

RESOLUTION NUMBER R- **311623**

ADOPTED ON MAR 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THE ENVIRONMENTAL IMPACT REPORT NO. 424475/SCH NO. 2015121066, ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR TOWN AND COUNTRY – PROJECT NO. 424475.

WHEREAS, on September 28, 2015, HOTEL CIRCLE PROPERTY, LLC., a Delaware Limited Liability Company, submitted an application to Development Services Department for Amendment to the Atlas Specific Plan, the Mission Valley Community Plan, and General Plan; Rezone; Master Planned Development Permit, Site Development Permit, Conditional Use Permit, Vesting Tentative Map and Easement Vacation, for the Town and Country (Project); and

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

WHEREAS, the issue was heard by the City Council on March 20, 2018; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 424475/SCH No. 2015121066 (Report) prepared for this Project; NOW,
THEREFORE,

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

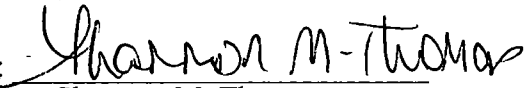
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, and that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations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

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

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

By: 
Shannon M. Thomas
Deputy City Attorney

SMT:als
08/31/2017
03/21/2018 Rev. Copy
Or. Dept: DSD
Doc. No. 1532436_2

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

EXHIBIT A

**FINDINGS/STATEMENT OF OVERRIDING CONSIDERATIONS
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
TOWN & COUNTRY PROJECT**

**Project No. 424475
SCH No. 2015121066**

May 2017

INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs. § 15000 et seq.) promulgated thereunder require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision maker certifying the environmental impact report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

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

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region- wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region- wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final Environmental Impact Report for the Town & Country Master Plan, Project No. 424475, State Clearinghouse No. 2015121066 (Final EIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

1.2 Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Final EIR;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and

- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

1.3 Custodian and Location of Records

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

2. PROJECT SUMMARY

2.1 Project Location

The 39.7-acre project site is located at 500 Hotel Circle North, San Diego, CA 92108. The site is bounded to the south by Hotel Circle North and Camino De La Reina, to the west by Fashion Valley Road, to the north by Riverwalk Drive and Fashion Valley Mall, and to the east by the San Diego Union-Tribune property. I-8 is located immediately to the south of Hotel Circle North and Camino De La Reina. The site offers convenient regional access from I-8 and SR-163. Primary local vehicular access is provided from Hotel Circle North/Camino De La Reina and Fashion Valley Road. The project is located within the City's MSCP Subarea, and a portion of the Multi-Habitat Planning Area (MHPA) bisects the northern portion of the Biological Study Area. The project site contains approximately 6.98 acres within the MHPA.

The site currently includes over 30 buildings and structures totaling 909,257 gross square feet (sq. ft.) and consists of a hotel, restaurants, pools, a spa/salon, a convention center, and associated parking lots and parking structures. These buildings contain guestrooms, hotel guest services, support areas, convention facilities, food and beverage facilities, and parking garages. The site currently comprises 10 parcels. All parcels within the site are under a single ownership and contain existing easements and right-of way dedication areas.

The project site includes two mid-rise hotel structures: the 10-story, 324-room Royal Palm Tower and the nine-story, 207-room Regency Tower, located in the central-north and northeast portions of the project site, respectively. The site also contains approximately 18 low-rise hotel structures distributed across the southeast quadrant and center of the project site, comprising approximately 423 hotel rooms. Each hotel provides a pool, hot tub, and pool maintenance rooms.

In addition, the project site contains eight structures designated as event facilities. The three largest, the Golden Pacific Ballroom, the Atlas Ballroom, and the Grand Exhibit Hall, occupy the western third of the project site. Three other event facilities occupy the center of the project site and two are also adjacent to low-rise hotel structures at the eastern portion of the project site.

The project site includes a three-level parking structure located in the northeast corner and asphalt-paved parking areas to the north and south. Other miscellaneous facilities include three restaurant buildings, a laundry facility located in the central-east portion of the project site, and a vehicle wash area along the eastern edge of the project site.

A pedestrian bridge crosses the San Diego River on the northern portion of the site that provides access to Fashion Valley Mall. The project site is predominately south of the River with a small area of development at the northwest corner, north of the River.

The project site is surrounded predominantly by developed commercial space. Directly to the north of the project site is Fashion Valley Mall. To the south and east of the project site is more retail development, hotel facilities, and office light industry space. To the west of the project is the Riverwalk Golf Club.

The northern portion of the project site is within the Federal Emergency Management Agency (FEMA) Regulatory Floodway of the San Diego River (FIRM Map Number 06073C1618G, revised May 16, 2012). The Regulatory Floodway covers the northern 13.31 acres of the project site. Existing wetland buffers and habitat areas cover approximately 7 acres. The majority of this area is undeveloped open space, and a portion is currently developed as parking in support of the hotel and convention center. The project site is entirely within the floodplain of the San Diego River (Zone AE). The project site's drainage is split discharging north directly into the San Diego River and to the south to catch basins in the public ROW and into a conveyance system that extends to the San Diego River.

2.2 Project Background

In 1953, the Town and Country Hotel was the first hotel built in Mission Valley. John J. Sherman Company of San Diego planned and designed the original Town and Country Hotel buildings. Town & Country Development, Inc., headed by landowner Charles Brown, constructed the buildings from 1953- 1955. Construction of new facilities and significant renovation of many existing buildings has occurred incrementally from 1955 through 2007 to accommodate expansion and upgrades. With construction of the Atlas Ballroom in 1970, the Town & Country Hotel became the first major convention center hotel in San Diego. Convention facilities underwent major additions in 1975 and 2007. In 1975, the Town & Country Hotel acquired the Le Baron Hotel (constructed 1965-1968) on the eastern 5.9-acre portion of the site.

2.3 Project Description

Summary of Master Plan

The project proposes the consolidation, renovation, and infill redevelopment of the 39.7-acre Town & Country Hotel and Convention Center site. The Town & Country Master Plan would guide the redevelopment of the site. Elements of the Master Plan include a consolidated and renovated hotel and convention center; a new compact multi-family residential neighborhood; a restored San Diego River open space habitat; a new passive public park; and multi-use San Diego River Pathway providing a link in a regional recreational corridor within three districts (Park District, Residential District, and Hotel District).

2.3.1.1 Park District

Habitat Enhancement/Restoration

One element of the Park District is the proposed restoration and enhancement of approximately 8.11 acres of native habitat, including 6.98 acres located within the Multi-Habitat Planning Area. This includes approximately 2.53 acres of restoration and enhancement to riparian habitat and a 0.23 acre coastal sage scrub area, as required by Mitigated Negative Declaration (MND) No. 118318 and Site Development Permit (SDP) No. 400602. The remaining 5.35 acres includes the restoration and enhancement of riparian habitat, the addition of coastal sage scrub, and the restoration of oak woodland habitat. Additionally, the habitat area would be enclosed by a fence, which would provide access points for maintenance of habitat and existing San Diego River drainage structures. The project would increase the width of native habitats at the most constricted section of the River from approximately 80 feet up to 210 feet, and would establish a 30-foot wetland buffer and a variety of Low Impact Development (LID) strategies directly adjacent to the riparian corridor.

Population-Based Public Park

The City's Recreation Element establishes a minimum standard of 2.8 acres per 1,000 people for population-based parks. With the application of the multi-family vacancy rate, the project is required to provide 3.31 acres of population-based parks. This standard can be met through neighborhood and community park acreage, as well as park equivalencies.

In compliance with the San Diego River Park Master Plan (SDRPMP), the park space would be designed for passive recreation. Park space may include passive lawn areas, and signage and benches along the San Diego River Pathway for wildlife viewing and educational purposes, as well as resting points along the trail. The park space also includes the improvement of an existing picnic area that is currently located within the MHPA. The City of San Diego Park and Recreation Board recommended approval of a General Development Plan for the park on January 19, 2017. Consistent with the General Development Plan, a General Development Permit (GDP) would be processed by the City for the portion of the site delineated within a recreation easement providing for a population-based public park. The design of the park and its components are consistent with the SDMC with the allowable deviations requested by the project.

Long-term management of the passive park would focus on noise control, trash removal, and nonnative species management. Long-term management would be the responsibility of the Project proponent. This requirement, including the creation and implementation of a Habitat Management Plan, would be part of the Conditions of Approval of the project. The Covenant of Easement would also include this language.

Creation of a River Pathway

The Park District would include a 14-foot-wide San Diego River Pathway (10-foot-wide concrete path with 2-foot-wide decomposed granite on each side). The project's proposed San Diego River Pathway would be located entirely within floodway open space in the River Park District. The conceptual alignment of the San Diego River Pathway is not separately delineated

from River corridor because it is entirely within floodway open space. Therefore, the 200-foot River Influence Area is delineated from the southern extent of floodway open space.

The conceptual alignment of the San Diego River Pathway would align with the Pathway to the east on the former Union Tribune site, through the passive population based park, and connect to the pedestrian bridge that crosses the River. The San Diego River Pathway would also be constructed on-site, parallel to the northern property line on the north side of the River outside of the MHPA boundary. Pedestrian access would be provided and would align with sidewalk ramps at the intersections along Riverwalk Drive.

The Park District would result in approximately 2,500 linear feet of San Diego River Pathway plus interconnecting pedestrian trails, adding to the emerging pathway system along the San Diego River and providing a variety of trail experiences. The San Diego River Pathway would also include new lighting and a fence (two-rail peeled log with a maximum height of 42-inches) along Riverwalk Drive to keep cars from driving and parking in this area. The design for the San Diego River Pathway unpaved portion includes planting of native flora.

The existing pedestrian bridge over the San Diego River would be replaced by a multi-use bridge in the existing location and at the same elevation. The new multi-use bridge (suitable for use by both pedestrians and bicycles) would be 10 feet wide. It would allow users of the San Diego River Pathway to cross from one side of the River to the other.

