use characteristics of the site ""and therefore lacks the vibrancy and atmosphere needed to "activate" the project. (*London Group February 5, 2014 Critical Mass Report.*)

The City of Villages strategy requires transit supportive density to achieve the mixed use benefits of a Village. The development pattern of the Reduced Mixed Use Alternative is inconsistent with the Strategic Framework, which was "created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools and civic uses at different scales, in village centers." (*General Plan Strategic Framework*, p. SF-6.) By failing to provide a compact, mixed use village, consistent with the City of Villages Strategy, this alternative fails to meet the basic objectives of the General Plan Strategic Framework. Therefore, this alternative fails to meet the first Project objective, and is infeasible as a matter of public policy.

Further, the Reduced Mixed-use Alternative would not contain enough retail space to succeed as a high-quality, mixed-use "lifestyle center" that meets the goals and policies of the City of Villages concept. The volume of retail would conflict with two primary principles: (1) the amount of space available for certain primary or "anchor" tenants, as well as supporting retail, with certain space requirements; and (2) the availability of space for preferred co-tenants, as many of the desired retailers demand the presence of other specific retailers as a condition of leasing. (*London Group February 5, 2014 Critical Mass Report.*)

As described in Section 12.10 of the EIR, the project aspires to offer a broader range of shopping experiences than a traditional community shopping center because of its integration into a mixed use environment. As described in the London Group February 5, 2014 Critical Mass Report, lifestyle centers are characterized by higher quality "specialty" retail tenants (as distinguished from typical in-line tenants typically associated with strip-style malls already present in Carmel Valley). Such quality tenants prefer to cluster together because such tenants view their

businesses as synergistic: that is, patrons of one are likely also to patronize the other, and also would more likely patronize either or both if both are present. Lifestyle centers also provide an emphasis on entertainment opportunities, such as movie theaters and restaurants, to "activate" the center by generating opportunities to participate in a range of activities on the same outing. Integrated open space to promote pedestrian activity is also a key ingredient of lifestyle centers. (*London Group February 5, 2014 Critical Mass Report.*)

According to the London Group February 5, 2014 Critical Mass Report, the 140,000 square feet of retail included in the Reduced Mixed-use Alternative would be insufficient to create a lifestyle retail center. The lifestyle centers analyzed in the London Group February 5, 2014 Critical Mass Report ranged between 150,000 and 500,000 square feet, with a median size of approximately 300,000 square feet. The 140,000 square feet of retail included in the Reduced Mixed-use Alternative would fall below the smallest lifestyle center identified, and outside the strong preferences of the specialty retailers and other tenants associated with lifestyle centers. Moreover, successful lifestyle centers with retail components of less than 200,000 sf are already part of an integrated mixed-use environment with dynamic retail, or are located in high traffic areas that are tourist destinations. Those centers are smaller in nature because their other attributes substitute for critical mass. Such attributes are not presently part of the Revised Project Site. (*London Group February 5, 2014 Critical Mass Report.*)

The smaller retail component of the Reduced Mixed-use Alternative also does not complement the adjacent Del Mar Highlands Town Center. Although both the Retail Market Analysis and the London Group February 5, 2014 Critical Mass Report conclude, based on extensive economic evidence, that a surplus of demand for retail uses would continue to exist in Carmel Valley even after development of the originally proposed project or the Revised Project and any future expansion of the Del Mar Highlands Town Center, similar tenant mixes would fail to differentiate the two centers. In other words, lacking a critical mass of retail space, a reduced project could effectively duplicate the types of retail tenants already present in Carmel Valley, rather than fill the void by providing the upscale retail opportunities currently lacking in Carmel Valley. (*Kosmont Retail Market Analyses; London Group February 5, 2014 Critical Mass Report.*)

In sum, a lifestyle center provides a shopping experience that complements the retail tenants of nearby retail establishments. A smaller retail component would not attract the desired tenant mix

to attract shoppers and would fail to capture any significant portion of the retail sales "leakage" from Carmel Valley. (*London Group February 5, 2014 Critical Mass Report.*) As a result, the Reduced Mixed-use Alternative fails to meet the City of Villages strategy of the General Plan, and therefore is infeasible as a matter of public policy.

Moreover, General Plan Housing Element policy HE-A.4 states: "Through the community plan update process, encourage location and resource efficient development. The community plans should focus on policies which promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools, and recreation, providing residents and employees with the option of walking, biking or using transit rather than driving." (*General Plan Housing Element*, p. HE-45.) The reduced retail and residential density of the Reduced Mixed-use Alternative does not promote the adequate clustering of activities and therefore is inconsistent with the policies of the General Plan.

The Housing Element also "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "[e]nsure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in SANDAG's RHNA. As explained above, the City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which has been incorporated into the Housing Element. The reduction in dwelling units in the Reduced Mixed-use Alternative is infeasible from a policy standpoint because it could prevent the City from achieving its goals under the RHNA. As noted in the General Plan Housing Element, "the General Plan sets forth direction to update the City's many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City." (*General Plan Housing Element*, p. HE-46.) The Housing Element's Adequate Sites

Inventory allocates 608 dwelling units to the Project site, describing those units as "Review In Process With Plan Amendment." (*General Plan Housing Element*, p. HE-149.) The Reduced Mixed-use Alternative would reduce the residential units on the Project site and therefore would necessitate a future update of the Housing Element. This action would reduce the available land for housing and therefore would be inconsistent with the Adequate Sites Inventory.

As described herein, the site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a "full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City's communities." (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the site is already in place, and therefore, the site is more desirable for meeting the RHNA than infill sites in areas where infrastructure does not exist. The Reduced Mixed-use Alternative reduces the housing units on the site, and therefore fails to maximize the site for housing consistent with the Adequate Sites Inventory. In addition, the Carmel Valley Community Plan anticipated approximately 500 units of multifamily housing on a site east of the Del Mar Highlands Town Center, which is now the site of Solana Pacific Elementary School. The school removed the unbuilt housing units through eminent domain. By reducing the number of units in the area the Reduced Mixed-use Alternative underutilizes an area located in close proximity to available infrastructure. The Reduced Mixed-use Alternative is therefore infeasible because it does not meet the policy demands of the RHNA.

As noted in the City's General Plan, "The SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource protection. The RCP addresses San Diego's relationships with neighboring counties, Tribal Governments, and northern Baja California. The City of San Diego General Plan is designed to complement and support the RCP." (*General Plan Strategic Framework*, p. SF-5.) SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the proposed project site as a Town Center smart growth area. (*Concept Map*.) The RCP defines

Town Centers as containing residential, office/commercial, and civic/cultural facilities uses at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City General Plan "City of Villages Strategy" as supporting the Town Center concept. (RCP.) The Reduced Mixed-use Alternative fails to intensify land uses near this designated Town Center and is therefore inconsistent with SANDAG's RCP and the City of Villages Strategy that the RCP relies upon to support the Town Center concept. Therefore, the Reduced Mixed-use Alternative fails to meet the public policy goals of both SANDAG and the City, and is therefore infeasible as a matter of public policy.

Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major employment centers and transit service." (*General Plan Housing Element*, p. HE-45.) The Reduced Mixed-use Alternative reduces the residential density of the Project, which could necessitate construction of those units in areas far from employment centers. The Reduced Mixed-use Alternative therefore fails to focus the higher densities of the Project in the major employment center of the community, which is located directly south and west of the Project site on El Camino Real and High Bluff Drive. The alternative is therefore infeasible as a matter of public policy.

Housing Element Policy HE-A.5 seeks to "[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The site has been deemed suitable by the Adequate Sites Inventory; however, the Reduced Mixed-use Alternative fails to maximize the density of the proposed zone, and therefore is infeasible as a matter of public policy because it conflicts with the identified Housing Element policies of the General Plan.

Housing Element Policy HE-A.7 encourages the "develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income

workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities." (*General Plan Housing Element*, p. HE-45.) The Reduced Mixed-use Alternative reduces the amount of housing on the site by 50% which would reduce the opportunity to create a mix of housing types on the Project site, and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. The Reduced Mixed-use Alternative's reduction in housing units does not advance Policy HE-A.7 and is therefore infeasible as a matter of public policy.

