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(R-2025-380)
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RESOLUTION NUMBER R- 316113

DATE OF FINAL PASSAGE MAR 17 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING SUBSEQUENT
ENVIRONMENTAL IMPACT REPORT NO. 0675732/SCH NO.
2013071043, ADOPTING FINDINGS, AND ADOPTING
MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE EL CAMINO REAL ASSISTED LIVING FACILITY,
PROJECT NO. PRJ-675732.

RECITALS

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

A. On June 16, 2011, Saint John Garabed submitted an application to Development Services Department for a Conditional Use Permit, Coastal Development Permit, Site Development Permit, Planned Development Permit, and a Multiple Species Conservation Plan Multi-Habitat Planning Area Boundary Line Adjustment for the St. John Garabed Church Project, Project No. 240283.

B. On October 20, 2014, the Planning Commission of the City of San Diego adopted Resolution No. 4630-PC-1 certifying Environmental Impact Report No. 240283/SCH No. 2013071043, adopting Findings and a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program, copies of which are on file in the Development Services Department.

C. On October 20, 2020, the Atlantis Group submitted an application to Development Services Department for Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050 for the El Camino Real Assisted Living Facility Project, PRJ No. PRJ-675732 (Project).

D. On December 5, 2024, the Planning Commission of the City of San Diego considered Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050 and voted to recommend certification of the Subsequent Environmental Impact Report and approval of the Project.

E. The matter was set for a public hearing and heard by the Council of the City of San Diego on March 17, 2025. At the hearing, the Council of the City of San Diego considered the issues discussed in Subsequent Environmental Impact Report No. 675732/ SCH No. 2013071043 (Report) prepared for this Project.

F. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

G. 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. It is certified the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code sections 21000-21189.3), as amended, and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, sections 15000-15387, *et seq.*), that the Report reflects the independent judgment of

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

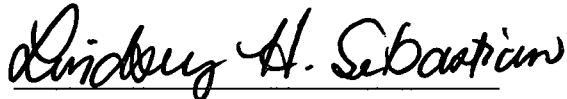
2. Under CEQA section 21081 and State CEQA Guidelines section 15091, the Council of San Diego adopts the Findings made with respect to the Project, which are attached to this Resolution as Exhibit A.

3. Under CEQA section 21081.6, the Council of the City of San Diego adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the Council of the City of San Diego 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, CA 92101.

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

APPROVED: HEATHER FERBERT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
02/06/2025
03/17/2025 Cor. Copy
Or. Dept: DSD
Doc. No. 3951621_2

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

EXHIBIT A

Candidate Findings of Fact

For

El Camino Real Assisted Living Facility

PRJ-0675732

SCH NO. 2013071043

FEBRUARY 06, 2025

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CANDIDATE FINDINGS OF FACT
for
EL CAMINO REAL ASSISTED LIVING FACILITY
Project No. 675732/SCH No. 2013071043

I. Introduction

a. Findings of Fact

The following Findings of Fact (Findings) are made for development of the El Camino Real Assisted Living Facility project (project No. 675732) (project). The environmental effects of the project are addressed in the Final Subsequent Environmental Impact Report (Final SEIR) (SCH No. 2013071043) dated November 2024, which is incorporated by reference herein.

The California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) (CEQA) and the CEQA Guidelines (14 California Code of Regulations §§ 15000 *et seq.*) require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:¹

- 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
- 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 alternatives identified in the final environmental impact report.

CEQA also requires that the Findings made pursuant to CEQA Guidelines section 15091 be supported by substantial evidence in the record.² Under CEQA, substantial evidence means 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 includes facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts.³

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

¹ Pub. Res. Code § 21081(a); 14 C.C.R. § 15091(a)

² CEQA Guidelines § 15091(b).

³ CEQA Guidelines § 15384.

environmental effects, the adverse environmental effects may be considered “acceptable”.⁴ When the lead agency approves a project which will result in the occurrence of significant effects which are identified in an environmental impact report (EIR) but are not avoided or substantially lessened, the agency shall state in writing in the Statement of Overriding Considerations (SOC) the specific reasons to support its actions based on the SEIR or other information in the record. The proposed El Camino Real Assisted Living Facility (Assisted Living Facility) would not result in any significant and unavoidable impacts. Therefore, an SOC would not be required.

The Findings have been submitted by the City of San Diego (City) as “Candidate Findings” to be made by the decision-making body. They are attached hereto to allow readers of this report an opportunity to review the project applicant’s position on this matter. It is the exclusive discretion of the decision-maker certifying the SEIR. It is the role of City staff to independently evaluate the proposed the Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

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) and all other public notices issued by the City in conjunction with the project;
- All comments to the NOP received by the City;
- The Draft SEIR for the project (Draft SEIR);
- The Final SEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All responses to the written comments included in the Final SEIR;
- 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 associated with the Final SEIR;
- The reports and technical memoranda included or referenced in any responses to comments in the Final SEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft SEIR and the Final SEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in the Findings; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code section 21167.6(e).