There is a proposed storm water treatment system to be located adjacent to the Park District. This would provide a separate system for new development, while maintaining the existing storm drain infrastructure required for the existing hotel areas. The storm drain design would include two separate systems. One system would serve the Residential District, which would treat storm water on-site before it discharges into the collection system. The second system would serve the renovated hotel development, including parking structure, café, lobby, and restaurant buildings. This system would be treated at the biofiltration basin adjacent to the habitat area north of Residential Parcel 4. This biofiltration basin would be connected to the clean water system near the existing outfall to the River.

Parking

Approximately 145 existing parking spaces north of the River and 271 spaces south of the River, a total of 416 spaces, would be eliminated. These eliminated parking areas would be improved and incorporated into the River Park District.

Access to Park District

The proposed multi-use bridge would provide a direct link between the project site and the Metropolitan Transit System (MTS) Fashion Valley Transit Center. In addition, the Park District would include linkages to the Hotel and Residential District with pedestrian and bicycle access ways.

2.3.1.2 Hotel District

Hotel and Convention Center Renovations

The approximately 16.89-acre Hotel District would be located in the central and northwestern portions of the site. Implementation of the Hotel District involves renovation of portions of the existing Town & Country Hotel and Convention Center buildings, while demolishing other hotel buildings to accommodate completion of new hotel facilities and residential uses. The hotel capacity would be reduced from 954 to 700 guest rooms and the conference facilities would be reduced from 212,762 to 177,137 gross sq. ft.

An approximately 11,400-sq.-ft. new hotel lobby is a key element of the Hotel District. Additional new buildings include a restaurant (approximately 11,500-sq.-ft.), café (approximately 1,300-sq.-ft.), and a four-story parking structure (approximately 145,600 sq. ft.). These areas, along with select hotel services, would be available to residents in the Residential District, providing a central gathering place for the community.

Royal Palm Tower

The Royal Palm Tower would receive minor interior and exterior renovations. The interior renovations are on-going and would include updating and modernizing the existing hotel rooms. The exterior improvements include painting the 10-story building façade with a graphic design of colors and patterns to increase its visual interest and perceived depth. This treatment would break up the monolithic visual mass of the existing building and provide an updated appearance that echoes the new overall design theme of the Hotel District. In addition, the porte cochere at the building's main entrance facing the park and river open space would be renovated and directly connect to a landscaped corridor in the River Park District leading to the pedestrian bridge over the San Diego River.

To further activate uses along the River, the existing loading dock at the northern end of the Convention Center would be replaced with an exterior function area for the Golden Pacific Ballroom. This proposed elevated terrace would have views of the passive public park and riparian open space.

Parking

The total parking for the renovated hotel and convention center would be approximately 921 parking spaces. This includes approximately 185 existing surface parking spaces north of the Royal Palm Tower and the existing subterranean parking under the convention center, and a new four-story 145,600-sq.-ft. hotel parking structure proposed north of Residential Parcel 1. The project provides a parking ratio of approximately 1.31 spaces per room, which is slightly less than the current on-site ratio of approximately 1.4 spaces per room.

Access

Primary access to the Hotel District would be provided via a new entryway (Private Drive A) from Hotel Circle North to an arrival courtyard at the new hotel lobby. Private Drive A would also directly connect to the new hotel parking garage adjacent to the arrival courtyard.

2.3.1.3 Residential District

Multi-Family Dwelling Units

The approximately 10.13-acre Residential District would be located along both the southern and eastern edges of the project site. The project involves demolition of 27 existing structures and on-site surface parking areas. The residential project would have structures approximately 85 feet in height and include up to 840 multi-family dwelling units. The residential buildings would be designed to be consistent with U.S. Green Building Council Leadership in Energy and Environmental Design (USGBC LEED) Silver standards or equivalent. The residential land uses would be configured as four parcels located in the southern and eastern portions of the site: Residential Parcel 1 through Residential Parcel 4.

- **Residential Parcel 1** would be developed as a 1.80-acre parcel located at the corner of Fashion Valley Road and Hotel Circle North. The proposed structure would consist of approximately 160 dwelling units.
- **Residential Parcel 2** would be developed as a 2.53-acre parcel located at the corner of Hotel Circle North and Private Drive A. The proposed structure would consist of approximately 275 dwelling units and parking as described below.
- **Residential Parcel 3** would be developed as a 1.99-acre parcel located north of Parcel 2 and west of Private Drive D. The proposed structure would consist of approximately 255 dwelling units and parking as described below.
- **Residential Parcel 4** would be developed as a 1.37-acre parcel located north of Parcel 3, the Regency Tower, and Private Drive E and west of Private Drive D. It is proposed to be a terraced building that ranges from approximately 26 feet- to 5 feet providing approximately 150 dwelling units and parking as described below.

The anticipated building construction types would be either “podium” or “wrap” style. A podium configuration generally consists of residential units built on top of a parking structure. A wrap configuration partially conceals the sides of a freestanding, connected parking structure with residential units.

Parking

The Residential District would include construction of four new parking structures to yield a total of approximately 1,287 parking spaces. A parking structure yielding approximately 224 spaces would be constructed for Residential Parcel 1, and a parking structure yielding approximately 443 spaces would be constructed for Residential Parcel 2. A parking structure yielding approximately 410 spaces would be constructed for Residential Parcel 3, and a parking structure yielding approximately 210 spaces would be constructed for Residential Parcel 4.

Access

For Residential Parcel 1, vehicular access to the proposed parking structure would be provided from Private Drive B. No vehicular access would be permitted directly from Fashion Valley Road, Hotel Circle North, or Private Drive A.

For Residential Parcel 2, vehicular access to the proposed parking structure would be provided from Private Drives C and D. No vehicular access would be permitted directly from Hotel Circle North, Private Drive A, or Camino De La Reina.

For Residential Parcel 3, vehicular access to the proposed parking structure would be provided from Private Drives C and Street D. No vehicular access would be permitted from the north and west sides of the parcel.

For Residential Parcel 4, vehicular access to the proposed parking structure would be provided from Private Drives D or E. No vehicular access would be permitted from the north side of the parcel. Private Drive D extends north and west to complete an emergency access loop around the east and north sides of the parcel.

2.3.2 Vehicular and Pedestrian Access

The project proposes both external and internal improvements roadways. Vehicular circulation access points within the project site are located along existing city streets. Proposed improvements to existing City streets external to the project site are described below.

- *Hotel Circle North.* Hotel Circle North has a 100-foot ROW and forms a portion of the project site southern boundary. The project proposes to widen Hotel Circle North from Fashion Valley Road to Camino De La Reina to 4-lane Collector standards per the Mission Valley Community Plan (MVCP). The widening would occur on the north side of Hotel Circle North between Fashion Valley Road and Camino De La Reina and would include an additional westbound and eastbound through lane with a two-way left-turn lane. The widening would also include Class II bike lanes on both sides. The parkway on the north side of Hotel Circle North along the frontage would include an 8-foot-wide sidewalk and 6-foot-wide planting area between the curb and sidewalk. To implement this improvement, approximately 37 to 39 feet of widening would be required on the project site. The traffic signals at Hotel Circle N./Fashion Valley Road and Hotel Circle N./Camino De La Reina intersections would be modified accordingly.
- *Camino De La Reina.* Camino De La Reina has an 88-foot ROW and forms a portion of the project's southern boundary. The project proposes to widen Camino De La Reina from Hotel Circle to Private Drive D to 4-lane Major standards per the Mission Valley Community Plan. The project proposes to widen Camino De La Reina along the project frontage to include an additional westbound and eastbound through lane and a raised median. This widening would also include Class II bike lanes on both sides. The parkway on the north side of Camino De La Reina along the project site frontage would include a 6-foot-wide sidewalk and an

8-foot-wide planting area between the curb and sidewalk. To implement this improvement, approximately 41 feet of widening is required on the project site.

- *Fashion Valley Road.* Fashion Valley Road has a 78-foot ROW and forms the western boundary of the project site. It is currently a 4-lane Collector between Riverwalk Drive and Hotel Circle North. Due to the proximity of existing convention buildings to remain on Fashion Valley Road, in lieu of the frontage improvements, the project proposes to provide an Irrevocable Offer of Dedication (approximately 19 feet) toward half-width improvements for the widening of Fashion Valley Road between Hotel Circle North and Riverwalk Drive to 4-lane Major standards per the Mission Valley Community Plan. In addition, Parcel 1 would provide a 4 foot R.O.W. dedication and a 19 foot IOD Irrevocable Offer of Dedication.

Vehicular and pedestrian movement would be accommodated throughout the project site, allowing internal movement between the commercial and residential elements on the private drives. The project would include construction of five private driveways that would provide access to the hotel, convention center, and residential parcels. The internal driveways would feature trees, landscape areas, and noncontiguous sidewalks to enhance the sense of place and pedestrian scale. The proposed private drives are described below:

- *Private Drive A.* Private Drive A is an 86-foot wide drive north-south that would intersect with Hotel Circle North. This would serve as the primary access for the Town & Country Hotel. It is essentially a relocation of the existing access point to the west. Private Drive A would connect the new hotel arrival court and new hotel/convention center parking garage entrance to the public street system at Hotel Circle North. Private Drive A would also provide access for Residential Parcels 1 and 2 via Private Drives B and C. Private Drive A includes four travel lanes and a landscaped median. The intersection of Private Drive A and Hotel Circle North would be controlled by a stop sign on Private Drive A. The parkways along Private Drive A would consist of a 6-foot-wide sidewalk and 8-foot-wide planting area between the curb and sidewalk on each side.
- *Private Drive B.* Private Drive B is approximately 44 feet wide running east-west that would intersect with Fashion Valley Road and serve the hotel, convention center, and Residential Parcel 1. Private Drive B includes two travel lanes. The parkways on Private Drive B would consist of a 4-foot-wide sidewalk and 6-foot-wide planting area between the curb and sidewalk on each side.
- *Private Drive C.* This is approximately 44 feet wide running east-west that would connect Private Drive A off Hotel Circle North to Private Drive D. Private Drive C would provide access to Residential Parcels 2 and 3 and would include two travel lanes. The parkways on Private Drive C would consist of a 4-foot-wide sidewalk and 6-foot-wide planting area between the curb and sidewalk on each side.