As previously stated, the City Council finds that the Revised Project will implement the City of Villages strategy and that the City of Villages strategy is the stated growth policy in the City of San Diego General Plan. The City Council considered alternatives to the City of Villages growth policy as part of the General Plan EIR. The City Council considered and rejected as infeasible the GP Reduced Density Alternative, which is similar in character to the Reduced Mixed-use Alternative. While the GP Reduced Density Alternative was considered as an alternative to the City of Villages at a City-wide planning level, the public policy issues implicated are similar and relevant to the analysis of the Revised Project at a project level. The GP Reduced Density Alternative in the General Plan EIR "was designed to reduce citywide growth across all neighborhoods in order to maintain existing neighborhood character. Residential density reductions would be determined under the community plan update process. However, the number of residential units permitted under any community plan...would be limited to be consistent with the alternative." (*General Plan EIR Findings*, p. 35.) The City Council found that alternative infeasible and inconsistent with the General Plan's goals and policies because the reduction in housing units would "reduce the City's overall housing stock and increase the demand for housing." (*General Plan EIR Findings*, p. 35.) The City Council also found that alternative infeasible because "over the long-term, this pattern of growth would likely increase the environmental impacts associated with agricultural resources, air quality, biological resources, hydrology, paleontological resources, noise, traffic, water quality, and possibly others.

Furthermore, this alternative "would reduce the City's housing capacity which would be inconsistent with the City's adopted housing element and state requirements." (*General Plan EIR Findings*, p. 35.) The City Council likewise finds that the reduction in residential density contemplated in the Reduced Mixed-use Alternative has the potential to frustrate implementation of the General Plan, contrary to the adopted City of Villages strategy. The City Council acknowledged in adopting the City of Villages strategy that certain neighborhood character impacts are associated with increased density, yet concluded that the overall benefits of the City of Villages strategy are in the best interest of City residents and the region. Similarly, the City Council finds the Reduced Mixed-use Alternative is infeasible as a matter of public policy because it does not implement the goals and policies of the General Plan. Therefore, the City Council rejects the Reduced Mixed-use Alternative on that ground.

In addition the Statement of Overriding Considerations for the General Plan EIR states that the General Plan "provides a guiding framework for the completion of community plan updates which will allow individual communities and neighborhoods to provide direction for their future growth and successful economic development while maintaining their unique characters." (*General Plan EIR Findings*, p. 36.) The Reduced Mixed-use Alternative does not follow the General Plan's "guiding framework for the completion of community plan updates," which provides a separate and independent basis for rejecting the Reduced Mixed-use Alternative because the Reduced Mixed-use Alternative would not fall within the framework required for updating community plans and would make the Community Plan inconsistent with the General Plan. (*General Plan EIR Findings*, p. 36.) The Community Plan acts as a component of the Land Use Element of the General Plan and therefore must conform to the policies of the General Plan.

As noted above, Mayor Faulconer and Councilmember Gloria have introduced a draft Climate Action Plan to reduce GHG emissions by 50% by 2035. Although the draft Climate Action Plan has not yet been approved, the draft Climate Action Plan is consistent with current General Plan principles, including the City of Villages, and provides an implementation plan that would encourage reductions in commute distances by allowing people to live closer to where they work. The draft Climate Action Plan states: "The City of San Diego General Plan (2008) is based on the City of Villages smart growth strategy which directs growth into compact, mixed-use, walkable centers linked by transit. This compact urban form reduces the need to travel and makes alternative modes of transportation easier to use. The [Climate Action Plan] will support

implementation of the General Plan through support for continued incremental changes to the urban land use form, providing greater transportation choices, and transforming how we produce and use energy. Further, the [Climate Action Plan] will complement the General Plan policies to reduce greenhouse gas emissions with quantifiable data and benchmarks for success." (*Draft Climate Action Plan*, p. 10.) The Reduced Mixed-use Alternative reduces the density of uses on the property and therefore fails to robustly implement the City of Villages strategy and the draft Climate Action Plan goal.

Further, the draft Climate Action Plan seeks to reduce vehicle miles traveled to reduce GHG emissions. Reducing the number of residential units in the Reduced Mixed-use Alternative would minimize the potential reductions in greenhouse gas emissions associated with shorter commute times that would otherwise occur with implementation of the Revised Project.

In addition, the Revised Project proposes a traffic signal synchronization program that will help the City to achieve its GHG reduction goals. For instance, Action 3.4 of the draft Climate Action Plan calls for the reduction in vehicle fuel consumption through implementation of the City's Traffic Signal Communications Master Plan. (*Draft Climate Action Plan*, p. 39; *Traffic Signal Communications Master Plan*.) The target is to retime either 200 traffic signals or 13 coordinated traffic signal systems per year. The Revised Project includes a traffic signal synchronization program that would help fulfill the draft Climate Action Plan's Action 3.4 and achieve 20% of the near term goal by implementing the City's Traffic Signal Communications Master Plan at approximately 45 intersections throughout Carmel Valley. The traffic signal synchronization program is a feature of the Revised Project that is not included in the Reduced Mixed-use Alternative. The City finds that the early implementation of the Traffic Signal Communications Master Plan is a compelling public policy goal of the City, which will reduce GHG emissions, and therefore the absence of the traffic signal synchronization program from the Reduced Mixed-use Alternative makes the alternative infeasible as a matter of public policy.

Urban Design Element UD-C.1.a states that mixed use centers should "encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development." (*General Plan Urban Design Element*, p. UD-21.) However, as stated in the Recirculated Alternatives section of the FEIR, the significant reduction in density, and particularly retail development, would promote a traditional suburban shopping center design, with greater reliance of surface parking. Increased reliance on surface parking is inconsistent with Urban Design policy UD-A.11, which "[e]ncourage[s] the

use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking" and policy UD-A.12, which seeks to "[r]educe the amount and visual impact of surface parking lots." (*General Plan Urban Design Element*, p. UD-12 – UD-14.) Therefore, the Reduced Mixed-use Alternative does not meet these policies of the Urban Design Element and is infeasible due to its conflict with such General Plan policies.

The Project site is unique in that it is a large undeveloped superblock in an area that has been developed under a suburban model. As noted above, the Reduced Mixed-use Alternative's reduction in retail square footage and residential units undermines the mixing of uses on the site and creates a bunkering effect between uses. This is inconsistent with Urban Design Element policy UD-C.8 which provides direction to "[r]etrofit existing large-scale development patterns, such as 'superblocks' or 'campus-style' developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system." (*General Plan Urban Design Element*, p. UD-25.) The Reduced Mixed-use Alternative would create a balkanization among uses in the center, which would reduce the linkages to neighboring job centers. The Reduced Mixed-use Alternative is therefore infeasible as a matter of public policy due to its inconsistency with Urban Design Element policies.

In addition to the multiple grounds for infeasibility outlined above, the Reduced Mixed-use Alternative would generate a positive annual net fiscal impact to the City ranging from an estimated \$250,000 to \$410,000 per year, in comparison to an estimated range of \$1,450,000 to \$1,840,000 from the originally proposed project and an estimated range of between \$528,000 and \$880,000 from the Revised Project. In addition, the Reduced Mixed-use Alternative would provide only 2,967 construction jobs in comparison to 7,717 for the originally proposed project and 6,402 for the Revised Project. The Reduced Mixed-use Alternative would provide 873 permanent jobs, in comparison with 1,785 and 1,591 permanent jobs associated with the originally proposed project and the Revised Project, respectively. (*One Paseo Mixed Use Project-Net Fiscal Impact and Economic Benefit Analysis*, dated January 2013; *Net Fiscal Impact and Economic Benefit of Reduced Mixed-Use Alternative*, dated March 13, 2014 [collectively hereinafter, *Kosmont Fiscal Impact Analyses*].) The City rejects the Reduced Mixed-use Alternative as infeasible due to the failure to generate sufficient jobs, net fiscal impact and economic activity in comparison to the originally proposed project and the Revised Project, which both demonstrate extraordinary public benefit in General Fund net revenues.

8. Specialty Food Market Retail Alternative

Alternative Description: This alternative would include commercial uses that would not generate more than the 6,500 average daily trips (ADT), which is the approximate amount of ADT that would be generated by development of the property as an employment center, consistent with the current land use and zoning designations of the Community Plan, Precise Plan, and the Carmel Valley PDO.