⁴ CEQA Guidelines § 15093(a).

c. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the offices of Development Services Department (DSD) at 1222 1st Avenue San Diego, California 92101. DSD is the custodian of the project's Record of Proceedings. Copies of the documents that constitute the Record of Proceedings are and at all relevant times have been available upon request at the offices of DSD.

The Draft SEIR was placed on the City's CEQA web-site at <https://www.sandiego.gov/ceqa/draft>; and the Final SEIR was placed on City's CEQA website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e).

II. Project Summary

a. Project Objectives

The objectives of the project include the following:

1. Develop the underutilized site adjacent to the St. John Garabed Armenian Church. (Fundamental project objective)
2. Provide a development complementary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the elderly and disabled by providing an assisted living facility that maximizes the number of beds. (Fundamental project objective)
3. Provide an assisted living facility in walking distance from the St. John Garabed Armenian Church. (Fundamental project objective)
4. Include amenities to specifically support individuals needing memory care and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service.
5. Include recreational amenities to improve quality of life and encourage residents to socialize and be active.
6. Provide a design cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City of San Diego's Multiple Habitat Planning Area (MHPA).
7. Include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas.
8. Afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment.

b. Project Description

The project consists of an expansion of the approved St. John Garabed Armenian Church (Church) to include the proposed El Camino Real Assisted Living Facility (Assisted Living Facility), to be located south of the approved Church. The project would include amending the Church's existing approvals to include the proposed Assisted Living Facility. More specifically, the Assisted Living Facility would require a Site Development Permit (SDP); a Conditional Use Permit (CUP) Amendment; an Ordinance; a Neighborhood Use Permit (NUP); a Coastal Development Permit (CDP) Amendment (issued by the California Coastal Commission); and certification of the Final Subsequent EIR. The entire project site (existing Church and proposed Assisted Living Facility) is approximately 17.33 acres while the Assisted Living Facility is 3.97 acres. The Church has been constructed and is operational. Three accessory buildings that would be associated with the Church have not yet been constructed. The Assisted Living Facility proposes a 105,568 square foot (sf) building with 105 rooms and supporting amenities. The three-story Assisted Living Facility would be 105,568 sf and 40 feet tall which would exceed the base zone 30-foot height limit. An additional 10 feet of building height is allowed per each 10 feet increase of setbacks per San Diego Municipal Code (SDMC) 131.0344. The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the existing zoning of the site, Agricultural-Residential (AR-1-1). The Assisted Living Facility would also include 57 surface parking spaces and on-site landscaping and would retain 1.12 acres in the eastern area of the parcel as open space, in accordance with the existing designated Multiple Habitat Planning Area (MHPA) area. This area would be covered by a Covenant of Easement and maintained as open space in perpetuity. The site is designated as Residential and Park, Open Space and Recreational Uses in the City of San Diego General Plan and zoned as AR-1-1, and is located within Subarea II of the North City Future Urbanizing Area (NCFUA) Framework Plan.

Discretionary Actions

The project requires the following entitlements from the City:

- Conditional Use Permit No. PMT-2475043 to amend Conditional Use Permit No. 862494;
- Site Development Permit No. PMT-2475049 to amend Site Development Permit No. 862495,
- Neighborhood Use Permit No. PMT-2475050

III. Environmental Review Process and Public Participation

The City is the lead agency approving the project and conducting environmental review under CEQA and the State CEQA Guidelines. As lead agency, the City is primarily responsible for carrying out the project.

In compliance with Section 15082 of the CEQA Guidelines, the City published a NOP on December 15, 2021, which began a 30-day period for comments on the appropriate scope of the Draft SEIR. Consistent with Public Resources Code Section 21083.9 and Section 15082 of the CEQA Guidelines, a public scoping meeting was to be held to solicit comments regarding the scope and analysis of the SEIR. However, due to the state of emergency related to the COVID-19 virus and in the interest of

protecting public health and safety, the City followed health mandates from Governor Newsom and the County of San Diego (County) to slow the spread of the COVID-19 virus by limiting public meetings. Therefore, the City did not conduct the in-person scoping meeting. A pre-recorded presentation was made available on the City's Website on December 15, 2021, in addition to publication of the NOP.

The City published the Draft SEIR on May 12, 2023. Pursuant to CEQA Guidelines section 15085, upon publication of the Draft SEIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft SEIR had been completed and was available for review and comment by the public until June 26, 2023. At this time, the City also posted a Notice of Availability of the Draft SEIR pursuant to CEQA Guidelines section 15087.