- **Private Drive D.** This is an existing north-south private driveway that is an approximately 39-foot-wide easement (varying width) that would intersect with Camino De La Reina. Improved Private Drive D would provide access to Residential Parcels 2, 3, and 4. It would also provide access to the hotel via Private Drive E and would include two travel lanes. The parkways on Private Drive D would consist of a 4-foot-wide sidewalk contiguous to the curb where required by site constraints and, where feasible, a 6-foot-wide planting area between the curb and sidewalk along its western side.
- **Private Drive E.** This is an east-west drive with an approximately 24-foot width that varies. Private Drive E would intersect with Fashion Valley Road and lead to an access control point at the surface parking area north of the hotel's Royal Palm Tower, and wrap around the western and southern edges of Residential Parcel 4 intersecting with Private Drive D. Private Drive E would provide controlled access to the hotel and Residential Parcel 4, and would include two travel lanes. The sidewalks and parkways throughout Private Drive E vary due to site conditions and width. Private Drive E would consist of a 4-foot minimum-width sidewalk and, when provided, would consist of a variable-width planting area as identified in the Master Plan.

2.4 Discretionary Actions

The project would require City of San Diego (City) approval of the following discretionary actions.

- Master Planned Development Permit (MPDP) for the Town & Country Master Plan;
- An amendment to the General Plan, Mission Valley Community Plan (MVCP), and Atlas Specific Plan to remove the project from the Atlas Specific Plan (ASP) and to update the community plan;
- Rezone from Mission Valley Planned District Ordinance (MVPDO) Multiple Use Zone/Specific Plan (MVPD-M/SP) to MVPDO Multiple Use (MVPD-MV-V) which require the project to develop in accordance with both MVPDO Residential Zone (MVR-5) and Commercial Visitor (MV-CV) zone; and a portion of the OF-1-1 zone would be rezoned to MVPD-MV-M.
- Site Development Permit (SDP) for development on a premise with Environmentally Sensitive Lands (ESL) to amend existing SDP No.400602 for development in MVPDO, and deviations from the San Diego River Park Master Plan (SDRPMP) and from the San Diego Municipal Code (SDMC);
- Amendment to Conditional Use Permit (CUP) 88-0585 (convention center and exhibit hall) and remove conditions of approval pertaining to the Atlas Specific Plan (ASP), which the project would no longer be a part of and a new CUP to

permit separately regulated uses per SDMC §131.0102, to implement the Hotel District;

- General Development Permit (GDP) would be processed by the City for the portion of the project delineated within a recreation easement providing for a population-based public park. The City of San Diego Park and Recreation Board recommended approval of the General Development Plan for the park on January 19, 2017 per City Council Policy 600-33 Public Notification and Input for City-wide Park Development Projects with deviations.
- Vesting Tentative Map to create the new legal parcels and supporting infrastructure; and
- Easement vacations for the project.

2.5 Statement of Objectives

Pursuant to CEQA Guidelines Section 15124(b) and as described in Section 3.2 of the Final EIR, the project has the following objectives:

- 1) Provide a Town & Country Hotel and Convention Center that is more responsive to the expectations and needs of contemporary hotel and convention center guests through a selective program of renovation, rebuilding, and replacing portions of the existing facilities;
- 2) Create a Town & Country project that would be supported by the consolidated hotel and convention facilities within a more compact and pedestrian-friendly site footprint;
- 3) Maintain and enhance the economic value for San Diego and the unique niche in the San Diego region that is filled by the Town & Country Hotel and Convention Center;
- 4) Reorient the hotel and convention center to engage the San Diego River, and expand and enhance the River corridor with new passive open space so as to improve the experience of visitors to and residents of the project site; and
- 5) Through a more compact hotel footprint, provide housing on-site to support opportunities for transit-oriented residential development in proximity to the MTS Fashion Valley Transit Center.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On December 18, 2015, in accordance with Guidelines Section 15082, the City distributed an NOP of an Environmental Impact Report to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. The City's NOP, associated responses, and comments made during the scoping meeting held on January 6, 2016, are included in Appendix A of the Final EIR.

The Draft EIR for the project was prepared and circulated for a 45-day public review period from August 18, 2016 through October 3, 2016. A Notice of Completion, the Draft EIR, and appendices were submitted and circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2015121066). A request was received to extend the public review period. The Land Development Code, Section 128.0307 (Requests for Additional Public Review Time on the Draft Environmental Document), allows for the Planning Director to provide formally recognized community planning groups an additional 14-day extension to comment on the draft environmental document. Although the request was not made by a recognized community planning group, City staff took into consideration the request and granted an additional 14-day extension of the public review period until the close of business on October 17, 2016. Additionally, a Public Notice for Extension of the Public Review Period was posted on the City's Web at <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml> under the "California Environmental Quality Act (CEQA) Notices & Documents" section.

In addition, at the conclusion of the extended public review period for the Draft EIR, it was identified that Water System Analysis (Appendix K) was inadvertently omitted from the distribution of the Draft EIR. Therefore, on December 9, 2016, the City of San Diego Development Services Department, as the Lead Agency circulated, through the State Clearinghouse, for a 30-day public review period a Courtesy Public Notice and the Water System Analysis (Appendix K). The Notice and associated documents were also placed on the City of San Diego web-site at <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml> under the "California Environmental Quality Act (CEQA) Notices & Documents" section. Furthermore, the Notice was also distributed to the Central Library as well as the Mission Valley Branch Library. No additional comments were received at the close of the 30-day courtesy public review period.

During the review periods described above, the City received comments on the project. The City completed responses to those comments in May 2017. Those responses have been incorporated into the Final EIR.

4. SUMMARY OF IMPACTS

Impacts associated with specific issues (e.g., land use, transportation, air quality, etc.) resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes that the project will have **no significant impacts** and require no mitigation measures with respect to the following issues:

- Agricultural Resources
- Mineral Resources
- Paleontological Resources
- Population and Housing

The Final EIR concludes that the project will have **less than significant impacts** and require no mitigation measures with respect to the following issues:

- Land Use
- Biological Resources
- Hydrology and Water Quality
- Greenhouse Gas Emissions
- Energy
- Geology and Soils
- Visual Effects and Neighborhood Character
- Public Services and Facilities
- Public Utilities
- Health and Safety

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

- Transportation/Circulation ()
- Historical Resources ()
- Air Quality and Odors)
- Noise

No feasible mitigation measures are available to reduce impacts to below a level of significance for the following issues:

- Historical Resources
- Transportation/Circulation

5. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the Plans, Programs, and Policies discussed in the Final EIR. The Plans, Programs, and Policies discussed in the Final EIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of the project's approval.

5.1 Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and CEQA Guidelines §15091(a)(1))

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Final EIR (Project No. 424475/SCH No. 2015121066) as described below:

5.1.1 Transportation/Circulation (Roadway Segments)

5.1.1.1 Potentially Significant Effect

A. Existing + Project Conditions

The traffic patterns would be different on site due to the reduction of 254 hotel rooms and reduction of convention center space by (35,625 SF) and by adding a new residential land use (multi-family) on site.

With the addition of project trips overall, based on the City of San Diego's significance criteria, a significant direct impact is identified on the Hotel Circle N.: Fashion Valley Road to Private Drive A under the Existing + Project conditions. The LOS for roadway segments is based on the functional classification of the roadway, the maximum capacity, roadway geometrics, and existing or forecast Average Daily Trip (ADT) and driveway trip volumes. This street segment is anticipated to degrade from LOS D to LOS E under the Existing + Project conditions.

B. Year 2022 (Phase II) Conditions

Per the City's Significance Thresholds and the analysis methodology presented in the Final EIR, project-related traffic is calculated to cause a significant impact within the study area in the Year 2022 (Phase II) + Project scenario. In Year 2022, project-related traffic is calculated to cause a significant cumulative impact within the study area. With the addition of project trips, a significant cumulative impact is identified on the Hotel Circle N.: Fashion Valley Road to Private Drive A street segment. This street segment is anticipated to operate at LOS F under Year 2022 (Phase II) conditions.

C. Year 2035 (Horizon Year) Conditions

With the addition of project traffic, based on the City of San Diego's significance criteria, significant project cumulative impacts are identified on the Camino De La Reina: Hotel Circle N. to Private Drive D street segment. This street segment is anticipated to operate at LOS F under Year 2035 (Horizon Year) conditions.

5.1.1.2 Facts in Support of Finding

A. Existing + Project Conditions

Under Existing + Project conditions, the project is calculated to cause a significant direct impact along one street segment. The mitigation measure for Hotel Circle N.: Fashion Valley Road to Private Drive A would be TRANS-1 (Section 4.2.4.3). TRANS-1, which would widen this segment to accommodate a 4-lane Collector consistent with the MVCP, would reduce the project impacts to a level less than significant. TRANS-1 shall be assured by permit and bond satisfactory to the City Engineer prior to the issuance of the first building permit and improvements shall be constructed and accepted by the City Engineer prior to the issuance of the first residential occupancy approval.

B. Year 2022 (Phase II) Conditions

Under Year 2022 conditions, the project is calculated to cause a significant cumulative impact along one street segment (Hotel Circle N.: Fashion Valley Road to Private Drive A). The mitigation measure for this Year 2022 Hotel Circle N.: Fashion Valley Road to Private Drive A would be TRANS-1 (Section 4.2.4.3) on the Final EIR as provided under Existing + Project conditions.

C. Year 2035 (Horizon Year) Conditions

Under Year 2035 (Horizon Year) conditions, the project is calculated to cause a significant cumulative impact along one street segment (Camino De La Reina: Hotel Circle to Private Drive D). The mitigation measure for Year 2035 Camino De La Reina: Hotel Circle to Private Drive D would be TRANS-2 (Section 4.2.4.3), which would widen this segment to a 4-lane Major standards consistent with the MVCP. This mitigation measure shall be assured by permit and bond satisfactory to the City Engineer prior to issuance of the first building permit and improvements shall be constructed and accepted by the City Engineer prior to issuance of the first residential certificate of occupancy.

