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(R-2025-90)
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RESOLUTION NUMBER R- **316109**

DATE OF FINAL PASSAGE **MAR 11 2025**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 636444/SCH NO. 2021100394, ADOPTING FINDINGS, AND ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM NO. 636444 FOR ALL PEOPLES CHURCH – PROJECT NO. 636444.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Light on a Hill, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a City of San Diego General Plan and Navajo Community Plan Amendment No. 2292367, Planned Development Permit No. 2292339, Site Development Permit No. 2292338, Tentative Map No. 2490918, and Easement Vacation No. 2292340 for the All Peoples Church project (Project).

B. On September 28, 2023, the Planning Commission of the City of San Diego considered General Plan and Navajo Community Plan Amendment No. 2292367, Planned Development Permit No. 2292339, Site Development Permit No. 2292338, Tentative Map No. 2490918, and Easement Vacation No. 2292340 and voted unanimously to approve the Project by Resolution No. 52538-PC.

C. The Council has considered the issues discussed in Environmental Impact Report No. 636444/SCH No. 2021100394 (Report) prepared for this Project.

D. The Office of the City Attorney has drafted this Resolution based on the information provided by City staff, with the understanding that the information is complete and accurate.

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

ACTION ITEMS

1. The Council certifies 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 Council in connection with the approval of the Project.


2. Under CEQA section 21081 and State CEQA Guidelines section 15091, the Council adopts the Findings made with respect to the Project, which are attached to this Resolution as Exhibit A.

3. Under CEQA section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Council to mitigate or avoid significant effects on the environment, which is attached to this Resolution as Exhibit B.

4. 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, California 92101.

5. The City Clerk is directed to file a Notice of Determination in accordance with CEQA with the San Diego Recorder's Office and the State Clearinghouse in the Office of Planning and Research regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney


By 
Shannon C. Eckmeyer
Deputy City Attorney

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Or.Dept: DSD
Doc. No. 3787251_4

Attachments: Exhibit A, Findings
Exhibit B, Mitigation Monitoring and Reporting Program

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
MAR 11 2025

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk
for Gil Sanchez

**CANDIDATE FINDINGS FOR THE
ALL PEOPLES CHURCH PROJECT
PROJECT No. 636444
SCH No. 2021100394
EXHIBIT A**

I. INTRODUCTION

A. Findings of Fact

The following Candidate Findings are made for the All Peoples Church Project (hereinafter referred to as "project"). The environmental impacts of the project are addressed in the Final Environmental Impact Report (FEIR) dated July 31, 2023 (State Clearinghouse No. 2021100394), which is incorporated by reference herein.

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.*) require that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental impacts of the project unless the public agency makes one or more written findings for each of those significant impacts, 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 impact 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.

CEQA also requires that the findings made pursuant to §15091 be supported by substantial evidence in the record (§15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means that enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence may include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts (§15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse

environmental effects, the adverse environmental effects may be considered "acceptable" (§15093(a) of the State CEQA Guidelines). 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 actions based on the Final EIR and/or other information in the record.

B. Record of Proceedings

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

- The Notice of Preparation (NOP), dated October 22, 2021 and all other public notices issued by the City in conjunction with the project;
- The Draft EIR (DEIR), dated August 31, 2022;
- The FEIR, dated July 31, 2023;
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR and included in the FEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the FEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and the FEIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be included in the Record of Proceedings pursuant to Public Resources Code §21167.6(e).

C. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City of San Diego's (City's) actions related to the project are located at the City of San Diego, Development Services Department (DSD), 1222 1st Avenue, 5th Floor, San Diego, CA 92101. The City DSD is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City DSD. The DEIR was also placed on the City's website at www.sandiego.gov/ceqa/draft, and the FEIR was placed on the City's website at

www.sandiego.gov/ceqa/final. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

II. PROJECT SUMMARY

A. Project Location

The 5.99-acre project site is vacant and located in the southern portion of the Del Cerro neighborhood in the Navajo Community Plan area in the City. The project site is located approximately 11 miles east of the Pacific Ocean, seven miles northeast of downtown San Diego, approximately three miles east of Interstate 15 and immediately north of Interstate 8 (I-8). The project site is bounded by College Avenue on the west, the westbound I-8 off-ramp at College Avenue and City fee-owned open space dedicated parkland to the south, single-family neighborhoods along Marne Avenue and the western end of Glenmont Street to the east, and neighborhood commercial properties to the north fronting Del Cerro Boulevard.

