

RESOLUTION NUMBER R- 313601

ADOPTED ON JUN 15 2021

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO CERTIFYING ENVIRONMENTAL
IMPACT REPORT NO. 586670/SCH NO. 2018041032
AND ADOPTING MITIGATION MONITORING AND
REPORTING PROGRAM NO. 586670 [MMRP] FOR
THE JUNIPERS PROJECT- PROJECT NO. 586670.

WHEREAS, Carmel Land LLC, a Delaware Limited Liability Company submitted an application to Development Services Department for approval of the Amendment to the Rancho Peñasquitos Community Plan; Rezone No. 2073792; Ordinance applying the Community Plan Implementation Overlay Zone on the property; Planned Development Permit No. 2419770; Site Development Permit No. 2073790; Vesting Tentative Map No. 2073797 including an Easement Vacation; to rescind Conditional Use Permit 87-0346 associated with the closed golf course; and approval of findings under Municipal Code section 142.1311 for an adjustment to the bedroom comparability provisions of the San Diego Housing Commission's administrative regulations for the implementation of the City of San Diego's Inclusionary Housing Ordinance to subdivide a 112.3-acre site into 13 lots for the construction of an active adult (55+) community that includes 536 residential units and associated public and private improvements at the former Carmel Highland Golf Course located west of I-15, north of Carmel Mountain Road, east of Peñasquitos Drive adjacent to 14455 Peñasquitos Drive within the Rancho Peñasquitos Community Plan area (Project); and

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

WHEREAS, under San Diego Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the

decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Council has considered the issues discussed in Environmental Impact Report No. 586670/SCH No. 2018041032 (Report) prepared for this Project; NOW
THEREFORE,

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

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

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

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

By: /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
05/21/2021
Orig.Dept: Planning
Doc.No.: 2667873

ATTACHMENT(S): Exhibit A, Findings
Exhibit B, Mitigation Monitoring and Reporting Program

Exhibit A

**CANDIDATE FINDINGS OF FACT REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE JUNIPERS PROJECT**

SCH No. 2018041032

Project No. 586670

February 2021

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**CANDIDATE FINDINGS OF FACT REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE JUNIPERS PROJECT**

SCH No. 2018041032

Project No. 586670

February 2021

SECTION I: INTRODUCTION

I. PROJECT DESCRIPTION

A. Project Background

The Junipers Project ("Project") entails the redevelopment of a 112.3-acre site currently encompassing an inactive golf course and five tennis courts. The Project site is located within the northeast portion of the City of San Diego's Rancho Peñasquitos Community Plan (Community Plan) area, which lies 17 miles north of downtown San Diego and 8 miles south of the City of Escondido. It is covered under an existing Conditional Use Permit (CUP) 87-0346, associated with the prior golf course use. The current Rancho Peñasquitos Community Plan Land Use Map designates the site as Open Space, while the specific map for the site's neighborhood (Glens) identifies the site as "Golf Course." Existing zoning is primarily Residential Single-Unit (RS-1-14.) A small area in the southeast portion of the site is zoned Commercial Visitor (CV-1-1) and was previously associated with the former Hotel Karlan property.

The Project site is immediately west of Interstate 15 (I-15), north of Carmel Mountain Road, and east of Peñasquitos Drive. Surrounding land uses include single- and multi-family residential to the west and north, and a recently closed hotel (Hotel Karlan) to the south. Residential uses are primarily low-density single-family detached to the north and west, with multi-family residences to the northwest and southwest. Farther to the west is the Black Mountain Open Space Park. To the east across I-15 are commercial shopping centers and office buildings. The runway for Marine Corps Air Station (MCAS) Miramar is situated approximately 7 miles south of the Project site along Miramar Road.

The Carmel Highland Golf Course was constructed in the 1960s and began operations in 1967 as the Rancho Peñasquitos Golf Course. The golf course was closed in 2015, due to reduced golf course usage and higher water costs. There is currently no active land use on the site.