The Final SEIR for the project was published on November 6, 2024

IV. Summary of Impacts

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

The Final SEIR concludes the project will have no impacts with respect to the following issue areas:

- Forestry Resources
- Mineral Resources
- Population and Housing

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

- Agricultural Resources
- Air Quality
- Green House Gas Emissions
- Energy
- Geologic Conditions
- Health and Safety
- Hydrology/Water Quality
- Land Use
- Paleontological Resources
- Public Services and Facilities
- Public Utilities
- Transportation
- Visual Effects and Neighborhood Character
- Wildfire

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

- Biological Resources
- Historical Resources
- Noise
- Tribal Cultural Resources

V. Findings Regarding Impacts

In making each of the findings below, the City has considered the Record of Proceedings. The “Plans, Programs, and Policies” discussed in the Final SEIR are existing regulatory plans and programs to which the project is subject, and analysis throughout the Final SEIR demonstrates consistency.

a. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final SEIR. The basis for this conclusion is as follows:

1. Biological Resources

Impact BIO-1: Development of the project would result in potentially significant indirect impacts to the following special-status bird species: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell’s vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting. Indirect impacts would be potentially significant.

Facts in Support of Finding: The Assisted Living Facility would result in impacts to 2.84 acres of disturbed land (Tier IV). No naturally occurring special-status plant species were observed on the Assisted Living Facility parcel. Typical short-term indirect impacts from construction activities include dust, erosion, invasive plant species, temporary access impacts, and increased human presence. The Assisted Living Facility would result in potentially significant indirect impacts to the following special-status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell’s vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting.

Mitigation Measure: MM-BIO-1 requires that, prior to construction, a Qualified Biologist be retained to implement the monitoring program and all necessary documentation be submitted to the City’s Mitigation Monitoring Coordination (MMC) section. Habitat removal for areas that support active nests should occur outside of the February 1-September 15 breeding season. Pre-construction surveys will be performed and conducted within 10 calendar days prior to the start of construction activities. Orange construction fencing is required adjacent to the sensitive biological habitats and prior to construction the construction crew must attend an on-site educational session

regarding the need to avoid impacts outside of approved construction area. MM-BIO-1 also requires monitoring during construction activities, as needed. If California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided, consistent with MM-BIO-2.

Mitigation Measure: MM-BIO-2 requires that if California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction to ensure that take of any listed or non-listed species would not occur.

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (minimally a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer which shall not be less than 300 feet.

Finding: Impact BIO-1 would be reduced to below a level of significance by the implementation of **MM-BIO-1**, which would avoid indirect impacts to sensitive vegetation communities and special-status plant and wildlife species (including California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo), and **MM-BIO-2**, which would further avoid indirect impacts to California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo which could breed adjacent to the Assisted Living Facility footprint. Implementation of **MM-BIO-1** and **MM-BIO-2** would reduce impacts to biological resources to below a level of significance. With the addition of **MM-BIO-1** and **MM-BIO-2**, no new significant direct impacts sensitive vegetation communities or special-status species within or substantial increases in previously identified sensitive vegetation community or special-status species impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.4, Biological Resources, and Appendix D.

2. Historical Resources

Impact CR-1: In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact.

Facts in Support of Finding: The survey for the Assisted Living Facility parcel indicated that one previously recorded prehistoric cultural resource (CA-SDI-687) intersects the southeastern portion of the Assisted Living Facility parcel area of potential effect (APE). However, the portion of CA-SDI-687 that intersects the Assisted Living Facility APE does not possess significant subsurface archaeological deposits and is not eligible for listing in the California Register of Historical Resources (CRHR) or local register. The Assisted Living Facility would impact no known significant cultural resources. Additionally, there is a low potential to uncover unique artifacts, features, or human remains during grading for project development. For this reason, archaeological and Native American monitoring is recommended for all primary ground disturbance.

Mitigation Measure: MM-CR-1 This measure requires a qualified archaeological and Native American monitor that would monitor areas with potential to yield subsurface archaeological resources to ensure impacts to significant cultural resources are avoided. It is noted that the 2014 Church EIR identified a potential impact to cultural resources and also included similar monitoring requirements to reduce the potential impact to below a level of significance. Therefore, no new significant historical resource impacts or substantial increases in previously identified historical resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of project modifications. The 2014 Church EIR previously identified that potential impacts to cultural resources would occur.

Finding: The project's impact to unknown archaeological resources (**Impact CR-1**) would be reduced to less than significant with **MM-CR-1**.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.6, Historical Resources, and SEIR Appendix F.

3. Noise

Impact NOI-1: Due to the proximity of the construction activities to nearby residences, construction noise levels would potentially exceed the City's construction noise threshold of 75 dBA L_{eq} . In addition, indirect impacts could occur to breeding wildlife if construction occurs during the breeding season (i.e., February 1 through September 15). As such, construction noise impacts of the Assisted Living Facility would be potentially significant.

Facts in Support of Finding: The estimated construction noise levels are predicted to be as high as 82 dBA L_{eq} over a 12-hour period at the nearest existing residences (as close as 30 feet away) when grading activities take place near the southern Assisted Living Facility parcel boundaries. Additionally, based on the construction noise modeling completed in Appendix J of the SEIR, the construction of the Assisted Living Facility would potentially result in exceedance of the 60 dB (A) hourly average at the nearby MHPA gnatcatcher habitat during construction. Operational noise impacts were considered less than significant.