B. Project Objectives and Description

Project Objectives

The objectives of the All Peoples Church Project are as follows:

1. Place the church/sanctuary in a central San Diego location that is both visible from and convenient to a regional freeway to facilitate church attendance;
2. Relocate to a church-owned property that has proximity to its existing congregation, including its members in City Heights, Mid-Cities, College Area, and Del Cerro;
3. Establish a place of worship that would accommodate the space needs of its staff and congregation;
4. Design the structures and site improvements to be sensitive to the existing topography and surrounding neighborhoods;
5. Address the parking needs on Sundays by constructing sufficient parking to accommodate the maximum projected parking demand;
6. Develop the church/sanctuary near where transit connections are readily available to its congregation;
7. Enhance the religious, spiritual and community-building activities, including Sunday School and adult education, through the design and character of the indoor and outdoor spaces; and
8. Fulfill the institution's religious mission to be a multi-ethnic, multi-generational local church with a global vision.

Project Description

The All Peoples Church project consists of the construction and operation of a 54,476-square-foot (SF) church/sanctuary building and a 71,010 SF, two-level parking garage and surface parking areas on a 5.99-acre vacant site. The proposed project would include a 900-seat sanctuary space with accessory uses (i.e., Sunday school classrooms, offices, and a multi-purpose room/gym), and various site improvements, such as circulation, landscaping, and utility connections which are described below. Of the 900 seats, 587 seats would be fixed in place and 3,690 SF would accommodate the remaining non-fixed seats. Congregation gatherings would primarily occur on Sundays; small group activities may occur during the weekdays or on Saturdays. No primary educational school spaces are proposed as part of the project.

The two-level parking structure would be recessed into the terrain such that the top deck would be below grade of College Avenue. Smaller surface parking areas would be provided south and east of the parking structure and church/sanctuary building. The parking structure would contain 203 parking spaces, while surface parking areas would hold 116 spaces, which meets the City's minimum parking requirements of 319 parking spaces.

Vehicular access to the project and the parking structure would be via a proposed signalized full access driveway along College Avenue with a secondary gated driveway entrance connected to the northern parking lot for right-in/out only vehicle movements. Off-site improvements to the new College Avenue intersection would include creating a median break and narrowing of the existing raised median to construct a new southbound left-turn lane, striping of a northbound right-turn lane, and installing a crosswalk.

New bicycle lane signage and striping would be installed along northbound College Avenue. Along the project's College Avenue frontage, a 12-foot shared (i.e., pedestrians and bicycles) contiguous sidewalk would be installed south of the project driveway and north of the driveway a 5-foot-wide non-contiguous sidewalk would be constructed within the parkway.

To implement the project, several deviations from the RS-1-7 zone related to building height, retaining wall height, side yard setback, and bicycle parking are proposed. Specifically, the proposed building height deviation from San Diego Municipal Code (SDMC) §131.0431(b)] would allow an increase from the maximum height of 30 feet to 53 feet above grade; the wall height deviation from SDMC §142.0340(d)(1)] would increase from the maximum wall height from six feet to 20 feet above grade; the side yard setback deviation from SDMC §131.0431(b) would decrease the minimum side yard setback from 84 feet-2 inches to 14 feet setback; and the long-term bicycle parking requirements would be reduced from 16 spaces to three spaces. A Community Plan Amendment (CPA) is proposed to allow for the development of a religious assembly use within the Single Family residential land use designation. A Planned Development Permit (PDP) is required to allow a use that is permitted by the land use plan but not allowed by the underlying zone. In addition, the PDP also permits deviations from the RS-1-7 zone. A Site Development Permit (SDP) is required for the project to impact sensitive biological resources. A Tentative Map (TM) is proposed to facilitate the vacation and granting of easements. Numerous existing easements would be vacated by the TM.

Specifically, existing sewer, telecom, and stormwater easements that cross the property would be abandoned. In addition, a portion of the access rights would be re-vested for the proposed signalized intersection and ingress/egress driveways along College Avenue and right-of-way would be dedicated to the City to accommodate the proposed parkway along the project frontage with College Avenue.

III. ENVIRONMENTAL REVIEW PROCESS AND PUBLIC PARTICIPATION

The lead agency approving the project and conducting environmental review under CEQA (California Public Resources Code §§21000, et seq.), and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, §§15000 et seq. (CEQA Guidelines), shall be the City. The City as lead agency shall be primarily responsible for carrying out the project.

In compliance with §15082 of the State CEQA Guidelines, the City published an NOP on October 22, 2021, which began a 30-day period for comments on the appropriate scope of the EIR. The City received comments on the NOP which were taken into consideration during the preparation of the DEIR (refer to Appendix A of the FEIR).