Given the community's expressed interest in a specialty food market, this alternative is based around construction of a specialty food market in combination with retail stores. The specialty food market is anticipated to be 30,000 sf. Applying the City's traffic generation rate for a food market (150 trips per 1,000 sf), the specialty food market would be expected to generate 4,500 ADT. After subtracting the 4,500 ADT related to the specialty food market from the goal of 6,500 ADT, 2,000 ADT would remain for additional retail development on the site. Based on the City's traffic generation rate for retail of 40 trips per 1,000 sf, an estimated 50,000 sf of retail is included in this alternative. Thus, the Specialty Food Market Retail Alternative includes a 30,000 sf food market, and 50,000 sf of retail uses, such as restaurants, banks, convenience stores, and other neighborhood stores, totaling 80,000 sf with a floor area ratio of 0.08.

Based on its similarity to the retail uses associated with Del Mar Highlands Towne Center, it is assumed that the retail development would be constructed at the eastern end of the project site, and take access from El Camino Real, opposite the main entry to Del Mar Highlands Towne Center. The specialty food market would likely be a stand-alone, one-story building. Convenience stores, banks, cleaners, etc., would be grouped into one or more single-story buildings. Larger restaurants would be expected to be constructed as stand-alone, one-story buildings. The retail uses would share landscaped, surface parking lots surrounding the stores. The retail development and associated parking lots would occupy an area of approximately 10 acres, leaving approximately 13 acres of the Revised Project site vacant.

Finding: The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: Implementation of the Specialty Food Market Retail Alternative would reduce or avoid significant impacts associated with the originally proposed project. Most notably, this

alternative would avoid impacts to some of the roadway segments and intersections impacted by the originally proposed project. In addition, this alternative would avoid the significant visual and neighborhood character impacts related to the originally proposed project by limiting building heights to one story, and reducing the square footage of buildings from 927,400 to 80,000 sf. Due to the limited footprint and grading requirements, this alternative would also avoid significant impacts related to biological, historical, and paleontological resources. As retail uses are not considered sensitive receptors, traffic noise impacts would be avoided by this alternative.

This alternative would not meet the basic objectives of the Revised Project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth. Furthermore, the remaining 13 acres would be potentially subject to further development, in accordance with the Carmel Valley PDO. Thus, this alternative is considered infeasible.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would not be consistent with that strategy because no residential uses are proposed. Since this alternative only involves retail uses, it does not comply with Housing Element policy HE-A.4, which seeks to "promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving." (*General Plan Housing Element*, p. HE-45.) Nor can this alternative meet the Housing Element's goal of providing "sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013-2020" since it contains no housing. (*General Plan Housing Element*, p. HE-1.)

Similarly, this alternative would conflict with Housing Element Policy HE-A.7, which seeks to "[d]evelop a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of

workforce housing proximate to employment and/or multimodal transportation facilities," (*General Plan Housing Element*, p. HE-45.)

Since no housing would be provided, this alternative does not comply with the following goals of the General Plan's Urban Design Element:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.
- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20.)

By failing to encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development, and by failing to "provide more and improved linkages among uses in the superblock, neighboring development and the public street system," the Specialty Food Retail Market Alternative would be inconsistent with the Urban Design Element's policies. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25.) As a result, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy.

VIII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Significant Irreversible Environmental Changes That Will Be Caused By The Revised Project

Section 15126(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 10 of the EIR, implementation of the Revised Project would not result in significant irreversible impacts to biological, agricultural, forestry, mineral, or cultural resources. The Revised Project site currently is vacant, graded, and designated for employment center uses. Therefore, it contains no natural vegetation, agriculture, or forestry resources. No significant mineral deposits underlie the site, nor are there any known significant cultural resources present onsite. In addition, no water bodies are located on the site or within the Revised Project vicinity.

The Revised Project would require the commitment of energy and non-renewable resources, such as energy in the form of electricity, energy derived from fossil fuels, construction materials, and labor during the construction phase. Use of the resources would have an incremental effect on the regional consumption of these commodities, and would therefore result in long-term, irretrievable losses of non-renewable resources such as fuel and energy. In addition, an incremental increase in energy demand would occur during Revised Project operation.

B. Growth Inducing Impacts Of The Project

Section 15126(d) of the CEQA Guidelines requires an EIR to analyze any growth-inducing impact of the project. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 11 of the EIR, that demand for various construction-related jobs would increase during the construction phase of the Revised Project. However, it is anticipated that this demand would be met by the local labor force and would not require the importation of a substantial number of workers that would cause an increased demand for temporary or permanent housing.

The Revised Project will create additional part-time and full-time employment. Given the site's existing Employment Center designation, long-term plans for Carmel Valley already anticipate that the site would be developed with similar "employment center" uses. None of the anticipated jobs are expected to require the importation of a specialized work force. While the Revised Project has the potential to foster economic growth for the City, it is expected to have a limited effect on regional population growth because it is expected to draw from the local population for the anticipated jobs.

If the General Plan Amendment, Community Plan Amendment, Precise Plan Amendment, and Rezone are approved, the project will add 608 new residential units and approximately 1,666 persons that were not anticipated in the City's existing land use projections. The majority of the new housing units are anticipated to be absorbed by existing San Diego residents; they are not anticipated to result in overall regional population growth. Rather, the new units will accommodate regional housing demand within a mixed-use, infill development, in accordance with the City's Housing Element.

The Revised Project does not require the extension of existing roads to provide access to the site. Since the Revised Project is conditioned on the payment of Facilities Benefit Assessment (FBA)

fees to fund programmed public facilities identified in the Carmel Valley Public Facilities Financing Plan (PFFP), proposed roadway improvements would not result in growth beyond what is already planned. In addition, existing off-site infrastructure is more than adequate to accommodate the project. Permanent storm water and sewer drainage facilities will be located in approximately the same location will replace the current, temporary facilities. The new facilities will be sized to accommodate the Revised Project. Proposed utility extensions will occur off of existing utility lines in the roadways surrounding the Revised Project site and will be sized to accommodate the project. As a result, no infrastructure improvements will result in growth beyond what is already planned.

The surrounding community public services can accommodate the Revised Project. The project will include onsite recreational areas and will pay FBA fees to offset any Revised Project impacts on park facilities.

The area around the Revised Project site generally is built-out, thus, the project itself would not result in a new use that would attract new development in addition to the Revised Project itself. The Revised Project would not remove any existing physical barriers to growth, thus, growth inducement likely would not occur with development of the Revised Project.

IX. FINDINGS REGARDING SB 610 WATER SUPPLY ANALYSIS

Per Senate Bill 610, any project that would include water demand for 500 residential units or the equivalent water consumption of 500 residential units is required to prepare a Water Supply Assessment (WSA). The City prepared the Water Supply Assessment (WSA) Report and subsequently prepared an Addendum specific to the Revised Project. The WSA and the Addendum are included in Appendices J and J.1, respectively, in the EIR.

The Revised Project will result in a projected water demand of approximately 216 acre-feet per year (AFY). The WSA considered the City's existing and projected water supplies, including recycled water supplies and planned capital improvement projects. The WSA noted that, per the City's 2010 Urban Water Management Plan (UWMP), the planned water demand of the Revised Project site is 86 AFY, which results in a difference of 130 AFY from the projected water use of the site.

However, SDCWA accounts for such increases in water demand through the Accelerated Forecasted Growth demand increment in its 2010 UWMP. Through accounting for Accelerated Forecasted Growth, SDCWA is planning to meet future and existing growth, and will include the project in all future planning and water supply modeling analysis, including analysis in the 2015 UWMP.

Ultimately, the City Council of the City of San Diego finds that there will be adequate water supplies to serve the Revised Project along with existing and other future planned projects during normal, single-dry year, and multiple dry years scenarios.

X. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR

The EIR includes the comments received on the Draft EIR and the Recirculated Alternatives section, as well as responses to each of those comments. The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments, as specified by CEQA Guidelines Section 15088(b).

The City Council of the City of San Diego hereby finds that the responses to comments made on the Draft EIR and the Recirculated Alternatives section, and any subsequent revisions to the EIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate per CEQA Guidelines Section 15088.5(b).