Mitigation Measure: MM-NOI-1 requires that prior to issuance of demolition, grading, or building permits, MMC shall verify that construction activity occurring as a result of proposed project implementation within 175 feet of noise-sensitive receivers includes noise-reduction measures to ensure construction activities do not exceed the 75 dBA community noise equivalent level (CNEL)

and comply with City's (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and San Diego Municipal Code Section 59.5.0404, Construction Noise).

Mitigation Measure: MM-BIO-1 (see Section 5.4, Biological Resources, of the SEIR, and Section V.a.1, above).

Mitigation Measure: MM-BIO-2 (see Section 5.4, Biological Resources, of the SEIR, and Section V.a.1, above).

Finding: With implementation of **MM-NOI-1**, the temporary construction-related noise impact (**Impact NOI-1**) of the Assisted Living Facility would be reduced to below the 75 dBA L_{eq} threshold. In addition, implementation of **MM-BIO-1** and **MM-BIO-2**, would reduce indirect impacts to wildlife associated with noise. As such, **Impact NOI-1** would be less than significant after the implementation of mitigation. Therefore, no new significant groundborne vibration and noise impacts or substantial increases in previously identified noise impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.10, Noise, and SEIR Appendix J.

4. Tribal Cultural Resources

Impact TCR-1: In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact.

Facts in Support of Finding: The Assisted Living Facility parcel APE does not contain any known resources that are considered a significant cultural resource under CEQA (CEQA Guidelines Section 15064.5) or under cultural guidelines for the City of San Diego (City of San Diego 2022). No known religious or sacred uses are present within the Assisted Living Facility parcel, nor are any human remains known to be present. There is low potential for the Assisted Living Facility grading activities to result in potential impacts to unknown subsurface tribal cultural resources. However, in the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would result in a potentially significant impact.

Mitigation Measure: MM-CR-1 (see Section 5.6, Historical Resources, of the SEIR, and Section V.a.2, above).

Finding: The project impact to tribal cultural resources (**Impact TCR-1**) would be reduced to less than significant with implementation of **MM-CR-1**. **MM-CR-1** requires a qualified archaeological monitor and Native American monitor to monitor areas with potential to yield subsurface archaeological resources and therefore impacts would be less than significant. The 2014 Church EIR identified potentially significant impacts to cultural resources, including resources that would qualify as tribal cultural resources. As such, no new potentially significant tribal cultural resource impacts or substantial increases in previously identified tribal cultural resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.11, Tribal Cultural Resources, and SEIR Appendix F.

VI. Findings Regarding Mitigation Measures Which are the Responsibilities of Another Agency

The City, having reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 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.

VII. Findings Regarding Alternatives

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1), 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 applicant can reasonably acquire, control or otherwise have access to the alternative site.

"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." Public Resources Code section 21081 and CEQA 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.

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to Public Resource Code section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final SEIR. In addition, CEQA directs that the scope of alternatives considered shall be limited to ones that would avoid or substantially lessen the significant effects of the project (14 CCR 15126.6[f]). The proposed Assisted Living Facility does not result in any significant and unavoidable impacts.

a. Alternative 1 - No Project/No Build Alternative

CEQA Guidelines section 15126.6(e), requires that an EIR evaluate a “no project” alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Section 15126.6(e)(3)(B) requires an EIR for a project to address the “no project” alternative, meaning the site shall be analyzed as it is in its current condition as if the project would not be implemented.

Under the No Project/No Build Alternative, the project would not be implemented, and the site would remain in its current condition. The project site would not be developed with the proposed Assisted Living Facility and would not include any of the associated project related improvements.

Potentially Significant Effects: The No Project/No Development Alternative would avoid potentially significant impacts associated with the project, including significant but mitigated impacts related to biological resources, historical resources, noise, and tribal cultural resources.

Finding: The City rejects the No Project/No Build Alternative as it fails to satisfy the project’s underlying purpose and fails to meet any of the project objectives. Moreover, specific economic, legal, social, technological, or other considerations including matters of public policy make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Under the No Project/No Development Alternative, the project would not be implemented, and the site would remain in its current condition. Under this alternative, none of the environmental impacts associated with construction and operation of the project would occur.

While this alternative would avoid all significant and mitigated impacts of the project, the No Project/No Build Alternative would not meet any of the project objectives as set forth in Section 3.2 of the Final SEIR or address the need for senior housing within San Diego County. Specifically, this alternative would not develop the underutilized site adjacent to the St. John Garabed Armenian Church (Objective 1); provide a development complementary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the elderly and disabled by providing an assisted living facility that maximizes the number of beds (Objective 2); provide an assisted living facility in walking distance from the St. John Garabed Armenian Church (Objectives 3); include amenities to specifically support individuals needing memory care and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service (Objective 4); include recreational amenities to improve quality of life and encourage residents to socialize and be active (Objective 5); provide a design cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City of San Diego’s Multiple Habitat Planning Area (MHPA) (Objective 6); include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas (Objective 7); or afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment (Objective 8). Additionally, there are only 3 senior communities within a 3-mile radius of the project site. With a national increase in population over 80 years of age, there is an anticipated 550,000+ unit shortfall by 2030 (NIC MAP Vision 2024). Further, the anticipated entitlement timeline for assisted care facilities ranges from 1-5 years, with an overall schedule of 7-11 years from project

initiation to stabilization of the facility (Welltower 2024). This alternative would further contribute to the shortage of facilities and services developed to serve San Diego's aging population. Public Resources Code § 21061.1 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors". Given that the No Project/No Build Alternative would not result in the development of an Assisted Living Facility that would service the community nor meet any of the basic project objectives, the social need for assisted living facilities within the community would not be met, and the project would not be economically viable because the project would not occur. Therefore, this alternative would be infeasible.