The City published a DEIR addressing the project on August 31, 2022, in compliance with CEQA. Pursuant to State CEQA Guidelines §15085 and upon publication of the DEIR, the City made the DEIR available for review and comment by the public for a period of 45 days. The City also posted a Notice of Availability of the DEIR at this time pursuant to State CEQA Guidelines §15087. During the public review period, the City received 156 comment letters on the environmental document; an additional six comment letters were received after the close of the public review period. The City provided responses in writing to all comments received on the DEIR.

Minor clarifications were made to the information contained in the DEIR as a result of the response to comments and are reflected in the FEIR. No significant new information was added that would require recirculation of the document, per CEQA Guidelines Section 15088.5. The FEIR for the project was published on July 31, 2023. The FEIR has been prepared in accordance with CEQA and the State CEQA Guidelines (§15132).

IV. SUMMARY OF IMPACTS

Impacts associated with specific issue areas resulting from approval of the project are discussed below.

The FEIR concludes the project would have **no impacts** with respect to the following issue areas:

- Agriculture and Forestry Resources
- Mineral Resources

The FEIR concludes the project would have **less than significant impacts** and require no mitigation measures with respect to the following issue areas:

- Air Quality
- Energy
- Geologic Conditions
- Greenhouse Gas Emissions

- Health and Safety
- Hydrology
- Land Use
- Paleontological Resources
- Population and Housing
- Public Services and Facilities
- Transportation
- Utilities and Service Systems
- Visual Effects/Neighborhood Character
- Water Quality
- Wildfire

The FEIR concludes the project would potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue areas:

- Biological Resources
- Historical Resources
- Noise
- Tribal Cultural Resources (TCRs)

The FEIR concludes the project would not have any **significant unavoidable impacts** for any CEQA issue areas.

V. FINDINGS REGARDING SIGNIFICANT IMPACTS

The Findings incorporate the facts and discussions in the FEIR for the project as fully set forth therein.

A. 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 FEIR and the public record for the project, finds, pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the project which would mitigate, significantly lessen or avoid the significant effects on the environment related to the following issues:

BIOLOGICAL RESOURCES

Sensitive Species and Habitats (Issue 1 and Issue 2)

Impact

Project construction would result in significant direct impacts to sensitive habitats.

Facts in Support of Finding

Project construction would result in direct, permanent on-site impacts to 2.3 acres of Tier II Diegan coastal sage scrub, 0.9 acres of Tier II Diegan coastal sage scrub-disturbed, and 0.8 acres of Tier IIIB

non-native grassland (a total of 4.0 acres on site). The total acreage of impact to sensitive habitats would be 4.0 acres. Impacts to these habitats would be significant because they are Tier I through Tier IIIB.

Mitigation Measures

The significant direct and indirect impact to sensitive habitat would be mitigated to below a level of significance with implementation of Mitigation Measure BIO-1, as identified in Section 5.2.3.4 of the FEIR. Mitigation Measure BIO-1 requires biological monitoring and resource protection during construction, with measures to be implemented in the event that impacts exceed previously allowed amounts.

The significant direct impact to 4.0 acres of sensitive habitat would be mitigated to below a level of significance with implementation of the Mitigation Measure BIO-2, as identified in Section 5.2.3.4 of the FEIR. Mitigation Measure BIO-2 requires mitigation for impacts to 3.2 acres of Diegan coastal sage scrub and Diegan coastal sage scrub-disturbed at a 1:1 ratio for impacts that would occur outside of the Multi-Habitat Planning Area (MHPA), with mitigation that would occur inside the MHPA. Mitigation for impacts to 0.8 acre of non-native grassland would be mitigated at a ratio of 0.5:1 (for habitat not occupied by the burrowing owl) since they occur outside the MHPA, and the mitigation would occur inside the MHPA. Mitigation would be accomplished via payment into the City's Habitat Acquisition Fund equal to 3.6 acres of habitat.

Finding

Implementation of actions pursuant to Mitigation Measures BIO-1 and BIO-2 would reduce impacts to sensitive habitats to less than significant.

Reference

See FEIR Section 5.2 for a complete discussion of the biological resources impacts associated with the project.

HISTORICAL RESOURCES

Historical Resources (Issue 1)

Impact

The construction of the project has the potential to encounter and potentially damage or destroy unknown buried archaeological and Native American resources where native material occurs.