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EXHIBIT B

UPDATED DRAFT CANDIDATE
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR ONE PASEO PROJECT

SCH No. 2010051073

Project No. 193036

February 2015

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**UPDATED DRAFT CANDIDATE STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING FINAL ENVIRONMENTAL IMPACT
REPORT FOR ONE PASEO PROJECT**

SCH No. 2010051073

Project No. 193036

February 2015

I. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the Updated Draft Candidate Findings of Fact Regarding Final Environmental Impact Report for One Paseo Project (Findings), the City of San Diego (City)'s approval of the One Paseo project (Revised Project) will result in significant environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code sections 21002 and 21081(b) and CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the EIR and/or other information in the administrative record.

The City Council of the City of San Diego, (i) having independently reviewed the information in the EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the Revised Project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the Revised Project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the Revised Project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found either in the Findings which are incorporated by

reference into this section, the EIR, or in documents that comprise the Record of Proceedings in this matter.

A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. The Revised Project advances the City of Villages strategy, which is integral to the implementation of the City's General Plan.

The General Plan has adopted the City of Villages strategy as the operative growth policy for the City. The City Council made specific Findings and adopted a Statement of Overriding Considerations when it certified the General Plan EIR. The Revised Project implements the City of Villages strategy and the policies and goals of the General Plan, which were outlined in the previously adopted General Plan EIR Findings/SOC:

- a. The Revised Project protects the quality of life for existing and future residents through implementing the General Plan goals and policies designed to achieve a desired vision for the City that incorporates smart growth principles, concepts of sustainable development and resource management, and environmental protection.
- b. The Revised Project implements the General Plan policies and goals that guide the City in expanding the local economy, which provides jobs, attracts and retains businesses, supports diverse and vibrant commercial areas, recognizes and encourages technological innovations, and generates sufficient revenue to support various local programs and services.
- c. The Revised Project promotes development which accommodates anticipated population growth and guides physical development towards a desired image that is consistent with the social, economic and aesthetic values of the City.
- d. The Revised Project is consistent with the General Plan which provides a guiding framework for the completion of community plan updates which will allow individual communities and neighborhoods to provide direction for their future growth and successful economic development while maintaining their unique characters.

- e. The Revised Project is consistent with the General Plan which provides mitigation frameworks to guide community plan updates and development projects in order to reduce environmental impacts of future plans and projects.
- f. The Revised Project supports the policies and goals of the most recent General Plan Housing Element and allows the City to meet future housing needs for the growth in population, including affordable housing.
- g. The Revised Project provides for public facilities and services needed to serve the existing and future population and establishes goals and policies to enhance public safety.
- h. The Revised Project allows the City to become an international model of sustainable development and provide for the long-term conservation and management of the rich natural resources that help to define the City's identity, contribute to its economy, and improve its quality of life.
- i. The Revised Project is consistent with the General Plan policies that guides the preservation, protection, restoration, and rehabilitation of historical and cultural resources, improves the quality of the built environment, maintains the character and identity of communities, and contributes to the City's economic vitality.
- j. The Revised Project addresses expected impacts of global climate change by facilitating sustainable development, reducing greenhouse gas emissions within the City, and participating in the worldwide efforts to reduce effects such as extreme weather phenomena, sea level rise, and destruction of ecosystems.

Specifically, the Revised Project will help fulfill the City of Villages strategy by creating a mixed-use village in the heart of the Carmel Valley community where residential, commercial, employment and civic uses are all present and integrated. As noted in the General Plan, "Implementation of the City of Villages strategy relies upon the designation and development of village sites." (*General Plan Strategic Framework*, p. SF-3.) Therefore, actual development of sites within a community consistent with this strategy is necessary for the City of Villages to succeed. The Revised Project is located on one of the last undeveloped sites in the Carmel Valley

community and is being developed as a "village" to ensure implementation of this important General Plan strategy. According to the City's General Plan, the "City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system...The strategy is designed to sustain the long-term economic, environmental, and social health of the City and its many communities... A 'village' is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated...All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs." (*General Plan Strategic Framework*, p. SF-3.)

The Revised Project proposes residential, commercial, employment and civic uses described in the strategy on the same site. The Revised Project's 608 units of multi-family residential housing will provide a greater range of housing types than currently exist in Carmel Valley. These units will be affordable to people of different incomes and needs. The 198,500 square feet of commercial uses will ensure that residents of the Revised Project and larger community have adequate retail to serve the area, and the employment uses will provide job centers close to residential uses to create a live-work balance in the community. By designating and developing this site consistent with the definition of a "village" in the General Plan, the Revised Project will "sustain the long-term economic, environmental, and social health of the City." (*General Plan Strategic Framework*, p. SF-3.)

Further, the City's General Plan states that coordination between the City and the San Diego Association of Governments (SANDAG) is vital for coordinating regional land use and transportation planning. The General Plan states the "SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource

protection...The City of San Diego General Plan is designed to complement and support the RCP." (*General Plan Strategic Framework*, p. SF-5.)

SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the Project site as a Town Center smart growth area. (*Smart Growth Concept Map*, January 27, 2012 [*Concept Map*].) The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. (*Regional Comprehensive Plan*, November 2006 [*RCP*].) This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Towards that end, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the General Plan's City of Villages strategy as supporting the Town Center concept. (*RCP*.) Therefore, development consistent with the City of Villages strategy implements both the General Plan goals and policies and furthers the established SANDAG regional planning goals.

2. The Revised Project will create numerous construction and permanent jobs, resulting in a significant boost to the local economy.

The Revised Project will result in substantial fiscal benefits for the City. The national and regional economies are recovering from a significant recession, which led to numerous job losses and revenue reductions. According to the San Diego Regional Chamber of Commerce's 2012 economic impact study titled "San Diego's Road to Economic Recovery," the unemployment rate in San Diego was at approximately 5% in 2007, and rose to a peak of 10.9% in July of 2010. (*San Diego's Road to Economic Recovery*, dated June 2012.) The Chamber report shows a negative 3% growth between 2008 and 2009, with positive growth of 1% beginning in 2010. (*Ibid.*)

The National University System Institute for Policy Research (NUSIPR) Economic Ledger (December 2011) notes that "from 2007 to 2009 San Diego lost 102,400 payroll jobs." (National University System Institute for Policy Research *San Diego Economic Ledger*, dated December 2011.) The National University study indicates that although unemployment rates are dropping, more growth and job creation are necessary. "NUSIPR's forecast for employment gains in 2012 will only lower the annual rate to 9.8 percent. Real GDP needs to grow more than three percent to

absorb all new labor entrants and 're-entrants' to more significantly bring the unemployment rate down." (*Ibid.*)

The Revised Project will help boost the local economy by supporting an estimated 6,402 construction related jobs. (*One Paseo Mixed Use Project-Net Fiscal Impact and Economic Benefit Analysis*, dated January 2013; *Net Fiscal Impact and Economic Benefit of Reduced Mixed-Use Alternative*, dated March 13, 2014 [collectively hereinafter, *Kosmont Fiscal Impact Analyses*].) Construction output from the Revised Project, which includes direct, indirect and induced spending associated with Revised Project construction, is anticipated to be \$1,014,000,000. (*Ibid.*) In addition, the completed Revised Project will support an estimated 1,591 new permanent jobs and inject approximately \$154,000,000 in new permanent job wages into the local economy. (*Ibid.*)

3. The Revised Project will make a substantial contribution to the City's General Fund and fund City infrastructure.

The Revised Project is estimated to generate a net annual fiscal benefit to the City of between \$528,000 and \$880,000. (*Kosmont Fiscal Impact Analyses*.) Such revenue may be spent by the City to improve vital services including police and fire protection, parks, roads and other infrastructure in the City. Money added to the General Fund will positively impact the City as a whole, not just the Carmel Valley community.