5.1.1.3 Conclusion

A. Existing + Project Conditions

Under Existing + Project conditions, the project is calculated to cause a significant direct impact along the Hotel Circle N.: Fashion Valley Road to Private Drive A segment. TRANS-1 (Section 4.2.4.3) would result in widening of the Hotel Circle N.: Fashion Valley Road to Private Drive A segment to accommodate a 4-lane Collector consistent with the MVCP. The widening would occur on the north side of Hotel Circle N. between Hotel Circle N. and Camino De La Reina. This would accommodate an additional westbound and eastbound through lane with a two-way left-turn lane. The widening would also include Class II bike lanes on both sides. With implementation of Mitigation Measure TRANS-1, potentially significant impacts to the Hotel Circle N.: Fashion Valley Road to Private Drive A street segment would be mitigated under Existing + Project Conditions. The project would result in a less than significant impact.

Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

B. Year 2022 (Phase II) Conditions

Under Year 2022 conditions, the project is calculated to cause a significant cumulative impact along the Hotel Circle N.: Fashion Valley Road to Private Drive A segment. With implementation of Mitigation Measure TRANS-1, potentially significant impacts to transportation/circulation at the Hotel Circle N.: Fashion Valley Road to Private Drive A street segment would be mitigated under Year 2022 (Phase II) Conditions. The project would result in a less than significant impact. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

C. Year 2035 (Horizon Year) Conditions

Under Year 2035 (Horizon Year) + Project conditions, the project is calculated to cause a significant cumulative impact. Implementation of TRANS-2 would reduce the project's cumulative impacts at the Camino De La Reina: Hotel Circle to Private Drive D street segment to below a level of significance. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

5.1.2 Historical Resources (Archaeology)

5.1.2.1 Potentially Significant Effect

As discussed in Section 4.3.3 of the Final EIR, no newly identified archaeological resources were found within the project site, as a result of the investigation completed for the Archaeological Resources Report. Two known archaeological resources within the project site, historic trash deposit (CA-SDI-19631, P-37-30928) and the isolate (P-37-30929), are not eligible for the National Register of Historic Places, California Register of Historical Resources, or local register, and were not relocated during the field survey (AECOM 2015). Although no known archaeological resources would be impacted by the project, there is a high potential for archaeological resources to be present below the level of previous disturbance. Buried archaeological sites may be impacted by excavation or grading required for the project. Archaeological resources, if present on-site, could be substantially damaged or destroyed during the excavation for future development projects, as part of overall project implementation. Damage or destruction of archaeological resources would be a significant project impact.

5.1.2.2 Facts in Support of Finding

The project's potentially significant historical resources impacts as they relate to historical resources would be mitigated to below a level of significance with implementation of the Mitigation Measure AR-1 identified in Section 4.3.3.4 of the Final EIR. Implementation of this mitigation measure would require that, prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee must verify that the requirements for archaeological monitoring

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

Archaeological Monitoring and Native American monitoring have been noted on the appropriate CDs. Also prior to permit issuance, the applicant is required to submit a letter of verification to a Mitigation Monitoring Coordinator (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines. The MMC will respond to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. Prior to the start of work, the applicant is required to obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to start of construction, this mitigation measure requires the PI to provide verification to the MMC that a site specific records search (114 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 is conducted in-house, a letter of verification from the PI stating that the search was completed, and identification of any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Prior to beginning any work that requires monitoring, this mitigation measure requires the applicant to arrange a preconstruction meeting including the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. Additionally, the qualified Archaeologist and Native American Monitor shall attend any grading/excavation related preconstruction meetings to make comments and/or suggestions concerning the Archaeological Monitoring program. If the PI is unable to attend, the applicant is required to schedule a focused preconstruction meeting with MMC, the PI, RE, CM or BI, if appropriate prior to the start of any work that requires monitoring.

Implementation of this mitigation measure requires the PI, prior to the start of any work, to submit an Archaeological Monitoring Exhibit (AME) identifying the areas to be monitored, including the delineation of grading/excavation limits, and a construction schedule to MMC through the RE indicating when and where monitoring will occur. The PI may request a modification to the monitoring program based on relevant information which indicates that site conditions, such as depth of excavation and/or site graded to bedrock, etc., may reduce or increase the potential for resources to be present.

Implementation of this mitigation measure requires the Archaeological Monitor (AM) to be present full-time during all soil disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. Additionally, the Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC.

Thereafter, the CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities. Included in this mitigation measure is the requirement that the AM document field activity via the Consultant Site Visit Record (CSV), which is to be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of any discoveries. The RE shall forward copies to the MMC. The mitigation measure provides that 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 may reduce or increase the potential for resources to be present.

Implementation of this mitigation measure requires a discovery notification process whereby the AM is required to direct the contractor to temporarily suspend all soil disturbing activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or Bf, as appropriate, and PI (unless the AM is the PI). Additionally, the PI is required to immediately notify the MMC by phone of the discovery, and submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation measure provides a protocol for the determination of significance of resources found. Specifically, the PI and Native American monitor are required to evaluate the significance of the resource, notify the MMC by phone to discuss significance determination and submit a letter to the MMC indicating whether additional mitigation is required. If the resource is considered significant, the PI is required to submit an Archaeological Data Recovery Program and obtain written approval from the MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI is required to 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 no further work is required.

Implementation of this mitigation measure requires that, if night and/or weekend work is to be performed, the extent and timing be discussed at preconstruction meetings. In the event that no discoveries were encountered during night and/or weekend work, the PI is required to record the information on the CSV and submit to MMC via fax by 8 a.m. of the next business day. All discoveries are required to be processed and documented using the existing procedures detailed in the Discovery Notification Process identified in the mitigation measure.

Upon completion of construction, the PI is required to submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the City's Historical Resources Guidelines, describing the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics), including the Archaeological Data Recovery Program, to MMC for review and approval within 90 days following the completion of monitoring. This mitigation measure requires the PI to record 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. The MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report. The PI shall submit the revised Draft Monitoring Report to the MMC for approval. The MMC shall provide written verification to the PI of the approved report and shall notify the RE or Bf, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

With respect to artifacts found, implementation of this mitigation measure requires the PI to be responsible for ensuring that all cultural remains collected are cleaned and catalogued, all artifacts are analyzed to identify function and chronology as they relate to the history of the area;

that fauna material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the property owner.

The PI is 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, completed in consultation with the MMC and a Native American representative, as applicable. The PI is also required to include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

Implementation of this mitigation measure lastly requires the PI to submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate and one copy to the MMC (even if negative) within 90 days after notification from the MMC that the draft report has been approved. 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 the MMC which includes the Acceptance Verification from the curation institution.

5.1.2.3 Conclusion

These individual actions making up Mitigation Measure AR-1 (Section 4.3.3.4) assure the recording and recovery of important historical and/or prehistorical information which may otherwise be lost during construction of the project. The requirement for an archaeological monitor to be present for all soil disturbing activities, along with specified processes, assures that soil disturbance would be halted or diverted should any discovery be made.

With implementation of Mitigation Measure AR-1 (Section 4.3.3.4), potentially significant impacts to archeological resources would be minimized and the project would result in less than significant impacts to archeological resources. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

5.1.3 Historical Resources (Human Remains)

5.1.3.1 Potentially Significant Effect

Grading for the project could result in significant impacts to buried historical resources on-site. There is the potential for the project to disturb subsurface human remains. Potential impacts to subsurface human remains that may be encountered would be significant.

5.1.3.2 Facts in Support of Finding

If human remains are discovered, implementation of Mitigation Measure AR-1 (Section 4.3.3.4) requires that work stop in that area and the procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) are followed. These are also detailed in the Final EIR. Should human remains be encountered during ground-disturbing activities conducted as part of the project, implementation of Mitigation Measure AR-1 would reduce project impacts to below a level of significance.

5.1.3.3 Conclusion

These individual actions making up Mitigation Measure AR-1 (Section 4.3.3.4) assure that in the event that human remains are unearthed during grading activities, the Medical Examiner and/or the NAHC would be contacted as required to ensure that the proper steps are taken. With implementation of Measure AR-1 (Section 4.3.3.4), potential impacts to human remains would be reduced to below a level of significance. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

5.1.4 Air Quality (Construction)

5.1.4.1 Potentially Significant Effect

Construction of the project could expose sensitive receptors to substantial pollutant concentrations that would result in a health risk. Construction of the project would result in the generation of diesel PM from the use of off-road diesel construction equipment required for demolition, site preparation, construction, and equipment installation. The maximum cancer risk and chronic hazard index (HI) for both workers (MEIW) and residential receptors (MEIR) during construction of Phase 1 of the project would not exceed 10 in 1 million and 1.0, respectively. The maximum cancer risk for the MEIR (child residential receptor) during construction of Phase II (Residential Parcels 3 and 4) would exceed 10 in 1 million. Therefore, the construction of the project could expose sensitive receptors to substantial pollutant concentrations that would result in a health risk.

5.1.4.2 Facts in Support of Finding

The project's potentially significant impacts as they relate to air quality would be mitigated to below a level of significance with implementation of the mitigation measure AQ-1 through AQ-3 identified in Section 4.5.5.4 of the Final EIR. Implementation of these mitigation measures would require that the construction contractor maintain and properly tune all construction equipment in accordance with manufacturer's specifications; construction contractors minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes; and construction contractor to provide of clear signage shall be provided for construction workers at all access points. In addition, Mitigation Measure AQ-3 would require that when construction activities occur on the project site after occupancy of any residential parcels, the construction contractor shall use off-road construction diesel engines that meet, at a minimum, the Tier 4 California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 3 engines will be allowed on a case-by-case basis when the contractor has documented that no Tier 4 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction.