Facts in Support of Finding

No prehistoric cultural resources were recorded or observed on site. However, there are recorded cultural resources within a one-mile radius of the project site. Based on the presence of prehistoric and historic resources in the project vicinity, and the low ground visibility at the project site during the pedestrian field survey, the potential exists for unknown buried archaeological and Native American resources to occur. The construction of the project has the potential to encounter and potentially damage or destroy unknown buried archaeological and Native American resources.

Mitigation Measures

The potentially significant impact to unknown buried archaeological and Native American resources would be mitigated to below a level of significance with implementation of the Mitigation Measure HR-1, as identified in Section 5.3.3.4 of the FEIR. Mitigation Measure HR-1 requires implementation of a monitoring program, which includes steps to be taken prior to permit issuance, prior to the start of construction, during construction, in the event human remains are discovered, during night and/or weekend work, and post construction.

Finding

Implementation of actions pursuant to Mitigation Measure HR-1 would reduce impacts to unknown buried archaeological and Native American resources to less than significant.

Reference

See FEIR Section 5.3 for a complete discussion of the historical resource impacts associated with the project.

Religious or Sacred Uses (Issue 2)

Impact

Ground disturbance associated with the construction of the project has the potential to uncover previously unknown religious or sacred resources, resulting in a potentially significant impact.

Facts in Support of Finding

No religious or sacred uses are known to exist within the project site; however, research indicates that prehistoric and historic resources are frequent in the surrounding area. Areas in the Del Cerro neighborhood, including areas to the west and further east of the project site, have yielded cultural remains that document prehistoric occupation. While no known resources have been discovered onsite through background research or the on-site pedestrian survey, based on the presence of prehistoric and historic resources in the area, the project has the potential to encounter unknown religious or sacred resources during ground-disturbing activities.

Mitigation Measures

The potentially significant impact to unknown religious or sacred resources would be mitigated to below a level of significance with implementation of the Mitigation Measure HR-1, as identified in Section 5.3.3.4 of the FEIR. Mitigation Measure HR-1 requires implementation of a monitoring program, which includes steps to be taken prior to permit issuance, prior to the start of construction, during construction, in the event human remains are discovered, during night and/or weekend work, and post construction.

Finding

Implementation of actions pursuant to Mitigation Measure HR-1 would reduce impacts to unknown religious or sacred resources to less than significant.

Reference

See FEIR Section 5.3 for a complete discussion of historical resource impacts associated with the project.

Human Remains (Issue 3)

Impact

Construction of the project would result in ground disturbance, which has the potential to uncover previously unknown resources, including unknown human remains.

Facts in Support of Finding

No formal cemeteries or known burial sites have been identified on or in the immediate vicinity of the project site. In the unlikely event of a discovery of human remains, the project would be required to comply with California PRC Section 5097.98, California Health and Safety Code Section 7050.5, and California Government Code Section 27491. These regulations identify procedures to be implemented in the event of a discovery of human remains. Work would be halted, and the procedures identified in PRC Section 5097.98 and the California Health and Safety Code would be followed.

Mitigation Measures

The potentially significant impact to unknown human remains would be mitigated to below a level of significance with implementation of the Mitigation Measure HR-1, as identified in Section 5.3.3.4 of the FEIR. Mitigation Measure HR-1 requires implementation of a monitoring program, which includes steps to be taken prior to permit issuance, prior to the start of construction, during construction, in the event human remains are discovered, during night and/or weekend work, and post construction.

Finding

Implementation of actions pursuant to Mitigation Measure HR-1 would reduce impacts to unknown human remains to less than significant.

Reference

See FEIR Section 5.3 for a complete discussion of historical resource impacts associated with the project.

NOISE

Ambient Noise Increase (Issue 1)

Impact

Implementation of the project has the potential to significantly impact off-site noise-sensitive receptors (i.e., nearby residential properties) through temporary increases in ambient noise levels caused by construction noise that has the potential to exceed the 12-hour 75 dBA Leq standard at the property line contained in Section 59.0404 of the SDMC.

Facts in Support of Finding

Construction associated with the project includes noise associated with the operation of off-road equipment for onsite construction activities, as well as construction vehicle traffic on area roadways.

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., building construction, paving). During construction, exterior noise levels could negatively affect sensitive receptors in the vicinity of the construction site. The City's noise construction standard of 75 dBA Leq would be exceeded for several construction phases (site preparation, grading, building construction, and paving) at the nearby residential property line resulting in a significant noise impact. Estimated exterior construction noise levels at the nearby property line in excess of the City's standards include noise levels of 76.1 dBA Leq during site preparation, 76.8 dBA Leq during grading, 77.9 dBA Leq for building construction, and 77.4 dBA Leq for paving.