4. The Revised Project will revitalize the Carmel Valley economy.

Development of the Revised Project will activate an underutilized property and result in a new source of economic vibrancy in the Carmel Valley community. The Revised Project is anticipated to generate on an annual basis approximately \$113,000,000 in new wages, \$41,000,000 in new wages through economic multiplier effects, and conservatively, more than \$80,000,000 in new retail sales activity. (*Kosmont Fiscal Impact Analyses*; *One Paseo Mixed Use Project-Retail Market Analysis*, February 9, 2012; *Addendum to February 2012 Retail Market Analysis Conducted for the One Paseo Project*, February 28, 2013 [collectively hereinafter, *Kosmont Retail Market Analyses*].) The Revised Project is also expected to generate approximately \$2,500,000 in

new annual tax revenues for the City, supporting net new tax revenues of between \$528,000 and \$880,000 annually, after incremental City project related expenses. (*Ibid.*)

As demonstrated by the Retail Market Analyses prepared for the project by the Kosmont Companies, the addition of new retail uses at the project site will fulfill a recognized need in the community for additional retail development, and reduce the need for area residents to travel outside the community to satisfy their shopping requirements. (*Kosmont Retail Market Analyses.*) The analysis prepared by The London Group suggests that Kosmont's study was conservative, and that "the local market is significantly underserved as to both the supply of retail space and variety of choices available to residents of the community." (*London Group One Paseo Retail Component Market Analysis*, dated May 2013.)

In addition, the London Group's February 5, 2014 Critical Mass Report explains that the Revised Project will attract higher-quality "specialty" retail tenants that prefer to cluster together with other synergistic business entities that are currently missing from Carmel Valley. Patrons of one high-end tenant are likely to patronize the other, and more likely to patronize both if both are present. (Retail Market Analysis and Retail Critical Mass Associated with a Reduced Project Alternative, February 5, 2014 [hereinafter, *London Group February 5, 2014 Critical Mass Report.*].) The Revised Project will activate the area, emphasizing entertainment options and integrating open space to promote pedestrian activity, and at the same time, will contrast with and complement the existing nearby retail establishments.

5. The Revised Project will protect open space through consistency with the City of Villages strategy.

The City of Villages strategy is a departure from the suburban development model employed by the 1979 General Plan, which generally has been implemented in the Carmel Valley area. The General Plan explains that "[o]ver the last two centuries, San Diego has grown by expanding outward onto land still in its natural state. This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open lands." (*General Plan Strategic Framework*, p. SF-1.)

Based on this direction, the General Plan seeks to efficiently use the remaining developable land in the City consistent with the new growth policies of the Strategic Framework. The Strategic Framework Element embraces mixed use villages as the desirable development pattern for the City stating that "new policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City's continued growth over the long term." (*General Plan Strategic Framework*, p. SF-6.) The Conservation Element of the General Plan at page CE-3 states that, "the City of Villages strategy to direct compact growth in limited areas that are served by transit is, in itself a conservation strategy. Compact, transit-served growth is an efficient use of urban land that reduces the need to develop outlying areas." (*General Plan Conservation Element*, p. CE-3.)

As shown in the Kosmont Retail Market Analyses, there is net supportable retail space of 1,219,972 square feet in the trade area for the Project, which includes Carmel Valley. (*Kosmont Retail Market Analyses*.) As noted in the London Group's February 5, 2014 Critical Mass Report, "our May 3, 2013 report concluded that \$542 million or 74% of annual retail expenditures by Primary Market Area residents are leaving the market in the form of 'outflow leakage.' In fact, [the] analysis demonstrates retail support for an additional 1.4 million square feet of space in the PMA." (*London Group February 5, 2014 Critical Mass Report*.) Therefore, the Carmel Valley area has significant pressure to develop additional retail space within the community to serve the unmet needs of residents. By concentrating that growth in retail space within the already developed area of the community, growth into open space areas will be avoided, thereby furthering the goals of the General Plan Conservation Element. Implementation of the City of Villages strategy also compliments and implements the third planning goal of the Carmel Valley Community Plan, which is "to preserve the natural environment." (*Carmel Valley Community Plan*.) The City of Villages strategy balances the growing needs of residents for retail, residential and employment uses, while preserving the environment and open space. Therefore, the Revised Project's design, which is consistent with the City of Villages strategy, will preserve and protect open space and the environment.

6. The Revised Project will support the housing goals of the General Plan and provide more balanced housing supply in the community.

The Revised Project implements the General Plan's goals and policies related to housing. As noted in the Statement of Overriding Considerations for the General Plan EIR, the implementation of the General Plan "supports the policies and goals of the most recent Housing Element adopted by the City in 2006, and allows the City to meet future housing needs for the growth in population, including affordable housing." (*General Plan EIR Findings*, p. 36.) The City Council similarly finds that the Revised Project will support the General Plan's Housing Element policies and allow the City to meet future housing needs.

General Plan Housing Element Policy HE-A.4 states: "Through the community plan update process, encourage location and resource efficient development. The community plans should focus on policies which promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools, and recreation, providing residents and employees with the option of walking, biking or using transit rather than driving." (*General Plan Housing Element*, p. HE-45.) Because the Revised Project will allow for the clustering of activities onsite, it advances this policy.

The Housing Element also "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "[e]nsure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Revised Project would contribute to the realization of the City's housing goals under the RHNA. As noted in the General Plan Housing Element, "the General Plan sets forth direction to update the City's many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with

community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City." (*General Plan Housing Element*, p. HE-46.) The Housing Element's Adequate Sites Inventory allocates 608 dwelling units to the Project site, and describes those units as "Review In Process With Plan Amendment." Those units are included in the inventory of housing which could accommodate the City's housing needs in the RHNA. Therefore, the Revised Project's 608 units would contribute to and support the goals and policies of the General Plan's Housing Element. (*General Plan Housing Element*, p. HE-149.)

The Project site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a "full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City's communities." (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the Revised Project is already in place, and therefore, the site is more desirable for meeting the RHNA than infill or vacant sites in areas where infrastructure does not exist. The Revised Project maintains the same number of housing units on the site as the originally proposed project, and therefore maximizes the site for housing consistent with the Adequate Sites Inventory. The Revised Project therefore meets the policy demands of the RHNA and implements the General Plan Housing Element Policies.

Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major employment centers and transit service." (*General Plan Housing Element*, p. HE-45.) By placing 608-dwelling units in the same location as a new employment center, the Revised Project protects areas far from developed employment centers from future residential development. By focusing higher densities in the major employment center of the community, which is located directly south and west of the Project site on El Camino Real and High Bluff Drive, the Revised Project satisfies these important public policy goals.

Housing Element Policy HE-A.5 seeks to "[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use, which is what will happen with the Revised Project. Since this site has been deemed suitable by the Adequate Sites Inventory, the Revised Project will maximize the density of the proposed zone. It thus satisfies the policies of the General Plan.

Housing Element Policy HE-A.7 encourages the "develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities." (*General Plan Housing Element*, p. HE-45.) The Revised Project will create a mix of housing types on the Project site and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. Therefore, the Revised Project's housing units are consistent with Policy HE-A.7 and satisfy public policy.

7. The Revised Project will address a number of critical infrastructure needs, above and beyond what is required to mitigate the Revised Project's potential environmental impacts.

As part of the Revised Project, the applicant will fund and/or implement a number of infrastructure improvements in addition to that which is required to mitigate the project's transportation impacts, including the following:

- a. As part of an agreement with Caltrans and included as part of the Revised Project, the applicant has agreed to advance the installation of improvements within the jurisdiction of Caltrans, including improvements to the I-5/Del Mar Heights Road Interchange, and fund more than its fair share of such improvements. Specifically,

the applicant will add an HOV lane to the I-5 southbound Ramp (Loop) at a cost of \$350,000. The project's fair share cash contribution would have been \$111,000.

- b. As part of an agreement with Caltrans and included as part of the Revised Project, the applicant has agreed to make certain median landscaping enhancements on Del Mar Heights Road within Caltrans' jurisdiction, and the long-term maintenance of these improvements will be funded by the applicant.
- c. As part of an agreement with Caltrans and included as part of the Revised Project, the applicant voluntarily will contribute funding, above the applicant's fair share obligation, for Caltrans to study the design of a third eastbound through lane on the Del Mar Heights Road bridge, as needed to increase future capacity on that facility. The applicant's fair share contribution has been calculated by Caltrans to be \$1,192,500, but the applicant voluntarily has offered to contribute an additional \$307,500, for a total contribution of \$1,500,000.