Reference: These findings incorporate by reference the information and analysis included in the Final SEIR Section 9.6.1, Alternative 1-No Project/No Build Alternative. Additionally, Senior Housing Fundamentals (NIC MAP Vision, dated 2024) and the Welltower Business Update (Welltower, dated October 28, 2024) support these findings and are provided as CEQA Findings Appendices under separate cover.

b. Alternative 2-Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative

This alternative would require a 300-foot buffer from the potential nesting habitat of sensitive birds, including California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species). This buffer would require that the southeastern corner of the Assisted Living Facility to be pulled back about 200 feet, thus reducing the size of the Assisted Living Facility by approximately 67%. The reduced Assisted Living Facility would accordingly be reduced to approximately 35 rooms instead of 105 (reduced 67%). In addition, the proposed building would be reduced to 35,000 sf (reduced 67%). Under the Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative, the height of the building would remain as three stories. This reduced assisted living facility would still include some memory care beds, but not outdoor recreational amenities or the outdoor pet area. The reduced facility is assumed to meet site zoning requirements, including the height limit and setbacks.

Potentially Significant Impacts: A Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative's additional habitat buffer would avoid potentially significant indirect impacts to biological resources. Potentially significant impacts to historical resources, noise, and tribal cultural resources would continue to have potentially significant impact similar to the proposed Assisted Living Facility and would be mitigated to below a level of significance via **MM-CR-1** and **MM-NOI-1**. All other impacts, including land use, agricultural resources, air quality and odor, greenhouse gas emissions, paleontological resources, transportation, and visual effects and neighborhood character, would have less-than-significant impacts under Alternative 2, similar to the proposed Assisted Living Facility.

Finding: This alternative would potentially reduce significant biological resources impacts and would satisfy most of the project objectives. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Public Resources Code § 21061.1 and CEQA Guidelines Section 15364 define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors”. An Economic Alternative Analysis was prepared for the project by London Moeder Advisors (LMA) dated August 18, 2023, and determined that any decrease in the number of rooms under 105, proposed under the Assisted Living Facility, would yield insufficient returns and would therefore render the project economically infeasible. This alternative would further contribute to the shortage of facilities and services developed to serve San Diego’s aging population in that it would reduce the total number of available beds.

Further, Alternative 2 consists of a reduced Assisted Living Facility on a third of the site adjacent to the Church and would include 35 rooms with supporting basic care amenities only. This alternative would further contribute to the shortage of facilities and services developed to serve San Diego’s aging population in that it would reduce the total number of available beds. As the project would utilize the site adjacent to the Church, but to a lesser degree than the proposed project, it meets the goal to develop an underutilized site consistent with Objective 1. As Alternative 2 would include a complementary use to the Church, but not maximize beds, Objective 2 would not be met. Objective 3 would be met, as Alternative 2 would include an assisted living facility within walking distance of the Church. This alternative would include memory care, but to a lesser degree than the proposed project, due to the reduced size; therefore, Objective 4 would be met. This alternative would not include outdoor recreational amenities, due to the reduced size; therefore, Objectives 5 would not be met. Objectives 6 and 7 would be met, as the alternative would not conflict with the surrounding area and would include adequate parking. In addition, Objective 8 would still be met but to a lesser extent, as the size of the Assisted Living facility would be decreased. Overall, Alternative 2 would meet six of the eight objectives, meeting the most of the basic project objectives.

As described above, the implementation of Alternative 2 would meet most of the project objectives; however, as demonstrated in the Economic Alternative Analysis, this alternative would render the project economically infeasible.

Reference: These findings incorporate by reference the information and analysis included in the Final SEIR Section 9.6.2, Alternative 2-Sensitive Bird Nesting Construction Noise Impact Alternative. Additionally, the Economic Alternative Analysis (London Moeder Advisor, dated August 18, 2023), supports these findings and is provided in the CEQA Findings Appendices under separate cover.

c. Alternative 3-Construction Noise Impact Avoidance Alternative

This alternative would result in an increased buffer located along the southern side of the site to prevent construction noise impacts to the residential uses to the south. To provide complete avoidance of this construction noise impact, a 70-foot setback between existing residents and the proposed Assisted Living Facility footprint would be required. Considering this, the southern portion of the proposed Assisted Living Facility would have to be pulled back approximately 40 feet from the southern property line. This would reduce the Assisted Living Facility graded area from 2.84 acres to 2.38 acres (reduced by 16%). This reduced assisted living facility would include approximately 88 rooms instead of 105. In addition, the proposed building would be reduced to 88,000 square feet. The reduced facility is assumed to meet site zoning requirements, including the height limit and setbacks. Under Alternative 3, the height of the building would remain as three stories.