Mitigation Measures

The potentially significant impact to ambient noise levels in the project area would be mitigated to below a level of significance with implementation of the Mitigation Measure NOI-1, as identified in Section 5.4.3.4 of the FEIR. Implementation of Mitigation Measure NOI-1 requires the incorporation of best management practices into project drawings, and implementation of these practices during construction to ensure sustained construction noise levels do not exceed 75 decibels over a 12-hour period at the nearest sensitive receptors.

Finding

Implementation of actions pursuant to Mitigation Measure NOI-1 would reduce impacts to ambient noise levels to less than significant.

Reference

See FEIR Section 5.4 for a complete discussion of the construction noise impacts associated with the project.

TRIBAL CULTURAL RESOURCES

Tribal Cultural Resources (Issue 1)

Impact

Ground disturbance associated with the construction of the project has the potential to uncover previously unknown TCRs.

Facts in Support of Finding

The City provided formal notification to the Lipay Nation of Santa Ysabel, Jamul Indian Village, and San Pasqual Band of Mission Indians, all of which requested consultation and agreed that construction monitoring should be conducted by a Native American monitor. The project site does not contain recorded sites listed or sites eligible for listing in the California Register of Historical

Resources or in a local register of historical resources as defined by the Public Resources Code. Although TCRs have not been identified in the project area, the area is considered sensitive for potential TCRs. Therefore, there is the potential for the inadvertent discovery of a resource that could be impacted by project implementation.

Mitigation Measures

The potentially significant impact to TCRs would be mitigated to below a level of significance with implementation of the Mitigation Measure HR-1, as identified in Section 5.6.3.3 of the FEIR.

Finding

Implementation of actions pursuant to Mitigation Measure HR-1 would reduce impacts to TCRs to less than significant.

Reference

See FEIR Section 5.6 for a complete discussion of the TCR impacts associated with the project.

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

In accordance with §15126.6(a) of the Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The §15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on alternatives to the project that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with §15126.6(f)(1) of the Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

As required in §15126.6(a), in developing the alternatives to be addressed in the FEIR, consideration was given to an alternative's ability to meet most of the basic objectives of the project. Because the project will cause potentially significant environmental effects unless mitigated, the City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project.

The City, having reviewed and considered the information contained in the FEIR 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 FEIR.

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 636444 / SCH No. 2021100394) as described below.

"Feasible" is defined in §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 (§21081) and Guidelines (§15019(a)(3)) also provide that "other considerations" may form the basis for a finding of infeasibility.

Alternatives under Consideration

The FEIR evaluated the following alternatives in detail:

- No Project/No Development Alternative;
- Reduced Residential Development Alternative; and
- Reduced Project Alternative.

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

1. No Project/No Development Alternative

Pursuant to CEQA Guidelines §15126.6(e), consideration of a no project alternative is required. The analysis of a no project alternative must discuss the existing conditions at the time the NOP was published (i.e., October 22, 2021), as well as "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [CEQA Guidelines Section 15126.6(e)(2)]. The requirements also specify that, "if disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed" [CEQA Guidelines Section 15126.6(e)(3)(B)]. Under the No Project/No Development Alternative for this EIR, construction of the All Peoples Church Project would not occur. The site would remain in its existing condition and no changes to the site would occur under the No Project/No Development Alternative.

Potentially Significant Impacts

There would be no significant impacts associated with the No Project/No Development Alternative as described in Section 8.4.1 of the FEIR. The project site would remain vacant and undeveloped under the No Project/No Development Alternative. All impacts associated with the project would be avoided, and no impacts would occur. There would no significant impacts to sensitive habitat. No significant impacts to historical resources associated with unknown buried archaeological and Native American resources, unknown religious or sacred uses, and unknown human remains would occur. Additionally, no significant impacts associated with temporary ambient noise increases would occur and potentially significant impacts to TCRs would not occur.

Facts In Support of Finding

While the No Project/No Development Alternative would eliminate seven significant and mitigatable impacts (biological resources, historical resources, noise, and TCRs) resulting from the project, it would not meet any of the project objectives. Under the No Project/No Development Alternative no church would be constructed and the alternative would not achieve the project's objectives related to placing a church/sanctuary in a central San Diego location that is both visible from and convenient to a regional freeway, relocating to a church-owned property with proximity to its existing congregation, and establishing a place of worship that would accommodate the space needs of its staff and congregation. Additional objectives of the project related to site design and character, sufficient parking, proximity to transit, and fulfilling the institution's religious mission would not be met with the No Project/No Development Alternative.