8. The Revised Project will provide quality of life enhancement in and around Carmel Valley.

As part of the Revised Project, the applicant has agreed to provide a number of benefits to the community, which are not required to mitigate any environmental effects of the Revised Project, including the following:

- a. The applicant will advance up to \$1,100,000 to the SR56/I-5 CVREP Phase 1 trail under I-5, to help advance portions of the installation of this previously approved Caltrans' improvement. The project is a 1.23-mile long, 12 foot wide trail connection under the I-5 freeway structures that would link the existing Old Sorrento Valley Road along Peñasquitos Lagoon easterly to the existing SR 56 bike bath, providing access to the lagoon and to the ocean and creating a link between three regional trail systems (the Sea-to-Sea Trail from the Salton Sea to the Pacific Ocean, the existing Old Sorrento Valley Road trail, and Carmel Valley Restoration Enhancement Project trail) and to the proposed Carmel Valley Park and Ride trailhead. The project would include removal of sediment under freeway bridges

to promote movement of wildlife. The applicant's financial contribution will help complete one of the most significant missing trail connections in coastal north county San Diego.

- b. The applicant will fund up to \$150,000 towards the investigation and installation of potential traffic calming devices on High Bluff Drive north of Del Mar Heights Road.
- c. The applicant will fund up to \$40,000 for the design and installation of Carmel Valley community identity monuments at Del Mar Heights Road and the south end of El Camino Real.
- d. The applicant will enhance the planted medians, tree-lined parkways and bike lanes along Del Mar Heights Road and El Camino Real in order to connect the Revised Project to the community beyond the Revised Project boundary. In addition, the applicant will implement a boulevard-style design treatment along the Revised Project frontage with separated bicycle tracks and improved pedestrian promenades.
- e. The applicant will enhance the crosswalks at the intersection of Del Mar Heights Road and El Camino Real with enhanced pedestrian connections.
- f. The applicant will advance up to \$550,000 for the design and engineering of a potential enhanced park and additional play fields at the Carmel Valley Recreation Center, as well as a potential future gateway to the Center.

9. The Revised Project will advance the goals of SANDAG's 2050 RTP and will be a sustainable mixed-use community.

In the General Plan EIR Findings, the City Council determined that implementation of the General Plan policies and the City of Villages strategy "allows the City to become an international model of sustainable development and provide for the long-term conservation and management of the rich natural resources that help to define the City's identity, contribute to its economy, and improve its quality of life." (*General Plan EIR Findings*, p. 37.) The City finds that the Revised Project

implements the General Plan and the City of Villages strategy and therefore will continue to allow the City to be a model of sustainable development for the following reasons:

- a. The Revised Project is a premier example of "smart-growth" principles. The Revised Project fulfills a vision for a civic and cultural "core" by creating a special destination where work, play, dining/entertainment, living and just gathering naturally bring the Carmel Valley community together. The Revised Project will serve as "the major unifying element of the entire community," as envisioned by the Community Plan. (*Carmel Valley Community Plan.*) The Revised Project will help connect the community by providing walkways, trails, bike lanes and linear park-like amenities that will link the diverse land uses in Carmel Valley to one another. By providing a new degree of connectivity in Carmel Valley, the Revised Project will allow residents, employees in the adjacent offices and shoppers to explore their community by foot and by bicycle in new and different ways. The Revised Project includes a pedestrian connection from High Bluff Drive which includes a significant number of office buildings. This connection will allow employees in these buildings to access food, entertainment, and shopping that will be offered by the project. The connection of these previously isolated office buildings to retail and uses furthers the Strategic Framework's smart growth goals to integrate jobs, housing and retail use in a pedestrian friendly area.
- b. The applicant will include bike and pedestrian friendly bike stations and ride sharing amenities, as well as several electric vehicle charging stations, and a shuttle service that will further the sustainability goals of the City and reduce GHG emissions. A shuttle service is being offered as part of an enhanced Transportation Demand Management program. It is anticipated that the shuttle system will be implemented in the final stages of the Revised Project. It will be piloted as a loop system from the Revised Project site through the Employment Center in Carmel Valley to the Sorrento Valley Coaster Station, arriving and departing at 15 minute intervals during AM/PM peak periods, the lunch hour and other times as appropriate (including school hours).

- c. It is anticipated that all of the Revised Project's office buildings will be certified to a LEED Gold rating based on the expectation that the Revised Project's office buildings will be designed to include features such as optimized energy performance, "cool roofs," water efficient fixtures and landscaping, and onsite renewable energy.
- d. The Revised Project will be developed using energy and water efficiency standards, "cool" roofs and paving materials and an extensive onsite recycling and composting program.

10. The Revised Project will create resources for beach sand replenishment.

Up to an estimated 250,000 cubic yards of material have been prequalified by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency as beach quality sand for beach replenishment. (*One Paseo Opportunistic Beach Nourishment Project Final Sampling and Analysis Plan Results Report.*) This native Torrey Sandstone material has been tested and submitted to all necessary agencies for approval in a Final Sampling and Analysis Plan Results Report. Several receiving beach sites have been identified and possess existing Sand Compatibility Opportunistic Use Permits. These permits allow the subject beaches to receive qualified sand material between October and March. Therefore, to the extent that the Revised Project's grading operations occur between October and March, qualified beach sand material can be exported to local beaches as a part of the Revised Project's grading and excavation phase. Nourished shorelines provide two primary benefits: increased area for recreation, and greater protection against coastal storms. Other tangible benefits include tourism revenues, restored wildlife habitats, enhanced public health and safety.

11. The Revised Project addresses expected impacts of global climate change by facilitating sustainable development and helping reduce GHG emissions in the City.

- a. As noted in the General Plan EIR, by concentrating growth into mixed use centers that are pedestrian and bicycle friendly and that allow people to live, work and shop

in close proximity, the City of Villages strategy will reduce vehicle miles traveled. (*General Plan EIR*, p. 3.2-14). Reducing vehicle miles traveled to work, shopping, and home reduces the amount of GHG emissions from vehicles used for transportation to these locations. The Revised Project includes an essential shuttle link between the Project site and the Sorrento Valley Coaster Station, which will allow people who work in the Carmel Valley Employment Center to take public transportation to other parts of the City that are accessed by the Coaster rail service. The shuttle service is anticipated to reduce vehicle miles traveled and in turn, reduce GHG emissions.

- b. In addition, the Revised Project entails construction of a mixed-use development intended to promote sustainability through the provision of residential, retail, and office uses on the same site and in close proximity to existing community facilities. As explained in the Findings, the Revised Project has been registered with the Green Building Certification Institute with a certification goal of LEED® Silver under the LEED® for Neighborhood Development™ rating system, and subsequently achieved Smart Location and Linkages Prerequisite review approval, the first certification level, from the Green Buildings Certification Institute. LEED®-certified buildings are designed to reduce waste, conserve energy and water, reduce greenhouse gas emissions, and lower operating costs. Towards that end, the Revised Project would incorporate the following sustainable design features:

- Proposed buildings would exceed Title 24 energy standards by a minimum of 20 percent;
- The proposed site design is compact and walkable, and bicycle storage facilities would be available for residents and employees with connectivity to surrounding bike routes;
- The Revised Project will include one or more shuttle stops;
- All lighting systems and infrastructure, such as traffic lights, parking meters, and street lamps, would use energy efficient technology such as light-emitting diode (LED) bulbs;

- Proposed buildings would use energy-efficient heating and cooling systems, equipment, and lights, and have sophisticated controls to monitor ongoing energy consumption;
- Electric vehicle charging stations would be included in the parking structures;
- The site would limit the hours of operation of outdoor lighting to conserve energy, while maintaining the level of light required for security and safety;
- The site would feature water-efficient landscaping and irrigation systems;
- All site buildings will employ high-performance "cool roof" materials, and the sidewalks and streets will use "cool" paving materials to reduce building cooling loads; canopy shading along sidewalks and roadways would also contribute to cooling load reduction;
- The proposed office buildings will target reducing their water use by 35 percent compared to standard office buildings by installing water-efficient fixtures in restrooms and kitchens; and
- The Revised Project site will feature a comprehensive recycling plan with a hazardous waste drop-off point, and several easy-to-access recycling bins.

12. The Revised Project provides a state-of-the-art Traffic Signal Synchronization and Emergency Vehicle Preemption Program.