Potentially Significant Effects: Alternative 3 would avoid significant construction noise impacts to adjacent residences (**Impact NOI-1**) due to the increased buffer between the adjacent residences to the south and the alternative footprint the facility. Alternative 3 would also include an emergency generator and HVAC equipment, similar to the proposed Assisted Living Facility, but the increased distance between the generators and adjacent residences would result in reduced operational noise. As traffic generated would be reduced from the proposed 234 daily trips to 176 daily trips under Alternative 3, Alternative 3 would reduce traffic noise impacts relative to the Assisted Living Facility.

The Alternative 3 footprint would remain close to the sensitive nesting bird habitat; therefore, this alternative would not avoid the proposed Assisted Living Facility's potentially significant indirect impacts (**Impact BIO-1**) to the following special-status birds: California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species). Both Alternative 3 and the proposed Assisted Living Facility would reduce this impact to below a level of significance via **MM-BIO-1** and **MM-BIO-2**. Potentially significant impacts to unknown subsurface cultural resources and tribal cultural resources would continue to have potentially significant impact similar to the proposed Assisted Living Facility and would be mitigated to below a level of significance via **MM-CR-1**.

All other impacts, including land use, agricultural resources, air quality and odor, greenhouse gas emissions, paleontological resources, transportation, and visual effects and neighborhood character, would have less-than-significant impacts, similar to the proposed Assisted Living Facility.

Finding: This alternative would meet most of the project objectives and would reduce **Impact NOI-1**. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Public Resources Code § 21061.1 and CEQA Guidelines Section 15364 define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors". An Economic Alternative Analysis was prepared for the project by London Moeder Advisors (LMA) dated August 18, 2023, and determined that any decrease in the number of rooms under 105, proposed under the Assisted Living Facility, would yield insufficient returns and would therefore render the project economically infeasible. This alternative would further contribute to the shortage of facilities and services developed to serve San Diego's aging population in that it would reduce the total number of available beds.

Alternative 3 consists of a reduced assisted living facility adjacent to the Church and would include 84 rooms with supporting basic care amenities only. While to a lesser degree than the proposed project, this alternative would utilize the site adjacent to the Church and meets the goal to develop an underutilized site consistent with Objective 1. As Alternative 3 would include a complementary use to the Church, but not maximize beds, Objective 2 would not be met. Objective 3 would be met, as Alternative 3 would include an assisted living facility within walking distance of the Church. This alternative would include memory care, but to a lesser degree than the proposed project considering the reduced size; therefore, Objective 4 would be met. This alternative would not include outdoor recreational amenities, due to the reduced size; therefore, Objective 5 would not be

met. Objectives 6 and 7 would be met, as the alternative would not conflict with the surrounding area and would include adequate parking. In addition, Objective 8 would still be met but to a lesser extent, as the size of the Assisted Living facility would be decreased. Overall, Alternative 3 would meet six of the eight objectives. Thus, Alternative 3 would meet the most of the basic project objectives.

As described above, the implementation of Alternative 3 would meet most of the project objectives, however, as demonstrated in the Economic Alternative Analysis, this alternative would be infeasible given economic conditions.

Reference: These findings incorporate by reference the information and analysis included in the Final SEIR Section 9.6.3, Alternative 3-Construction Noise Impact Avoidance Alternative. Additionally, the Economic Alternative Analysis (London Moeder Advisor, dated August 18, 2023) supports these findings and is provided in the CEQA Findings Appendices under separate cover.

VIII. Findings Regarding Other CEQA Considerations

a. Growth Inducement

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 8, Mandatory Discussion Areas, of the Final SEIR. The City finds that the project would not result in short- or long-term growth-inducing impacts. Per the CEQA Guidelines, growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment.

b. Short-Term Growth Inducement

During project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force and would not require importation of a substantial number of workers or cause an increased demand for temporary or permanent local housing. Further, construction of the project is expected to take approximately 14 months. Since construction would be short term and temporary, it would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Accordingly, no associated substantial short-term growth-inducing effects would result.

c. Long-Term Growth Inducement

The Assisted Living Facility would add a 105,568-sf building with 105 rooms and supporting amenities on the 3.97-acre parcel to the south of the Church. The project proposes to construct 105 units, which would include 87 assisted living units and 18 memory care units. A total of 124 beds would be provided, including 104 assisted living beds and 20 memory care beds. The assisted living unit would include 15 studios, 55 one-bedroom units, and 17 two-bedroom units.

As discussed in Section 5.1, Land Use, the project site is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element. In addition, the project is located within the northwestern extent of the North City Future Urbanizing Plan. The project site is located in Subarea II of the NCFUA Framework Plan and within the Coastal Zone Boundary (City of San Diego

1992). Zoning for the project site is Agricultural-Residential (AR-1-1). The project would require an SDP Amendment, a CUP Amendment, Coastal Development Permit Amendment (Issued by the California Coastal Commission), and a NUP to allow for the proposed development.