Finding

The No Project/No Development Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Rationale

Although the No Project/No Development Alternative would eliminate significant and mitigable impacts to biological resources, historical resources, noise, and TCRs associated with the project, it does not meet the project objectives outlined in Section 3.1.1 of the FEIR.

Reference

See FEIR Section 8.4.1 for a complete analysis of this alternative.

2. Reduced Residential Development Alternative

Under the Reduced Residential Alternative, the property would be developed with the Marburn Corporation residential subdivision which was approved by the City Council in 2018 (Project No. 435438). Similar to the project, this alternative required approval of a Site Development Permit, Planned Development Permit, Easement Vacations, and Tentative Map. Similar to the project, several deviations from the LDC would be needed to implement this alternative. A Community Plan Amendment is not required to implement the Reduced Residential Alternative. The Reduced Residential Development Alternative consists of the construction of 24 residential units, five homeowner association lots, private access to the property, and other site improvements. The alternative also includes 12-foot-high masonry walls around the site perimeter with landscape screening. Nearly the entire project site would be graded to implement this alternative.

Potentially Significant Impacts

The Reduced Residential Development Alternative would result in similar potentially significant impacts as those identified for the project, however, mitigation would reduce these impacts to a less than significant level, as described in Section 8.4.2 of the FEIR. Significant impacts to biological resources, historical resources, noise, and TCRs would occur, requiring mitigation. Specifically, significant impacts to sensitive habitats, unknown archaeological resources, construction noise impacts to ambient noise levels near noise-sensitive land uses, and unknown TCRs would still occur.

Less than significant land use and visual effects/neighborhood character impacts would be associated with the Reduced Residential Alternative.

Facts In Support of Finding

The Reduced Residential Alternative would not eliminate or reduce significant impacts of the project to a less than significant level. The Reduced Residential Development Alternative would directly align with the height and bulk regulations in the LDC and would construct residences that would comply with the height and bulk regulations in the RS-1-7 zone, whereas the project is requesting deviations from the height regulations to accommodate the roofline and cross on the church/sanctuary building. Both this alternative and the project would result in less than significant visual effects and neighborhood character impacts. Additionally, due to the project site's proximity to the freeway and College Avenue, the Reduced Residential Development Alternative would not be considered a compatible land use given the exterior noise environment on site (i.e., greater than 65 dB CNEL as shown in Section 5.4 of the FEIR) based on the Land Use-Noise Compatibility Criteria in the Noise Element of the General Plan. Exterior use areas for the residential development would be considered "conditionally acceptable." To implement the Reduced Residential Alternative and comply with the land use compatibility policy in the Noise Element, noise walls and/or enhanced building materials and mechanical ventilation would likely be required.

The Reduced Residential Alternative would not achieve any of the project objectives related to placing a church/sanctuary in a central San Diego location visible from and convenient to regional freeway, relocating to a church-owned property that has proximity to its existing congregation, or establishing a place of worship that would accommodate the existing and future space needs of its staff and congregation. Additional objectives of the project related to site design and character, sufficient parking, proximity to transit, and fulfilling the institution's religious mission would not be met with the Reduced Residential Alternative.

Finding

The Reduced Residential Development Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Rationale

The Reduced Residential Alternative would not eliminate the significant impacts to biological resources, historical resources, noise, and TCRs associated with the project, and it does not meet the project objectives outlined in Section 3.1.1 of the FEIR.

Reference

See FEIR Section 8.4.2 for a complete analysis of this alternative.

3. Reduced Project Alternative

Under the Reduced Project Alternative, the project's surface parking would be modified to comply with the City's parking regulations, rather than constructing 37 more parking spaces than required by the City. Specifically, the Reduced Project Alternative would construct a total of 319 parking spaces, which would be 37 fewer spaces than the project is providing but would comply with the City

parking requirements. Surface parking for the project is proposed north of the parking structure and along the eastern edge of the parking structure and church/sanctuary building. To construct 37 fewer parking spaces, the project's grading footprint would be reduced by approximately 0.4 acre, depending on which spaces are removed under this alternative. All other features of the project would remain the same as described in the FEIR.

Potentially Significant Impacts

The Reduced Project Alternative would result in potentially significant impacts to the same resource areas as those identified for the project; however, mitigation would reduce these impacts to a less than significant level, as described in Section 8.4.3 of the FEIR. Significant impacts to biological resources, historical resources, noise, and TCRs would occur, requiring mitigation. Specifically, significant impacts to sensitive habitats, unknown archaeological resources, construction noise impacts to ambient noise levels near noise-sensitive land uses, and unknown TCRs would still occur; however, the reduced grading footprint of the Reduced Project Alternative would reduce the project's impacts to biological resources, historical resources, and TCRs. Less than significant land use and visual effects/neighborhood character impacts would be associated with the Reduced Project Alternative.