- a. The Revised Project will provide the Carmel Valley area with a traffic signal synchronization and emergency vehicle preemption program that will modernize traffic signal systems at approximately 45 intersections throughout Carmel Valley with state-of-the-art technology. The new systems will provide added throughput at these intersections and provide emergency vehicles with the ability to preempt traffic signals without line-of-sight prior to arriving at an intersection (*Stack Traffic Consulting, Inc. Technical Memorandum*, dated September 22, 2014.) The program is expected to reduce intersection crashes in the area by a factor of up to 41%, which is up to 12 crashes annually. The program will implement adaptive signal operations technology that has been shown to be highly effective by recent City tests of the technology on Lusk Boulevard. It is anticipated that the program

will reduce stopped time on Del Mar Heights Road from Mango Drive to Carmel Canyon Road by 20-29%. (*Stack Traffic Consulting, Inc. Technical Memorandum*, dated August 27, 2014.)

- b. Further, the program is consistent with the GHG emission reduction goals proposed in the City's draft Climate Action Plan. For instance, Action 3.4 of the draft Climate Action Plan calls for reduction in vehicle fuel consumption through implementation of the City's Traffic Signal Communications Master Plan. (*Draft City of San Diego Climate Action Plan*, September 2014, p. 10 [hereinafter, *Draft Climate Action Plan*].) (*Draft Climate Action Plan*, p. 39; *Traffic Signal Communications Master Plan*.) The target is to retime either 200 traffic signals or 13 coordinated traffic signal systems per year. The Revised Project traffic signal synchronization program would help fulfill Action 3.4 and achieve 20% of the near term goal by implementing the City's Traffic Signal Communications Master Plan at approximately 45 intersections throughout Carmel Valley.
- c. In addition, the program will give emergency vehicles improved access through the Carmel Valley area. The program will upgrade the existing intersection emergency vehicle detection systems and area-wide emergency vehicle (ambulances and fire trucks) with GPS technology, which will allow pre-emption of traffic prior to the emergency vehicle reaching visibility of the intersection. These emergency vehicle upgrades have been shown to be very effective in the City of Carlsbad. (*Stack Traffic Consulting, Inc. Technical Memorandum*, dated December 3, 2014.)

B. CONCLUSION

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

EXHIBIT C

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

AMENDMENTS TO THE GENERAL PLAN, CARMEL VALLEY COMMUNITY PLAN AND THE CARMEL VALLEY EMPLOYMENT CENTER PRECISE PLAN NO. 683374, REZONE NO. 683373, VESTING TENTATIVE MAP NO. 714401, SITE DEVELOPMENT PERMIT NO. 714398, CONDITIONAL USE PERMIT NO. 977693 AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1124983
PROJECT NO. 193036

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 193036 shall be made conditions of Amendments to the General Plan, Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan No. 683374, Rezone No. 683373, Vesting Tentative Map No. 71440, Site Development Permit No. 714398, Conditional Use Permit No. 977693 and Neighborhood Development Permit No. 1124983, as may be further described below.

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

GENERAL REQUIREMENTS

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue areas as identified in the One Paseo Project EIR: Transportation/ Circulation/Parking, Visual Effects and Neighborhood Character, Noise, Paleontological Resources, Biological Resources, Health and Safety, and Historical Resources. The mitigation measures identified below include all applicable measures from the One Paseo Project EIR (Project No. 193036; SCH No. 2010051073). All mitigation measures identified for the Originally Proposed Project would be required to be implemented for the Revised Project. In addition, Mitigation Measure 12.9-1 that addresses noise impacts would be required for the Revised Project. This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California PRC requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the San Diego Corporate Center Project EIR, and therefore must ensure the enforceability of the MMRP. An EIR has been prepared for this project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to

ensure that adopted mitigation measures are implemented. Therefore the following general measures are included in this MMRP:

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

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

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)

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

Note:

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

CONTACT INFORMATION:

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

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #193036 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

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

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

<u>Issue Area</u>	<u>Document Submittal</u>	<u>Assoc Inspection/Approvals</u>
General	Consultant Qualification Letters	Prior to Pre-con Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-con Meeting
Geology	As Graded Soils Report	Geotechnical/fault inspection
Paleontology	Paleontology Reports	Paleontology site observation
Archaeology	Archaeology Reports	Archaeology/Historic site observation
Biology	Biology Reports	Biology inspection
Noise	Acoustical Reports	Noise mitigation features inspection
Traffic	Traffic Reports	Traffic features site observation
Waste Management	Waste Management Reports	Waste management inspections
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Transportation/Circulation/Parking

Mitigation Measure 5.2-1: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure reconfiguration of the median on the Del Mar Heights Road bridge to extend the EB to NB dual left-turn pocket to 400 feet to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the median reconfiguration shall be completed and accepted by the City Engineer or Caltrans.

Mitigation Measure 5.2-1.1: Prior to issuance of the first building permit for Phase 1, the project applicant shall contribute to Caltrans \$1,192,500 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge to the satisfaction of the City Engineer as the applicant's fair share contribution to improvements. The project applicant has voluntarily agreed to pay Caltrans an additional \$307,500 at that time, an amount in excess of its fair share contribution, for a total payment of \$1,500,000. The amount paid in excess of the applicant's fair share contribution is included as a project feature.

Mitigation Measure 5.2-2: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure the widening of the segment to extend the WB right-turn pocket at the Del Mar Heights Road/I-5 NB ramps by 845 feet and the modification of the raised median to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the widening shall be completed and accepted by the City Engineer and Caltrans.

Mitigation Measure 5.2-3: Prior to issuance of the first building permit for Phase 1, the project applicant shall make a fair-share contribution (4.9 percent) towards the widening of El Camino

Real from Via de la Valle to San Dieguito Road to a four-lane Major to the satisfaction of the City Engineer.

Mitigation Measure 5.2-4: Prior to issuance of the first building permit for Phase 1, the project applicant shall make a fair-share contribution (19.4 percent) towards the widening of Via de la Valle from San Andres Drive to El Camino Real (West) to a four-lane Major to the satisfaction of the City Engineer.

Mitigation Measure 5.2-5: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond installation of a traffic signal at the Carmel Creek Road/Del Mar Trail intersection, to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the traffic signal shall be completed and accepted by the City Engineer.

Mitigation Measure 5.2-6: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of a dedicated NB right-turn lane at the Del Mar Heights Road and High Bluff Drive intersection to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the dedicated NB right-turn lane shall be completed and accepted by the City Engineer.

Mitigation Measure 5.2-7: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of the following improvements at the Del Mar Heights Road/High Bluff Drive intersection to the satisfaction of the City Engineer: (1) widen Del Mar Heights Road on the north side receiving lanes and re-stripe the NB left and re-phase the signal to provide NB triple left-turn lanes; and (2) modify the EB and WB left-turn lanes to dual left-turn lanes and widen the EB approach by 2 feet on the south side to accommodate the EB and WB dual left-turn lanes. Prior to issuance of the first certificate of occupancy in Phase 1, all improvements in this mitigation measure shall be completed and accepted by the City Engineer.

Mitigation Measure 5.2-8: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of a 365-foot long EB right-turn lane at the Del Mar Heights Road/El Camino Real intersection, to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the 365-foot long EB right-turn lane shall be completed and accepted by the City Engineer.

Mitigation Measure 5.2-9: Prior to issuance of the first building permit for Phase 3, the project applicant shall make a fair-share contribution (3.5 percent) towards the widening and re-striping of the EB approach to provide one left, one shared through/left-turn, one through, and two right-turn lanes at the El Camino Real/SR 56 EB on-ramp intersection to the satisfaction of the City Engineer.

Mitigation Measure 5.2-10: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure construction of the following improvements at the Del Mar Heights Road/I-5 NB ramps to the satisfaction of the City Engineer and Caltrans: (1) widen/re-stripe the I-5 NB off-ramp to include dual left, one shared through/right, and one right-turn lane; (2) extend the WB right-turn pocket by 845 feet and modify the raised median; and

(3) reconfigure the median on the Del Mar Heights Road bridge to extend the EB dual left-turn pocket to 400 feet. Prior to issuance of the first certificate of occupancy in Phase 1, all improvements in this mitigation measure shall be completed and accepted by the City Engineer and Caltrans.

Mitigation Measure 5.2-11: Prior to issuance of the first building permit for Phase 3, the project applicant shall make a fair-share contribution (34.8 percent) towards adding an HOV lane to the I-5 SB loop on-ramp to the satisfaction of the City Engineer.