Topography on the site ranges from approximately 750 feet above mean sea level (AMSL) at the extreme northern corner of the Project site to approximately 620 feet AMSL at the central eastern portion of the Project site. The site is mapped primarily as ornamental, developed, or disturbed vegetation communities. The site drains into an existing man-made ditch which extends along the northeastern and eastern portions of the Project site. The channel is earthen-bottomed for its northern extent, but transitions to being concrete-lined before connecting to an off-site storm drain system that continues under I-15. All flows are ultimately conveyed into Peñasquitos Creek.

B. Project Objectives

The primary goals and objectives of the Project are to:

1. Address the City's housing supply needs by providing an expanded residential footprint which includes both for-sale market rate and for rent affordable age-qualified (55+) residences.
2. Provide a diversity of housing opportunities and include 15 percent affordable housing rental units on site.
3. Provide compact infill residential uses in proximity to existing neighborhood commercial to support a walkable neighborhood with access to services;
4. Construct and maintain a multimodal circulation system for vehicles, bicycles, and pedestrians to enhance accessibility and support active transportation and public transit use;
5. Provide a new public community-accessible park and provide public access to certain on-site private parks and trails to create a connected trail system for additional public recreational opportunities and to promote general community-wide health and wellness;
6. Reconstruct the on-site drainage as a natural drainage feature with native and wetland species, resulting in a gain in native habitat;
7. Provide solar panels on 100 percent of the Project's for-sale and affordable housing structures;
8. Improve emergency access and enhance egress routes on and off site; and
9. Provide electric vehicle (EV) charging stations and a centralized mobility area to support multi-modal transportation options, ride-sharing, and informational kiosks to support walking, cycling and transit use.

C. Junipers Project Description

The Project would entail the redevelopment of the 112.3-acre site with up to 455 for-sale, age-restricted (55+) residential units and 81 for-rent, affordable, age-restricted housing units (536 units total), a public park, a private park and social loop trail with public recreation easements, and other private parks and usable open space. The proposed vesting tentative map (VTM) and Planned Development Permit (PDP) would subdivide the site into a total of 13 lots: 5 residential lots (including 4 for-sale lots and 1 for-rent affordable lot), 7 park and open space lots, and 1 lot designated for private driveways. The Project would also require a community plan amendment (CPA) to redesignate land use from Open Space - Golf Course to Low-Medium Density Residential and rezone from the existing RS-1-14 and CV-1-1 zones to Residential Multi-Unit (RM)-1-1 (lower density multiple dwelling unit with some characteristics of single dwelling unit for

market rate development) and RM-3-7 (medium density multiple dwelling units for affordable housing) residential zones and Open Space-Residential (OR)-1-1 and Open Space-Park (OP)-1-1 open space zones. A Community Plan Implementation Overlay Zone (CPIOZ) is proposed for the Project site, to limit future development to no more than 536 units. Should a new PDP be processed, new discretionary review would be required. In addition, rescission of existing CUP 87-0346 that covered the prior golf course use is required.

The Project's for-sale residential housing unit types include 133 50x90 single detached units, 136 duplex units, and 186 six-plex units for a total of 455 for-sale residential units. All single detached units would be one to two stories high, with floor plans ranging from 1,738 to 2,527 square feet (SF), including three or four bedrooms and two to three bathrooms. While the proposed zoning would allow for a 30-foot structure height, the maximum height for the single-story units is planned to be 21 feet 6 inches, and the maximum height for the two-story units is planned to be 28 feet 7 inches.

Duplex units would range from 1,946 to 2,106 SF, with 3 bedrooms and 2 or 2.5 bathrooms each. These structures would all incorporate two-story elements. The maximum allowable height is 30 feet. The proposed maximum height is 27 feet 10 inches. The six-plexes would range from 1,199 to 2,240 SF, with 2 to 4 bedrooms and 2 to 3 bathrooms each. Six-plex one-story units would have a maximum height of 20 feet, 11 inches and two-story units would reach a maximum of 26 feet, 9 inches high.

For-rent, affordable housing units account for 15 percent of the total proposed units on the site at 81 units. The units would be one- and two-bedroom apartment homes. The structure is anticipated to be three stories ranging up to just under 40 feet in height (39 feet, 11 inches). The RM-3-7 zone would allow building heights of up to 40 feet. Incorporation of these income-restricted units would exceed the Project's affordable housing obligation, consistent with the City's inclusionary housing policies as required in the San Diego Municipal Code (SDMC) Chapter 14, Article 2, Division 13, the Inclusionary Housing Ordinance. Additionally, a variance from the Inclusionary Affordable Housing Regulations to address comparable bedroom mix requirement between affordable and market rate units is part of the discretionary actions of the Project.