5.1.4.3 Conclusion

These individual actions making up Mitigation Measure AQ-1 through AQ-3 (Section 4.5.5.4) would reduce construction-related health risks. Implementation of Mitigation Measures AQ-1 through AQ-3 (Section 4.5.5.4) would reduce significant health risk impacts. This impact would be less than significant with mitigation. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

5.1.5 Noise (Operational)

5.1.5.1 Potentially Significant Effect

Heating, air conditioning, and ventilation (HVAC) equipment would be a primary operational noise source on-site associated with the proposed multi-family buildings and nonresidential development. Noise levels from HVAC equipment vary significantly depending on unit efficiency, size, and location, but generally average from 45 A-weighted decibels (dBA) to 70 dBA L_{eq} at 50 feet. Project HVAC systems could increase ambient noise levels in the project site by more than 3 dBA, depending on attenuation measures included in the design and the orientation of the exhaust vents. Therefore, long-term noise levels from project HVAC sources would potentially result in a substantial permanent increase in ambient noise levels (3 decibel [dB] or greater) under existing and cumulative conditions. Therefore, the impact would be significant.

Additionally, future project stationary operational noise sources such as from HVAC equipment could range from 47 to 72 dBA L_{eq} . These noise levels could exceed City noise level limits at the various time periods (i.e., day, night, evening). Therefore, a significant impact would occur.

5.1.5.2 Facts in Support of Finding

The operation of project facilities (i.e., HVAC systems) would generate noise levels that would potentially exceed the City's noise level limits at the various time periods (i.e., day, night, evening). This would be a significant impact. Adherence to the federal, state, and local standards and regulations, and implementation of Mitigation Measure NOI-1 (Section 4.7.3.4) would be required. Mitigation Measure NOI-1 states that the City shall ensure that design and installation of stationary noise sources for the project to implement best design considerations and shielding. In addition, NOI-1 requires that prior to the issuance of a building permit, the applicant shall prepare an acoustical study(s) of proposed mechanical equipment, which identifies all noise-generating equipment, predict noise level property lines from all identified equipment, and recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation). Implementation of Mitigation Measure NOI-1 would reduce project impacts to below a level of significance.

5.1.5.3 Conclusion

These individual actions making up Mitigation Measure NOI-1 (Section 4.7.3.4) assure that impacts related to operation of project facilities (i.e., HVAC systems) would not generate noise levels that would potentially exceed the City's noise level limits at the various time periods (i.e., day, night, evening). Adherence to the federal, state, and local standards and regulations, and implementation of Mitigation Measure NOI-1 (Section 4.7.3.4) would reduce the significant operational impacts associated with noise to a less than significant level. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

5.2 Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA §21081(a)(2)) and CEQA Guidelines §15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

5.3 Findings Regarding Infeasible Mitigation Measures (CEQA §21081(a)(3) and CEQA Guidelines §15091(a)(3))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding archaeological resources (historic buildings) and transportation/circulation (intersection and roadway segment operations):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 146803/SCH No. 2008061058) as described below.

“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 CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.3.1 Historical Resources (Built Environment)

5.3.1.1 Potentially Significant Effect

As a result of the assessment completed for the Historical Resources Technical Report (AECOM 2016), one resource was identified as eligible for the California Register of Historical Resources and the City’s Register of Historic Resources: the Regency Conference Center. The Regency Conference Center individually meets California Register of Historical Resources Criterion 3 and Historical Resources Board Criterion C for its embodiment of the Futurist style, with a period of significance from 1967 to 1968. The San Diego Historical Resources Board did not designate the property, so it is not subject to local requirements as a historical resource, although it is still a historical resource for the purposes of CEQA.

The project is not expected to have significant indirect impacts on historical resources. However, it is expected to have significant direct impacts. As a result of the project, one historical resource, the Regency Conference Center, would be demolished. Demolition of the Regency Conference Center is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) and their applicable guidelines, because the historic character of the historical resource would not be retained or preserved. Demolition would be considered a significant direct impact. Mitigation measures would not lower the impact to below a level of significance, since adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties is not feasible. In conclusion, the project would substantially alter the Regency Conference Center through demolition and would have a significant impact on a historical resource.

5.3.1.2 Facts in Support of Finding

There are no mitigation measures or project features identified that are not already a part of the project to the extent feasible (see Mitigation Measures HR-1 through HR-3 as detailed in Section 4.3.3.4 of the Final EIR) that could mitigate this impact to a less than significant level.

Mitigation measures include recordation of the resource (HR-1), which involve photo-recordation and documentation consistent with the standards of the National Park Service's (NPS) Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation. HABS/HAER documentation shall consist of archival photographs, written data (e.g., historic context, building descriptions), and reproductions of historic drawings (or measured drawings, if no historic drawings are available or suitable for reproduction), that provide a detailed record that reflects the building's historical significance. Another mitigation measure (HR-2) includes architectural salvage.

The materials to become architectural salvage shall include historic-period elements that would be removed as part of the project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. A third mitigation measure (HR-3) consists of developing a display and interpretive material for public exhibition concerning the history of the Town & Country property, specifically the significance of the Regency Conference Center. These mitigation measures, however, would have still yielded the same significant impacts to historical resources. The only way to avoid the significant impacts is not to demolish the Regency Conference Center.

5.3.1.3 Conclusion

As a result of project activities, the Regency Conference Center would be demolished, which is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Therefore, the project would result in a significant impact to a historical resource. Implementation of Measures HR-1, -2, and -3 (Section 4.3.3.4) would reduce the impact to historical resources related to the demolition of the Regency Conference Center, but would not reduce the impacts to below a level of significance. No effective mitigation measure is available that would avoid or further reduce this impact to a less than significant level.

5.3.2 Transportation/Circulation (Roadway Segments)

5.3.2.1 Potentially Significant Effect

Year 2035 (Horizon Year) Conditions

With the addition of project traffic, based on the City of San Diego's significance criteria, significant and unavoidable cumulative impact for the Riverwalk Drive: East of Avenida Del Rio street segment. This street segment is anticipated to operate at LOS F under Year 2035 (Horizon Year) conditions.

5.3.2.2 Facts in Support of Finding

Year 2035 (Horizon Year) Conditions

Under Year 2035 (Horizon Year) + Project conditions, the project is calculated to cause a significant cumulative impact for the Riverwalk Drive: East of Avenida Del Rio street segment. Mitigation of this impact would require widening this segment as a 4-lane Collector. Based on the design plans for Hazard Center Drive extension under SR-163, only a 2-lane roadway is physically feasible. This is due to the right-of-way being constrained on the south by the San Diego river and the north by the existing SR-163 bridge structure as well as the requirement that the roadway be constructed at a lower profile to accommodate future widening of SR 163.

5.3.2.3 Conclusion

Year 2035 (Horizon Year) Conditions

Under Year 2035 (Horizon Year) + a Project condition, the project is calculated to cause a significant cumulative impact for the Riverwalk Drive: East of Avenida Del Rio street segment. Mitigation of this impact would require widening this segment as a 4-lane Collector. However, based on the design plans for Hazard Center extension under SR-163, only a 2-lane roadway is physically feasible. Therefore, impacts along this street segment would remain significant and unavoidable. No effective mitigation measure is available that would avoid or further reduce this impact to a less than significant level.

5.4 Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines §15091(a)(3))

Because the project would cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section II.E above and Section 3.1 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (Project No. 364960/SCH No. 2013121057):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 364960/SCH No. 2013121057) as described below.

“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 CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Background

The Final EIR for proposed Town & Country Master Plan Project conducted an initial review of potential alternative locations. Due to the relatively built-out nature of the surrounding neighborhood and Mission Valley community, no feasible alternative sites were identified that would allow for the renovation of a hotel and introduction of mixed-use transit-oriented uses. The last remaining undeveloped property (Quarry Falls/Civita) is currently being constructed as a large, master planned neighborhood with a mix of residential, commercial, retail, office, and park uses. There are a number of smaller sites in the Mission Valley community where redevelopment could occur in a manner similar to the project. Like the project site, some other sites in Mission Valley are within proximity to existing transit and could accommodate redevelopment. However, several of these sites are already considered for redevelopment/development by other owners/applicants, as presented in Chapter 7.0, Cumulative Impacts, of this Final EIR. Additionally, there are no other sites under the applicant’s control to allow for development of a mixed-use project that would meet the project objectives and provide infill development that would reasonably maximize the efficiency in use of the underutilized and developable land of the project site. It would not be economically reasonable for the project proponent to acquire an alternative project site location.

The relocation of the project to an alternative site within the Mission Valley community also would not likely reduce the significant and unmitigated traffic impacts identified in Section 4.2 of this Final EIR. If the project were developed on an alternative site in the community or other areas of the City or County, significant environmental impacts could occur for other issue areas. The project site has easy access to public streets and freeways and is already served by existing transit, public facilities, services, and utilities. A development constructed on another site with a similar level of intensity as the project could potentially reduce the historic resources (built environment) impact; however, it would likely have increased levels of impacts relative to traffic, air quality, and GHG emissions, as another site may not have the same or similar developed characteristics, walkability, proximity to light rail transit, and multi-modal transportation opportunities. For these reasons, no alternative site location was analyzed in detail within this Final EIR.

The project alternatives are:

- Alternative 1a – No Project – Buildout per the Existing Atlas Specific Plan
- Alternative 1b – No Project/No Build
- Alternative 2 – Reduced Project and Reduced Impact to Historical Resources
- Alternative 3 – Hotel and Conference Facility Renovations Only

These project alternatives are summarized below, along with the findings relevant to each alternative.

5.4.1 Alternative 1a – No Project – Buildout per the Existing Atlas Specific Plan

Alternative 1a – No Project – Buildout per the Existing Atlas Specific Plan addresses the situation that would occur if the project did not go forward and the project area continued to develop as allowed by the current Mission Valley Community Plan adopted in 1985. This alternative thereby allows decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

Under Alternative 1a – No Project – Buildout per Existing Atlas Specific Plan (Alternative 1a), the project would not be implemented on the site. The Town & Country Hotel and Convention Center facilities would not undergo consolidation or renovation and would be built out per the specifications of the ASP. The hotel would consist of 2,300 rooms instead of the 700 rooms proposed by the project. The convention center would expand to 229,000 square feet instead of 177,137 square feet proposed by the project. The existing pedestrian bridge over the San Diego River would be replaced with a multi-use bridge and expanded to provide pedestrian/bicycle access to Fashion Valley Mall and to the MTS Fashion Valley Transit Center. This alternative would not provide a mix of uses in that no residential units would be constructed to create an opportunity for transit-oriented development (TOD) in proximity to the MTS Fashion Valley Transit Center.