Facts In Supporting Finding

The Reduced Project Alternative would not eliminate the project's significant and mitigable impacts (i.e., biological resources, historical resources, noise, and TCRs) and although it would meet most of the project objectives, it would not meet all of the project objectives. The Reduced Project Alternative would not fully meet the project objective to address the parking needs on Sunday by constructing sufficient parking to accommodate the maximum projected parking demand. The Reduced Project Alternative would reduce impacts to sensitive habitat by up to approximately 0.4 acre but would still require mitigation to reduce this significant impact to a less than significant level. Similarly, reduction of the grading footprint under the Reduced Project Alternative would reduce the potential for causing impacts to cultural resources and TCRs; however, the impacts would still be significant and would require mitigation.

Finding

The Reduced Project Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Rationale

The Reduced Project Alternative would not eliminate significant but mitigable impacts to biological resources, historical resources, noise, and TCRs associated with the project, and it does not meet all of the project objectives outlined in Section 3.1.1 of the FEIR.

Reference

See FEIR Section 8.4.3 for a complete analysis of this alternative.

VI. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Growth Inducement

The §15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Section 7.2 of the FEIR. The City finds that the project would not result in growth-inducing impacts.

The project is an institutional use that would serve the existing population in the project vicinity. The project does not include new residences or a large job-generating use that would cause workers to relocate to the area. Although the project site is currently vacant, it is located in an urbanized area with existing residential, commercial, institutional, and recreational uses with adequate utility services. As such, the project would not result in substantial growth inducement. The infill nature of the project would not foster population growth, either directly or indirectly, as it would accommodate the population currently existing rather than opening up a new area of land for population growth. The project would not alter the planned location, distribution, density, or growth rate of the Navajo Community Plan area, adjacent communities, or the City as a whole.

Although the project includes improvements to existing on-site utilities such as water, sewer, and electricity, these improvements would be sized to only serve the needs of the project and would not extend into previously unserved areas. No new infrastructure would be provided that would exceed the needs of the project and/or that could accommodate future growth not already planned for the project area. Development of the proposed institutional use and associated parking and landscaping would not foster economic or population growth, either directly or indirectly, such that construction of additional housing in the surrounding area would be required. For these reasons, the project would not encourage or facilitate growth-inducing activities that could significantly affect the surrounding environment, individually or cumulatively.

B. Significant Environmental Effects that Cannot Be Avoided if the Project is Implemented

CEQA Guidelines §15126.2(b) requires an EIR to identify significant environmental effects that cannot be avoided if the project is implemented (14 CCR §15000 et seq.). As discussed in Chapter 5, *Environmental Analysis*, of the FEIR, implementation of the project would not result in any significant and unavoidable impacts.

VII. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FEIR

The FEIR includes comments received on the DEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines §15088(c). DEIR revisions were completed to clarify the role of the Vehicle Miles Travelled (VMT) assessment as the CEQA metric for assessing project transportation impacts, as compared to the Local Mobility Analysis (LMA) which is used for identifying access improvements in the project area. Several policies from the Navajo Community Plan were removed from the land use policy analysis table in the DEIR due to their inapplicability to non-residential development.

Finding/Rationale: Responses to comments made on the DEIR and revisions in the FEIR merely clarify and amplify the analysis presented in the document, and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b).

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
ALL PEOPLES CHURCH PROJECT
PROJECT No. 636444
SCH No. 2021100394
EXHIBIT B

As lead agency for the project under the California Environmental Quality Act, the City of San Diego will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue areas as identified in the All Peoples Church Project EIR: Biological Resources, Historical Resources, Noise, and Tribal Cultural Resources. The mitigation measures identified below include all feasible measures from the All Peoples Church Project EIR (SCH No. 2021100394; Project No. 636444). This MMRP shall be made a requirement of project approval.

California Public Resources Code Section 21081.6 requires a lead or responsible agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the lead agency for the All Peoples Church Project EIR and, therefore, must ensure the enforceability of the MMRP. An EIR has been prepared for this project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented.