Regarding infrastructure, the Assisted Living Facility parcel is currently undeveloped. The project site is bordered by MSCP MHPA open space to the east, residential uses (Stallions Crossing Residential Development) to the south, and an existing church (Evangelical Formosan) to the west. The surrounding development is served by existing public service and utility infrastructure. As discussed in Final SEIR Section 7.9, Public Utilities, the proposed project would use existing utility connections that serve the surrounding community to accommodate the internal utility infrastructure needs of the development. No major new infrastructure facilities are required specifically to accommodate the project. No existing capacity deficiencies were identified for water, wastewater, or storm drain facilities that would serve the project. Furthermore, the project would not generate sewage flow or stormwater that would exceed the capacity already planned for the sewer line or storm drain. Since the project site is surrounded by existing development, and would connect to existing utility infrastructure, implementation of the project would not remove a barrier to economic or population growth through the construction or connection of new public utility infrastructure.

As discussed in the Final SEIR Section 7.7, Population and Housing, the project would not result in a substantial increase in population and housing stock, as the Assisted Living Facility would likely serve residents already living in the region. Additionally, the Assisted Living Facility would not displace any existing housing as the site is currently vacant. Therefore, the project would not directly induce substantial unplanned population growth to the area.

d. Significant Irreversible Environmental Changes that will be Caused by the Project

CEQA Guidelines section 15126.2(d) requires the evaluation of the following significant irreversible environmental changes that would occur should a project be implemented:

- (1) Primary impacts, such as the use of nonrenewable resources (during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely;
- (2) secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) of the CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified. Implementation of the Assisted Living Facility would not result in significant irreversible impacts to mineral resources or water bodies.

The predominant irreversible environmental change that would occur as a result of project implementation would be the planned commitment of land resources to urban/developed uses. The project would irreversibly alter the previously graded vacant site to an assisted living facility for the foreseeable future. Other permanent changes would include increased traffic, and an increased human presence in the area. Irreversible commitments of energy resources would occur with the project. These resources would include electricity, natural gas, potable water, and building material.

The proposed Assisted Living Facility would be required to comply with the California Energy Code and Title 24 of the California Code of Regulations, Part 11 (California Green Building Standards Code). The Assisted Living Facility features a number of sustainable elements such as cool roof materials; plumbing fixtures and fittings that do not exceed the maximum flow rate in the California Green Building Standards Code; and installation of 50% of total required listed cabinets, boxes, or enclosures to provide active electric vehicle charging stations ready for use; (see PDF-GHG-1, PDF-GHG-2, and PDF-GHG-3 in Section 3.4 of the SEIR). However, use of these resources on any level would have an incremental effect regionally and would, therefore, result in long-term irretrievable losses of non-renewable resources, such as fuel and energy.

As discussed in Section 5.2, Agricultural Resources, of the SEIR, the Assisted Living Facility parcel is designated as Farmlands of Local Importance by the DOC Farmland Mapping and Monitoring Program. However, due to high cost of water; well water quality issues; site constraints, such as the presence of MHPA lands; limited access to the site; and conformance with requirements, such as the need to adhere to the City's Land Use Adjacency Guidelines, the site is no longer viable for agricultural use. Therefore, the Assisted Living Facility would result in **less than significant** impacts to agricultural uses.

As discussed in Section 5.4, Biological Resources, of the SEIR, the Assisted Living Facility would result in potentially significant indirect impacts (**Impact BIO-1**) to the following special- status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species). However, **MM-BIO-1** and **MM-BIO-2** would be implemented to reduce impacts to **less than significant with mitigation**.

Although no known significant cultural resources were identified at the Assisted Living Facility site, construction of the Assisted Living Facility could result in potential impacts to unknown subsurface cultural resources and tribal cultural resources. In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact (**Impact CR-1**). **MM-CR-1** would be implemented to reduce impacts to **less than significant with mitigation**.

Lastly, because the Assisted Living Facility's grading activity would exceed the 1,000 cubic yard threshold for excavation within a moderate resource potential geologic unit, the Assisted Living Facility is subject to the grading ordinance (San Diego Municipal Code Section 142.0151) and the requirement for paleontological monitoring, which would be made a condition of approval, consistent with Construction Measure (CM) PAL-1. Therefore, impacts to paleontological resources would be **less than significant**.

The Assisted Living Facility would not involve a roadway or highway improvement that would provide access to previously inaccessible areas. The Assisted Living Facility includes no additional public roadways, and access to the site would be from the existing Church to the north. Therefore, as discussed above, the Assisted Living Facility would not result in significant irreversible environmental changes.

IX. Findings Regarding Responses to Comments and Final SEIR Revisions

The Final SEIR includes the comments received on the Draft SEIR 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 section 15088(c).

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

CEQA Findings Appendices (provided under separate cover)

Appendix A - NIC MAP Vision 2024. Senior Housing Market Outlook: Opportunities from a supply and demand imbalance. Accessed January 22, 2025.