This alternative would fulfill the minimum requirements of SDP No. 400602, which includes a total of 2.76 acres which includes 2.53 acres of riparian restoration/enhancement and a 0.23-acre coastal sage scrub buffer strip. However, the ASP flood control measures require channelization of the River; therefore the habitat improvements of SDP No. 400602 would be temporary and then become channelized if the ASP regulations were implemented. The additional 5.35 acres of coastal sage scrub and oak woodland that would be restored/enhanced under the project would not occur.

5.4.1.1 Potentially Significant Effects

Alternative 1a would have similar less than significant impacts to land use, historical resources (archaeological resources), energy, geology and soils, public services and facilities, and health and safety as the project. Under Alternative 1a, impacts to historical resources (built environment) would remain significant and unavoidable even with implementation of Mitigation Measures HR-1 through HR-3. Compared to the project, Alternative 1a would have greater

impacts to transportation/circulation, biological resources, air quality and odors, hydrology and water quality, noise, greenhouse gas emissions, visual effects and neighborhood character, and public utilities.

5.4.1.2 Finding and Supporting Facts

This alternative would not provide the 5.35 acres to enlarge the habitat area or include any improvements to the riparian corridor. In addition, this alternative would not construct a passive use population-based public park, as no residential development would occur. Alternative 1a would not result in long-term benefits to biological resources given that conditions of existing habitat would not be improved under Alternative 1a, and the ASP requires channelization of the River so the habitat and restoration improvements required from SDP No. 400602 would be then become channelized.

When compared to the project, Alternative 1a would result in significant and unmitigated impacts to historical resources (built environment) due to demolition of the Regency Conference Center. Measures similar to Mitigation Measures HR-1 through HR-3 would be implemented by this alternative and would have a similar resulting impact to the built environment historic resources as the project.

When compared to the project, Alternative 1a would result in greater impacts to visual impacts, traffic, noise, and air quality impacts due to more traffic generated at buildout and vehicle emissions. Alternative 1a would also result in greater environmental effects associated with hydrology and water quality. This alternative would not reduce the volume of discharge into the San Diego River and the water quality would not be improved due to the channelization of the River as required by the ASP. In addition, the riparian vegetation would not be expanded.

When compared to the project, Alternative 1a would result in similar land use, and public service and facilities impacts at buildout, but would not provide the needed park facilities. In addition, when compared to the project, Alternative 1a would result in similar public utility impacts as this alternative would also need new or expanded existing utilities including increased water supply. Compared to the project, Alternative 1a would result in similar impacts for all other issue areas (i.e.; energy, geology and soils, greenhouse gas emissions, health and safety).

When compared to the project, Alternative 1a would not meet the following objectives, as identified in Chapter 3.0 of this Final EIR, at the same level as the project due to no residential units being proposed under this alternative:

- (4) Reorient the hotel and convention center to the San Diego River and expand and enhance the River corridor with new active and passive open space.
- (5) Through a more compact hotel footprint, provide housing on-site to support opportunities for transit-oriented residential development in proximity to the MTS Fashion Valley Transit Center.

Therefore, because Alternative 1a fails to feasibly avoid or substantially lessen the project's significant impacts and fails to meet the project objectives as listed above, this alternative is considered infeasible.

5.4.2 Alternative 1b – No Project/No Build (Alternative 1b)

Under the Alternative 1b – No Project/No Build (Alternative 1b), the project would not be implemented on the site. The Town & Country Hotel and Convention Center facilities would not undergo consolidation or renovation and would be left as they are today. The site would still consist of over 30 buildings and structures totaling 909,257 gross square feet and consist of a hotel, restaurants, pools, a spa/salon, a convention center, and associated parking lots and parking structures. Hotel capacity would not be reduced and would continue to consist of two mid-rise hotel structures located in the central-north and northeast portions and 18 low-rise hotel structures distributed across the southeast quadrant and center of the project site, totaling 954 hotel rooms. The convention center would retain its current condition consisting of a 212,762-sq.-ft. convention center with a 258-space subterranean parking structure. Further, the multi-use bridge replacing the existing pedestrian bridge would not be constructed. No residential units would be constructed to create an opportunity for TOD in proximity to the MTS Fashion Valley Transit Center. As compared to the project, this alternative would not restore and enhance an additional 5.35 acres of new habitat area or create a population-based public park. This alternative would provide the 2.76 mitigation acres required by MND No. 118318 and SDP No. 400602, which includes 2.53 acres of restoration and enhancement to riparian habitat and a 0.23-acre coastal sage scrub strip.

5.4.2.1 Potentially Significant Effects

Alternative 1b would result in similar impacts as the project to land use, greenhouse gas emissions, geology and soils, and visual effects and neighborhood character. Alternative 1b would result in greater impacts as the project to biological resources, hydrology and water quality. Alternative 1b would result in less environmental impacts to transportation/circulation, cultural resources, air quality and odors, noise, energy, public services and facilities, public utilities, and health and safety when compared to the project. It was determined that Alternative 1b would be the environmentally superior alternative. However, Alternative 1b would not meet any of the project objectives identified in Chapter 3.0 of this EIR.

5.4.2.2 Finding and Supporting Facts

This alternative would require channelization of the River which would result in greater biological impacts. This alternative would fulfill the minimum requirements of SDP No. 400602, which includes a total of 2.76 mitigation acres (2.53 acres of riparian restoration/enhancement and a 0.23-acre coastal sage scrub buffer strip). The proposed 5.35 acres of coastal sage scrub and oak woodland that would be restored and enhanced under the project would not occur. Therefore, biological impacts would be greater under this alternative.

As compared to the project, this alternative would result in greater impervious surfaces because this Alternative would not restore and create new habitat areas, or provide a 3.31-acre passive park. In contrast to the project, Alternative 1b would not elevate the full site out of the floodplain. The flood potential would be worse as compared to the project because all of the project would remain in the 100-year floodplain. Therefore, greater impacts associated with flooding could potentially occur under this alternative, when compared to the project. In addition, the water quality would not be improved because it would not have the expanded

riparian vegetation and water quality features proposed by the project. This impact would be greater under this alternative.

The Alternative 1b would not meet any of the objectives of the project as identified in Chapter 3.0 of this Final EIR, which include the following:

- (1) Provide a Town & Country Hotel and Convention Center that is more responsive to the expectations and needs of contemporary hotel and convention center guests through a selective program of renovation, rebuilding, and replacing portions of the existing facilities;
- (2) Create a Town & Country project that would be supported by the consolidated hotel and convention facilities within a more compact and pedestrian-friendly site footprint;
- (3) Maintain and enhance the economic value for San Diego and the unique niche in the San Diego region that is filled by the Town & Country Hotel and Convention Center;
- (4) Reorient the hotel and convention center to engage the San Diego River, and expand and enhance the River corridor with new passive open space so as to improve the experience of visitors to and residents of the project site; and
- (5) Through a more compact hotel footprint, provide housing on-site to support opportunities for transit-oriented residential development in proximity to the MTS Fashion Valley Transit Center.

Therefore, because Alternative 1b fails to meet the project objectives as listed above, this alternative is considered infeasible.

5.4.3 Alternative 2 – Reduced Project and Reduced Impact to Historical Resources (Alternative 2)

Alternative 2 – Reduced Project and Reduced Impact to Historical Resources (Alternative 2) would reduce impacts to historic resources (built environment) by not demolishing the Regency Conference Center. This alternative would also create three land use districts: Park District, Residential District, and Hotel District.

- *Park District.* The Park District, which is located in the northern portion of the project site along the San Diego River, would include restoring existing habitat areas, new habitat areas, a public park, and, adjacent to the southerly edge of the habitat areas, a small area for storm water management. Unlike the project, Alternative 2 would only be required to provide 2.8 acres of population-based public parks rather than the 3.31 acres proposed with the project due to the reduced number of residential units (585 units). Overall, Alternative 2 would result in a 1.53-acre reduction in park space as compared to the project. This alternative would provide the 2.76 acres required by MND No. 118318 and SDP

No. 400602 which includes 2.53 acres of restoration and enhancement to riparian habitat and a 0.23-acre coastal sage scrub strip.

The Park District would include a 10-foot San Diego River Pathway to be located on the south side of the River. The existing pedestrian bridge over the San Diego River would be replaced by a multi-use bridge in the existing location and at the same elevation. The new multi-use bridge (suitable for use by both pedestrians and bicycles) would be 10 feet wide. It would allow users of the San Diego River Pathway to cross from one side of the River to another.

- *Hotel District.* In general, implementation of the Hotel District involves demolition of 254 hotel rooms. Unlike the project, this alternative would retain the 13,454-square foot Regency Conference Center, Total square footage for the Conference Center under Alternative 2 would be 190,591 square feet The proposed four-story 145,600-sq.-ft. hotel parking structure under the project would not be constructed for Alternative 2, however surface parking would be provided at various points on the site.
- *Residential District.* This alternative constructs 585 multi-family units, which include 160 units in Residential Parcel 1, 275 units in Parcel 2, and 150 units in Parcel 4. In terms of residential development, as compared to the project, Parcel 3, comprising 255 units, would not be included under this alternative. Similar to the project, vehicular and pedestrian movement would be accommodated through the creation of five private drives that would provide access to the hotel, convention center, and residential parcels. For Residential Parcel 1, vehicular access to the proposed parking structure would be provided from Private Drive B. No vehicular access would be permitted directly from Fashion Valley Road, Hotel Circle North, or Private Drive A. For Residential Parcel 2, vehicular access to the proposed parking structure would be provided from Private Drive C and Private Drive D. No vehicular access would be permitted directly from Hotel Circle North, Private Drive A, or Camino De La Reina. For Residential Parcel 4, vehicular access to the parking structure would be provided from Private Drive D or Private Drive E. No vehicular access would be permitted from the north side of the parcel. Private Drive D extends north and west to complete an emergency access loop around the east and north sides of the parcel. Private Drive E is realigned to the north along the River and the planned parking (actually existing parking) extends north into the former park space.