Mitigation Measure 5.2-12: Prior to issuance of the first building permit for Phase 1, the project applicant shall assure the widening and re-striping of the I-5 NB on-ramp to add an HOV lane to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the NB on ramp additional HOV lane shall be completed and accepted by the City Engineer or Caltrans.

Mitigation Measure 5.2-13: The VTM shall require that project construction be phased such that concurrent construction of Phases 1, 2, and 3 shall be prohibited, although phases may overlap.

Noise

Mitigation Measure 5.4-1: Prior to issuance of building permits, a noise analysis shall be completed to assess building-specific stationary noise sources and impacts to on-site uses. Appropriate noise attenuation measures identified in the noise analysis shall be incorporated into the project design to ensure compliance with the Noise Ordinance noise limits for stationary sources (i.e., interior noise levels of 45 dBA L_{EQ} or less for residential and hotel uses; 50 dBA L_{EQ} or less for commercial uses). Methods for ensuring compliant interior noise levels may include, but would not be limited to, the following:

- Installation of roof-top mechanical ventilation and HVAC units on mounts that isolate the building from vibration caused by the machinery;
- In the floors separating residential uses from non-residential uses, use additional thicknesses of building materials and/or materials designed to isolate the residential spaces from vibration generated by non-residential spaces;
- Commercial air handling ducts shall not be routed in or adjacent to interior living space walls without specific plans to address isolation;
- Commercial HVAC systems shall not be mounted over interior living areas without specific plans to address isolation;
- Clusters of residential HVAC systems shall not be mounted directly over residential areas;
- Coolant or large water lines including HVAC water for commercial services shall not be routed in walls adjacent to living areas without specific plans to address isolation;
- Operable windows shall not be located where they look directly at any rooftop HVAC systems in adjacent buildings;

- Elevator shafts shall not be located directly adjacent to living quarters without specific plans to address isolation; and/or
- Commercial spaces for nighttime entertainment shall not have a common floor ceiling to a living space.

Once the project is constructed and in full operation, the developer shall conduct on-site noise measurements to verify that noise planning and attenuation measures identified in the noise analysis have mitigated project noise to levels below those proscribed by the Noise Ordinance noise limits for stationary sources.

Mitigation Measure 5.4-2: Prior to issuance of building permits, an exterior-to-interior noise analysis shall be completed to assess off-site noise sources and impacts to interior on-site residential and commercial uses. Appropriate noise planning and attenuation measures identified in the noise analysis shall be incorporated into the project design to ensure compliance with the General Plan Noise Element Land use - Noise Compatibility Guidelines (i.e., interior noise levels of 45 dBA CNEL or less for residential and hotel uses; 50 dBA CNEL or less for commercial uses). Methods for ensuring compliant interior noise levels may include, but would not be limited to, the following:

- Use of window glazing with an increased sound transmission classification;
- Use of additional thicknesses of interior drywall; and/or
- Use of additional thicknesses of exterior building materials.

Once the project is constructed and in full operation, interior noise measurements shall be conducted to verify that exterior-to-interior noise planning has mitigated project noise levels to ensure compliance with the General Plan Noise Element Land use – Noise Compatibility Guidelines.

Mitigation Measure 5.4-3: Prior to issuance of building permits, an interior noise analysis shall be completed to assess on-site noise sources and impacts to interior on-site residential uses. Appropriate noise planning and attenuation measures identified in the noise analysis shall be incorporated into the project design to ensure compliance with the General Plan Noise Element Land use - Noise Compatibility Guidelines. Potential noise planning and attenuation measures may include, but are not limited to, the following:

- Commercial air handling ducts shall not be routed in or adjacent to interior living space walls without specific plans to address isolation;
- Commercial HVAC systems shall not be mounted over interior living areas without specific plans to address isolation;
- Clusters of residential HVAC systems shall not be mounted directly over residential areas;
- Coolant or large water lines including HVAC water for commercial services shall not be routed in walls adjacent to living areas without specific plans to address isolation;
- Operable windows shall not be located where they look directly at any rooftop HVAC systems in adjacent buildings;

- Elevator shafts shall not be located directly adjacent to living quarters without specific plans to address isolation;
- Commercial spaces for nighttime entertainment shall not have a common floor ceiling to a living space;
- Limitations upon the use of exterior amplified music systems associated with entertainment such as prohibiting exterior amplified music systems in areas directly adjacent to or below on-site residences,¹ and
- Commercial lease agreements shall include strict enforceable measures to control interior and exterior noise to limit impacts to residential areas.

Once the project is constructed and in full operation, interior noise measurements shall be conducted to verify that interior noise planning has mitigated project noise levels to ensure compliance with the General Plan Noise Element Land use – Noise Compatibility Guidelines.

Mitigation Measure 5.4-4: During construction of Phase 3, noise attenuation shall be provided sufficient to comply with the Noise Ordinance (i.e., a 12-hour average of greater than 75 dBA L_{EQ}). Potential attenuation measures include, but are not limited to, use of sound walls, sound blankets, noise attenuation devices/modifications to construction equipment, and use of quieter equipment. As one option, a temporary 12-foot-high noise barrier could be constructed 50 feet in both (north-south) directions along Third Avenue from the point(s) where the proposed subterranean parking garage is within 100 feet of occupied residences.

The minimum noise reduction from a barrier that obstructs the line-of-sight between the noise source and the noise receiver is five dBA. Therefore, with a 12-foot-high temporary noise barrier, noise levels at the on-site residences in Block B would be reduced to below 75 dBA (12-hour) if they would otherwise be slightly above 75 dBA, as discussed above under Impact Analysis.

Mitigation Measure 12.9-1: Prior to issuance of building permits, a noise analysis shall be completed to determine the location and construction materials for noise attenuation features shown on the development plans needed to protect usable recreation areas from noise levels in excess of 65 CNEL. Barriers shall consist of a single, solid sound wall with a height based on the finished grade of the noise source. The sound attenuation barrier shall be solid and constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, with no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it may be tongue and groove and must be at least one-inch thick or have a surface density of at least 3.5 pounds per square foot. Glass or clear plastic may be used on the upper portion. Sheet metal of 18-gauge (minimum) may be used, if it meets the other criteria, and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any doors or gates shall be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The barriers identified in the noise analysis shall be in place prior to opening the area for recreational use.

¹ This excludes temporary outside amplification systems use for a short-term special event conducted with a separate City special event permit.

Paleontological Resources

Mitigation Measure 5.8-1: The following shall be implemented:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City 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, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the 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 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 CSV. The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

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

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVN and submit to MMC via fax by 8 AM 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 8 AM 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.

Biological Resources

Mitigation Measure 5.9-1: Prior to the issuance of any authorization to proceed, the ADD Environmental designee shall ensure that the following measures are included as notes in the construction plans and grading plans:

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1 - September 15), or an active nest is confirmed, the project biologist shall conduct a pre-grading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are confirmed, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.

B. If no active nests are confirmed per “A” above, mitigation under “A” is not required.

Health and Safety

Mitigation Measure 5.13-1: Construction permits shall designate staging areas where fueling and oil-changing activities are permitted. No fueling and oil-changing activities shall be permitted outside the designated staging areas. The staging areas, as much as practicable, shall be located on level terrain and away from sensitive land uses such as residences and schools. Staging areas shall not be located near any stream channels or wetlands. The proposed staging areas shall be identified in the construction site plans, which shall be submitted to the Regional Water Quality Control Board as part of the Notice of Intent to File under the NPDES permit process.

Mitigation Measure 5.13-2: Prior to construction, a Health and Safety Plan shall be prepared and worker training shall be implemented to manage potential health and safety hazards to workers and the public.

Historical Resources

Mitigation Measure 5.14-1: The following measures shall be implemented:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response (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.
3. Prior to the start of work, the applicant must 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 (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, 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 AME 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 (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 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 (Section 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 buried artifacts 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.

VI. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
2. The following procedures shall be followed.

a. No Discoveries

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

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.

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 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.

Passed by the Council of The City of San Diego on FEB 23 2015, by the following vote:

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

Date of final passage FEB 23 2015

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

AUTHENTICATED BY:

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

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

(Seal)

By *Janette G. Santos*, Deputy

Office of the City Clerk, San Diego, California
309504
Resolution Number R-_____