Appendix B - Welltower 2024. Business Update. October 28, 2024.

Appendix C - Economic Alternative Analysis (London Moeder Advisor, dated August 18, 2023).

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050 for the El Camino Real Assisted Living Facility Project, PRJ No. PRJ-675732 (Project)

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during the 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 Subsequent Environmental Impact Report No. 0675732/SCH No. 2013071043 shall be made conditions of Conditional Use Permit and Site Development Permit, Neighborhood Use Permit as may be further described below.

10.1 GENERAL REQUIREMENTS

Part I – Plan Check Phase (prior to permit issuance)

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 Director's Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

In addition, the Environmental Designee 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.**"

These notes must be shown within the first three sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego's website:

<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>

The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.

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.

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, and the following consultants:

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, PRJ-0675732 and/or Environmental Document [PRJ-0675732/SCH No. 2013071043] shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department’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 1 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: California Coastal Commission-Coastal Development Permit (CDP)

MONITORING EXHIBITS All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

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

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biological Construction Mitigation/Monitoring Exhibit	Biological Resources Monitor and Site Observation Final Report
Historical Resources	Archaeological Monitoring Exhibit	Archaeological and Native American Monitor Resources Monitoring and Site Observation Final Report
Noise	Construction Noise Management Plan	Monitoring of Noise Compliance Measure(s)
Tribal Cultural Resources	Archaeological Monitoring Exhibit	Archaeological and Native American Monitor Resources Monitoring and Site Observation Final Report

10.2 SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

10.2.1 BIOLOGICAL RESOURCES

The following mitigation shall be implemented to reduce potential indirect impacts to special status wildlife species to below a level of significance:

MM-BIO-1: Resource Protections 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 of San Diego's Biological Guidelines (2012), 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.
- 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 (Environmentally Sensitive Lands), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** 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 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. **Avian Protection Requirements:** To avoid any direct impacts to California horned lark, yellow warbler, and white-tailed kite and any avian species that is listed, candidate, sensitive, or special status in the MSCP, removal of habitat that supports active nests in the

proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within three (3) calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

- F. **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.
- G. **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 (CSVR). The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st 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.
- C. Temporary Construction Noise (MM-NOI-1):** Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor shall implement one or more of the following options for on-site noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

- Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).
- Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

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, Environmentally Sensitive Lands and MSCP, State 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.

MM-BIO-2: Special-Status Avian Species (California horned lark, yellow warbler, and white-tailed kite)

If California horned lark, yellow warbler or white-tailed kite are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules,

construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that the disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and biologist, shall verify and approve that all measures identified in the report are in place prior to and/or during construction to ensure that take of any listed or non-listed species would not occur.

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (minimally a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer which shall not be less than 300 feet.

Least Bell's Vireo

Construction within 300 feet of any sensitive coastal or riparian areas with suitable habitat may have adverse direct and indirect impacts on least Bell's vireo if construction occurs during the breeding season (March 15 through September 15) for this species. Given the federal protection of least Bell's vireo, specific mitigation would be required to prevent take of this species as outlined below:

Prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that MHPA boundaries and the requirements regarding the least Bell's vireo, as specified below, are shown on the biological monitoring exhibit and construction plans.

No clearing, grubbing, grading, or other construction activities shall occur during least Bell's vireo breeding season (March 15 through September 15) until the following requirements have been met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for least Bell's vireo, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If least Bell's vireo are present, then the following conditions must be met:
 - a. March 15 through September 15 for least Bell's vireo, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas

restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

- b. March 15 through September 15 for least Bell's vireo no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol surveys, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, adherence to the following is required:
 - a. If this evidence indicates that the potential is high for least Bell's vireo to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

10.2.2 HISTORICAL RESOURCES

Potential impacts to historical resources would be reduced to below a level of significance through implementation of the following mitigation measure.

MM-CR-1: The following shall be implemented to protect unknown archaeological resources and/or grave sites that may be identified during project construction phases.

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 **Hazardous Waste Operations and Emergency Response Standard (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 (1/2 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 one-quarter 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 (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 (CSV). The CSV's shall be faxed or emailed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

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

IV. Discovery of Human Remains

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

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

A. Notification

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

B. Isolate discovery site

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

C. If Human Remains ARE determined to be Native American

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

- a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for interment 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 or email by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the draft Monitoring 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.

10.2.3 NOISE

Potential noise impacts would be reduced to below a level of significance through implementation of the following mitigation measure.

MM-NOI-1: Temporary Construction Noise

Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor shall implement one or more of the following options for onsite noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).

Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).

Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

10.2.4 TRIBAL CULTURAL RESOURCES

Potential impacts to tribal cultural resources would be reduced to below a level of significance through implementation of **Mitigation Measure (MM) CR-1**.

MAR 17 2025

Passed by the Council of The City of San Diego on _____, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input 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 17 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 *Kristine Medina*, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p style="text-align: right;">316113</p> <p>Resolution Number R-_____</p>