5.4.3.1 Potentially Significant Effects

When compared to the project, Alternative 2 would not result in significant and unmitigated impacts to historical resources. Alternative 2 would not demolish the Regency Conference Center, which has been identified as a historical resource and eligible for California Register of Historical Resources designation.

In contrast to the project, Alternative 2 would only be required to provide 2.8 acres of population-based public parks rather than the planned project of 3.31 acres due to the reduced number of residential units (585 units). Alternative 2 would not impair existing facilities through the fulfillment of park requirements.

Alternative 2 would not conflict with the Historic Preservation Element policies related to historic resources. When compared to the project, Alternative 2 would have the same significant and unavoidable cumulative traffic impacts. Compared to the project, some issue areas would be slightly reduced due to the reduction in residential units (air quality and odors, historical resources (built environment), energy and public services and facilities) and would result in similar impacts for all other issue areas (land use, historical resources—archaeological, biological resources, hydrology and water quality, noise, greenhouse gas emissions, geology and soils, visual effects and neighborhood character, public utilities and health and safety).

5.4.3.2 Finding and Supporting Facts

Alternative 2 would result in similar impacts to land use, archaeological resources, biological resources, hydrology and water quality, noise, greenhouse gas emissions, geology and soils, visual effects and neighborhood character, public utilities, and health and safety when compared to the project. Alternative 2 would result in less impacts to transportation/circulation, built environment historical resources, air quality and odors, energy, and public services and facilities compared to the project.

One of the primary objectives of the project is to develop a mixed-use TOD, which when combined with the existing uses would create multiple land uses on a site within proximity to public transit. While at a reduced development intensity, Alternative 2 would still provide a mixed-use TOD that could accommodate the increasing growth in the region by providing a portion of the housing needs within the community. In addition, this alternative would still provide connections to existing public transit located adjacent to the project site. As such, this alternative would meet all of the project objectives but to a lesser degree by providing fewer residential units.

5.4.4 Alternative 3 – Hotel and Conference Facility Renovations Only

Alternative 3 – Hotel and Conference Facility Renovations Only assumes no additional development over existing conditions and the Regency Conference Center would remain as it is today. Rather, this alternative proposes hotel and conference facility renovations. Similar to the project, this alternative includes demolition of 254 hotel rooms (954 rooms to 700 rooms) and 35,625 square feet of convention space (212,762 square feet to 177,137 square feet). As with the project, Alternative 3 would include construction of the multi-use bridge to replace the existing pedestrian bridge over the San Diego River. Similar to the project, this alternative would include a 14-foot-wide San Diego River Pathway (10-foot-wide concrete path with 2-foot-wide decomposed granite on each side). The San Diego River Pathway would be located on-site, on the north side of the River between the MHPA boundary and the northern property line.

As with the project, this alternative would fulfill the requirements of SDP No. 400602. Unlike the project, Alternative 3 would not include any other elements associated with the Park District.

The existing parking lot at the southeast corner of Fashion Valley Road and River Walk Drive would remain as surface parking. Alternative 3 would not include restoration and enhancement of approximately 5.35 acres of riparian open space habitat. In addition, this alternative would not construct a population-based public park, as no residential development would occur.

5.4.4.1 Potentially Significant Effects

When compared to the project, Alternative 3 would not result in significant and unavoidable impacts to historical resources (built environment) or transportation/circulation. Compared to the project, Alternative 3 would result in similar impacts to land use, historical resources (archeological resources), biological resources, hydrology and water quality, greenhouse gas emissions, geology and soils, and health and safety. All other issue areas; however, would be slightly reduced because no residential units would be constructed (i.e. air quality and odors; energy; noise; historical resources – built environment, public services and facilities; public utilities; and visual effects and neighborhood character).

5.4.4.2 Finding and Supporting Facts

Alternative 3 would fulfill the requirements of SDP No. 400602. In contrast to the project, Alternative 3 would not include restoration and enhancement of approximately 5.35 acres of riparian open space habitat or construct a population-based public park, as no residential development would occur.

One of the primary objectives of the project is to develop a mixed-use TOD. As discussed, Alternative 3 would provide no additional development over existing conditions beyond implementation of SDP No. 400602. Rather, this alternative proposes hotel and conference facility renovations only.

Unlike the project, Alternative 3 would not meet the following objectives, as identified in Chapter 3.0 of this Final EIR, at the same level as the project because no residential units are proposed under this alternative:

- (4) Reorient the hotel and convention center to the San Diego River and expand and enhance the River corridor with new active and passive open space.
- (5) Through a more compact hotel footprint, provide housing on-site to support opportunities for transit-oriented residential development in proximity to the MTS Fashion Valley Transit Center.

Therefore, because Alternative 3 fails to feasibly avoid or substantially lessen the projects significant impacts and fails to meet the project objectives as listed above, this alternative is considered infeasible.

6. STATEMENT OF OVERRIDING CONSIDERATIONS

6.1 Town & Country Project – Final EIR Statement of Overriding Considerations

Pursuant to CEQA Section 21081 and Guidelines Section 15091, the City has adopted all feasible mitigation measures with respect to the project's significant impacts and determined that no feasible mitigation measures exist for the project's unavoidable adverse impacts to Historical Resources (Historic Buildings) and Transportation/Circulation (Roadway Segments and Intersections). The City has also examined alternatives to the proposed project and determined that none of the alternatives analyzed in the Final EIR are feasible because they fail to meet the project's basic objectives and/or fail to provide sufficient environmental benefits compared to the project.

As required by CEQA Section 21081(b) and Guidelines Section 15093, the City has balanced the specific economic, legal, social, technological, and other benefits of the proposed project against its unavoidable adverse impacts and has determined that the benefits outweigh the impacts, so the unavoidable adverse impacts described above are considered "acceptable." This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final EIR.

A. Social and Quality of Life Benefits:

- The project provides numerous smart growth benefits, including preserving and enhancing open space, incorporating mixed-use development within an existing infill area, and allowing the integration of needed housing, employment, civic, and transit uses within a Transit Priority Area (TPA). The overall design of the project would create a pedestrian-friendly TOD by establishing specific complementary land uses in three districts: River Park District, Residential District, and Hotel District. Project components that would benefit visitors, employees, and residents include a consolidated and renovated hotel and convention center; a new compact multi-family residential neighborhood providing additional housing choices in Mission Valley; development oriented toward a restored San Diego River open space habitat and the new passive public park; and multi-use San Diego River Pathway providing a missing link in an existing regional recreational corridor.
- The project supports a new residential population within a Transit Priority Area (TPA). The uses within the TPA would encourage consumers to work, shop, dine, and recreate within the TPA.
- The Park District would result in a 3.31 acre public park and approximately 2,500 linear feet of San Diego River Pathway plus interconnecting pedestrian trails, adding to the emerging pathway system along the San Diego River and providing a variety of trail experiences. The new public park would occur in a community

with a current park deficit and would provide increased security and activation of the publically accessible portions of the River corridor.

B. Multimodal Transportation Benefits:

- The project would improve overall multimodal (automobile, transit, bicycle, and pedestrian) access for employees, residents, and visitors to the project site. The project proposes both external and internal improvements benefitting drivers, bicyclists, pedestrians, and transit riders. The project would include construction of five private driveways (Private Drive A, Private Drive B, Private Drive C, Private Drive D, and Private Drive E) that would provide access to the hotel, convention center, and residential parcels. The proposed project urban design promotes walkability with private drives that are designed with a minimum 4-foot clear pedestrian path of travel along the perimeter of the site as well as internal pedestrian connections. The internal driveways would feature trees, landscape areas, and noncontiguous sidewalks to enhance the sense of place and pedestrian scale for residents and visitors to the site. Furthermore, the proposed project incorporates enhanced hardscape and landscape treatments, street trees that provide shade for pedestrians, and high quality design buildings with architectural elements to create visual appeal and enhance the bicycle and pedestrian experience.
- The existing pedestrian bridge connecting the MTS Fashion Valley Transit Center to the site is approximately 5 feet wide (nonstandard for a multi-use path) and substandard and degraded. The project would improve public safety and access from the transit center to the new public park and trail system by demolishing the existing bridge and building a new 10-foot-wide bridge that meets standards for a multi-use path serving pedestrians and bicyclists.
- The project would construct a 14-foot-wide San Diego River Pathway entirely within floodway open space in the River Park District south of the River. The conceptual alignment of the San Diego River Pathway would align with the Pathway to the east on the former Union Tribune site, through the passive population based park, and connect to the pedestrian bridge that crosses the River, providing a missing link in a regional recreational corridor.
- The project would implement a robust Transportation Demand Management (TDM) program benefitting existing and future employees and visitors to the site. The TDM program includes several strategies and techniques that aid in providing mobility choices and minimizing vehicular trips by maximizing use of pedestrian and bicycle travel, transit, carpools, and vanpools.
 - As part of the TDM program, the project proponent would coordinate with local transit operators to provide input on how and when routes should be implemented to better serve the area.