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

1. Prior to the issuance of a Notice to Proceed 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 (CDs) (plans, specification, details, etc.) to ensure that 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 sheets of the CDs in the format specified for engineering CD 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 DSD 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 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, noise control coordinator, and the following consultants:

Qualified Biologist
Qualified Archaeological Monitor
Native American Monitor

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858.627.3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call the **RE and MMC at 858.627.3360**
2. **MMRP COMPLIANCE:** This project, Project Tracking System No. 636444 and/or Environmental Document No. 636444, shall conform to the mitigation requirements contained in the associated environmental document and implemented to the satisfaction of the DSD's ED (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 the 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 the 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:

None Required

4. **MONITORING EXHIBITS:** All consultants are required to submit, to the RE and MMC, a monitoring exhibit on a 11x17-inch 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 DSD 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:

Table 9-1

Document Submittal/Inspection Checklist

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
Biological Resources	Biological Construction Mitigation/Monitoring Exhibit	Prior to Preconstruction Meeting
Historical Resources	Archaeology Report	Archaeology/Historic Site Observation During Construction
Noise	Noise Control Measures	Prior to Preconstruction Meeting
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

Specific MMRP Issue Area Conditions/Requirements

Biological Resources

BIO-1: Biological Resource Protection during Construction.

I. Prior to Construction

- A. **Biologist Verification** – The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City Biology Guidelines (City of San Diego 2018a), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

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- B. **Preconstruction Meeting** – The Qualified Biologist shall attend the preconstruction meeting, discuss the project’s biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
 - C. **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
 - D. **Biological Construction Mitigation/Monitoring Exhibit** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, written and graphic depiction of the project’s biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
 - E. **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
 - F. **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on “Exhibit A” and/or the BCME. The Qualified Biologist shall

monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

BIO-2: Sensitive Habitats. Impacts to 4.0 acres of Diégan coastal sage scrub and non-native grassland shall be mitigated at ratios of 1:1 and 0.5:1 for impacts outside the Multi-Habitat Planning Area (MHPA) and mitigation inside the MHPA, respectively, pursuant to Table 3, *Upland Mitigation Ratios*, in the City's Biology Guidelines (City of San Diego 2018a). Mitigation shall be accomplished via payment into the City's Habitat Acquisition Fund equal to 3.6 acres of habitat.

Historical Resources and Tribal Cultural Resources

HR-1: Cultural Resources (Archaeological Resources) Protection during Construction.

I. Prior to Permit Issuance

A. *Entitlements Plan Check*

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

B. *Letters of Qualification have been submitted to ADD*

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. *Verification of Records Search*

1. The PI shall provide verification to MMC that a site-specific records search (0.25-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 0.25-mile radius.

B. *PI Shall Attend Precon Meetings*

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

2. *Identify Areas to Be Monitored*

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. *When Monitoring Will Occur*

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

III. During Construction

A. *Monitor(s) Shall Be Present during Grading/Excavation/Trenching*

1. The Archaeological Monitor shall be present full time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration 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 Section 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.

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4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

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

IV. Discovery of Human Remains

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

A. *Notification*

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

B. *Isolate Discovery Site*

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

C. *If human remains ARE determined to be Native American:*

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

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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 granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. 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; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.
 - 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 Section 5097.98).

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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 Section III, During Construction, and Section 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 Section 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.

Noise

NOI-1: Best Management Practices. The following best management practices shall be incorporated into the project drawings and implemented during project construction to ensure sustained construction noise levels do not exceed 75 decibels over a 12-hour period at the nearest sensitive receivers:

- In order to reduce construction noise, a temporary noise barrier or enclosure shall be used along the property lines of adjacent residences to break the line-of-sight between the construction equipment and the adjacent residences. The temporary noise barrier shall consist of a solid plywood fence and/or flexible sound curtains attached to chain-link fencing.
- Barriers such as flexible sound control curtains shall be erected around stationary heavy equipment to minimize the amount of noise on the surrounding land uses to the maximum extent feasible during construction.
- Equipping of all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

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- Electrical power shall be used to run air compressors and similar power tools, where feasible.
 - Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer and in good repair.
 - All diesel equipment shall be operated with closed engine doors and be equipped with factory recommended mufflers.
 - Prohibiting unnecessary idling of internal combustion engines.
 - Locating stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. Constructing temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
 - Utilization of "quiet" air compressors and other stationary noise sources where technology exists.
 - Control of noise from construction workers' radios to a point where they are not audible at adjacent residences bordering the project site.
 - Notifying of all adjacent residences of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent and nearby residences at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification should include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the project site. The notification should include the telephone number and/or contact information for the on-site noise control coordinator that neighbors can use for inquiries and/or to submit complaints associated with construction noise.
 - Designation of a noise control coordinator who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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Passed by the Council of The City of San Diego on MAR 11 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 11 2025.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **316109**