- As part of the TDM program, the project proponent would provide no less than 50 percent transit subsidy for 25 percent of the hotel employees for a period of 3 years.
- As part of the TDM program, transportation information would be displayed in common areas to include, at a minimum, the following materials:
 - Ridesharing promotional materials, including the iCommute program.
 - Promotional materials for “Guaranteed Ride Home” programs like those provided by iCommute to ensure that residents and employees that carpool, vanpool, take transit, walk, or bike to work are provided with a ride to their home or location near their residence in the event that an emergency occurs during their work day.
 - Bicycle route and parking, including maps and bicycle safety information.
 - Materials publicizing internet and telephone numbers for referrals on transportation information.
 - Promotional materials provided by MTS and other publicly supported transportation organizations.
 - A listing of facilities at the site for carpools and vanpoolers, transit riders, bicyclists, and pedestrians, including information on the availability of preferential carpool and vanpool parking spaces and the methods for obtaining these spaces.
- As part of the TDM program, the project proponent would hold annual events to promote the use of alternative transportation.
- As part of the TDM program, the project proponent would provide bicycle storage for hotel employees. For hotel guests, free bikes would also be available for use.
- As part of the TDM program, the project proponent would provide flexible work schedules to stagger arrivals and departures of hotel employees.
- As part of the TDM program, the project proponent would continue to provide complimentary shuttle services to and from SDIA for hotel guests.
- The project promotes a safe and comprehensive local and regional bikeway network. The project also provides an Irrevocable Offer of Dedication to accommodate a Class II bike lane. . The project integrates

Class III Sharrows on the private drives for bicycle access. These facilities connect to the SANDAG Regional Bike System. In addition, the project includes bicycle parking intermittently located throughout the site.

C. Sustainability/Conservation Benefits:

- The project is an infill, TOD project located on previously developed land within walking distance (approximately 1,200 feet) to the MTS Fashion Valley Transit Center with new and enhanced pedestrian and bicycle connections and facilities throughout the project site and to surrounding areas. The design encourages healthier lifestyle choices and access to alternative modes of transportation.
- The project creates sustainable and efficient land use patterns through an integrated mix of public park, residential homes, and commercial uses on the project site within a 5-minute walk (approximately 1,200 feet) of MTS Fashion Valley Transit Center and Fashion Valley Mall, a subregional employment center. The reduction of traffic associated with the reduced size of the hotel offsets the increased traffic associated with the new residential units. Thus, the project results in no net increase in average daily traffic (ADT).
- The project also addresses sustainability by completing habitat restoration and enhancement of the San Diego River and decreasing impervious surfaces. One element of the Park District is the proposed restoration and enhancement of approximately 8.11 acres of native habitat, including 6.98 acres located within the MHPA.

7. CONCLUSION

The City Council finds that any, or any combination of, the Statement of Overriding Considerations benefits noted above would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigable impacts that were found.

EXHIBIT B

MITIGATION, MONITORING, AND REPORTING PROGRAM

TOWN AND COUNTRY
PROJECT NO. 424475

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. 424475/SCH No. 2015121066 shall be made conditions of Master Planned Development Permit No. 1499941, Site Development Permit No. 1499942, Conditional Use Permit No. 1904584, Vesting Tentative Map No. 1499943 and Easement Vacation No. 1499945 (amendment to Planned Commercial Development/ Conditional Use Permit No. 88-0585 and Site Development Permit No. 400602), as may be further described below.

The following general requirements would be a part of the proposed project 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), Job Site Superintendent and the following consultants:

Qualified Acoustician, Biologist
Qualified Revegetation Installation Contractor, Biologist
Qualified Revegetation Maintenance Contractor, Biologist
Qualified Principal Restoration Specialist, Biologist
Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit), Biologist
Qualified Archaeological Monitor, Archaeologist
Qualified Native American Monitor, Archaeologist
Qualified Principal Investigator, Archaeologist

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) No. 424475 and /or Environmental Document No. 424475, 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.
- U.S. Army Corps of Engineers (USACE) – Clean Water Act (CWA) Section 404 Nationwide Permits
 - California Department of Fish and Wildlife (CDFW)—Fish and Game Code Section 1602 Streambed Alteration Agreement
 - RWQCB — Section 401 Water Quality Certification, Storm Water Pollution Prevention Plan in compliance with the Construction General Permit, and a Dewatering Permit
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on an 11" x 17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

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

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Traffic	Traffic Reports	Traffic Features Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Historical Resources (Archaeology)

AR-1 Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the

- archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11" x 17") to MMC identifying the areas to

- be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. *Monitor(s) Shall be Present During Grading/Excavation/Trenching*

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring**

Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that an applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human

remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

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

B. Isolate discovery site

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

C. If Human Remains ARE determined to be Native American

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

- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
- 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

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

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8 a.m. of the next business day.

- b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 a.m. 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.

Historical Resources (Built Environment)

HR-1 Recordation of the Resource: Prior to issuance of a demolition permit for the Regency Conference Center, Secretary of the Interior-qualified professionals (in history or architectural history) shall perform photo-recordation and documentation consistent with the standards of the National Park Service's (NPS) Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation. HABS/HAER documentation shall consist of archival photographs, written data (e.g., historic context, building descriptions), and reproductions of historic drawings (or measured drawings, if no historic drawings are available or suitable for reproduction), that provide a detailed record that reflects the building's historical significance. The historical resource shall receive HABS/HAER documentation Level III, as described in NPS documentation for HABS/HAER (Russell 1990:4). If historical as-built drawings do not exist (or are not reproducible to HABS/HAER standards), then measured drawings shall be prepared to document the structure and its alterations to the standards set for a Level I HABS/HAER report, or another appropriate level depending on available information. Following completion of the HABS/HAER documentation and approval by the City Development Services Department's historical resources staff, the materials shall be placed on file with the City, San Diego History Center, and San Diego Central Library, and offered to the NPS and the Library of Congress.

HR-2 Architectural Salvage: Prior to issuance of a demolition permit, the Applicant shall make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and non-profit organizations to preserve, interpret, and display the history of the Town & Country property. The materials to become architectural salvage shall include historic-period elements that would be removed as part of the project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. Prior to issuance of a Demolition/Removal Permit, the City Development Services Department's historical resources staff will ensure that no materials shall be salvaged or removed until HR-1 has been implemented and an inventory of key exterior and interior features and materials is completed by Secretary of the Interior-qualified professionals. The inventory of key exterior and interior features may be developed as part of HR-1. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, or decayed would not be included in the salvage program and would not be available for future use or display. Prior to demolition, the City as lead agency shall determine which materials are suitable for salvage (the City's Development Services Department's historical resources staff can utilize the assistance of qualified professionals to make such determinations).

HR-3 Interpretative Display: Prior to issuance of a demolition permit and in concert with HABS/HAER documentation, the Applicant shall develop a display and interpretive material for public exhibition concerning the history of the Town & Country property, specifically the significance of the Regency Conference Center. The display and interpretive material, such as a printed brochure, could be based on the photographs produced in the HABS/HAER documentation, and the historic archival research previously prepared as part of the project. This display and interpretive material shall be available to schools, museums, archives and curation facilities, libraries, nonprofit organizations, the public, and other interested agencies. A display shall be placed within a publicly accessible location in the new hotel facilities prior to obtaining an occupancy permit.

Air Quality

During Construction

- AQ-1: The construction contractor shall maintain and properly tune all construction equipment in accordance with manufacturer's specifications.
- AQ-2: The construction contractors shall minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure 13 CCR 2485). Clear signage shall be provided for construction workers at all access points.
- AQ-3: When construction activities occur on the project site after occupancy of any residential parcels, the construction contractor shall use off-road construction diesel engines that meet, at a minimum, the Tier 4 California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 3 engines will be allowed on a case-by-case basis when the contractor has documented that no Tier 4 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two construction equipment rental firms.

Noise (Operation)

Prior to Permit Issuance

- NOI-1:** The City shall require the design and installation of stationary noise sources for the project to include the following:
- Implement best design considerations and shielding, including installing stationary noise sources associated with HVAC systems indoors in mechanical rooms.
 - Prior to the issuance of a building permit, the Applicant or its designee shall prepare an acoustical study(s) of proposed mechanical equipment, which shall identify all noise-generating equipment, predict noise level property lines from all

identified equipment, and recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City of San Diego Noise Ordinance.

Transportation/Circulation

TRANS-1 Hotel Circle N.: Fashion Valley Road to Private Drive A: Prior to issuance of the first building permit, the developer/permittee shall assure by permit and bond the widening of this segment to accommodate a 4-lane Collector consistent with the MVCP, to the satisfactory to the City Engineer. The widening would occur on the north side of Hotel Circle N. between Hotel Circle N. and Camino De La Reina. This shall accommodate an additional westbound and eastbound through lane with a two-way left-turn lane. The widening will also include Class II bike lanes on both sides. To implement this mitigation, approximately 37 to 39 feet of widening would be required on the Town & Country property. The traffic signals at Hotel Circle N. / Fashion Valley Road and Hotel Circle N. / Camino De La Reina intersections shall be modified accordingly. All improvements shall be constructed and accepted by the City Engineer prior to issuance of the first residential certificate of occupancy.

TRANS-2 Camino De La Reina: Hotel Circle to Private Drive D: Prior to issuance of the first building permit, the developer/permittee shall assure by permit and bond the widening of this segment to 4-lane Major standards consistent with the MVCP, to the satisfactory to the City Engineer. This would involve widening Camino De La Reina along the project frontage to include an additional westbound and eastbound through lane and a raised median. This widening would also include Class II bike lanes on both sides. To implement this mitigation, approximately 41 feet of widening is required on the Town & Country property. The traffic signal at Hotel Circle N. / Camino De La Reina will be modified accordingly. All improvements shall be constructed and accepted by the City Engineer prior to issuance of the first residential certificate of occupancy.

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: March 22, 2018
TO: Elizabeth Maland, City Clerk
FROM: Shannon M. Thomas, Deputy City Clerk. *ST*
SUBJECT: Item #330 – Town and Country – Project No. 424475 – Council Meeting of
March 20, 2018

We are submitting a revised Resolution Nos. R-2018-75, R-2018-76, R-2018-77, and R-2018-78 to indicate the change on the hearing date from September 18, 2017 to March 20, 2018.

Thank you.

SMT:als
Doc. No.: 1714633

Passed by the Council of The City of San Diego on MAR 20 2018, by the following vote:

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

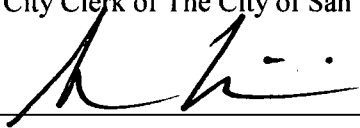
Date of final passage MAR 20 2018.

(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.

By , Deputy

(Seal)

Office of the City Clerk, San Diego, California

311623

Resolution Number R-_____