Sustainable design elements implemented throughout the Project include features, techniques, and materials to reduce energy demand, water and resource consumption, and environmental waste, and to generate renewable energy on site. These elements include: water savings through use of native and drought-tolerant plant species, hydrozoning, use of high-efficiency irrigation technology, and fully-automatic, weather-based irrigation controllers; strategic placement of trees to provide shade and cooling and use of light-colored stone pavers to reduce heat absorption; heat-reflective roofing; use of grasscrete, permeable pavers, and other methods to reduce surface runoff; rooftop photovoltaic (PV) solar system; pre-wiring (i.e., cabinets and conduits provided for future wiring) of 37 spaces for the future installation of EV charging stations, with 50 percent of that number (19 spaces) to be active vehicle charging stations consistent with the City Climate Action Plan, and provision of EV-ready pre-wiring in all 455 market-rate residential garages

(exceeding requirements by 419 spaces). These elements are implemented to minimize electrical draw and emissions; increase transit accessibility as discussed below; divert between 70 and 90 percent of construction/demolition debris and over 50 percent of operational waste from landfills; reduce electricity consumption through use of energy-conserving lighting; and restrict number and type of fireplaces (natural gas only, and only in the 133 single detached units with 4 additional natural gas fireplaces in and around the Clubhouse) to lessen impact on timber resources and fire-related emissions.

A Fire Protection Plan (FPP) and Wildland Fire Evacuation Plan have been prepared for the Project, which would become Homeowners Association (HOA) documents. All new structures would be constructed to ignition-resistant standards that exceed the San Diego Fire-Rescue Department (SDFRD) Fire Code, including requirements of the California Building Code (CBC) Chapter 7A "Materials and Construction Methods for Exterior Wildfire Exposure," and California Fire Code (CFC) Chapter 49 "Requirement for Wildland-Urban Interface Areas." These requirements address roofs, eaves, exterior walls, vents, appendages, windows, and doors, and result in hardened structures that have been proven to perform at high levels (resist ignition) during the typically short duration of exposure to burning vegetation from wildfires. In addition, the Project would include fire-resistive landscaping. The Community HOA would oversee enforcement of fire-safe landscaping, ensure continued incorporation and maintenance of fire-resistive building materials, and provide for continued education of residents regarding evacuation plans. Improvements to on- and off-site emergency access/egress options to/from Del Diablo Way, Carmel Mountain Road, and Andorra Way/Corte Raposo would serve the entire Glens community, including the Project.

The Project would construct a public park accessed by Janal Way for use by Project residents and other members of the public. This public park would provide approximately 2.87 net usable acres of parkland. The land set aside for public park would be dedicated to and maintained by the City. The public park includes a dog run area, children's play areas, picnic and game areas, bike racks, and a large turf area. In addition to the proposed public park, the Project includes an HOA-owned and maintained 0.52-acre private park and 2.75-mile social loop trail that would have public access easements. With the easements in place, members of the public and the larger Glens community also would be permitted to access these facilities. The private mobility zone park with a recreation easement would incorporate sport courts and a mobility zone and bicycle hub. These uses would promote bicycling, walking, transit, and carpooling. The mobility zone is proposed to include a drop-off/pickup area for rideshare, carpool and similar purposes; signage regarding transit options and schedule; and shaded seating areas. The bicycle hub is proposed to include bicycle racks (14 spaces), pneumatic air pressure facilities, bike stands with tethered repair tools, outdoor day use lockers and two bike vending kiosks, a staging area for shared scooters and ebikes with posted user information, and posted information regarding local and regional streets and trails showing bike routes.

This would tie directly into off-site multimodal connections. The site is within 2,000 feet of existing east- and west-bound bus stops adjacent to Carmel Mountain Road and is located regionally between the Sabre Springs Transit Center and the Rancho Bernardo Transit Station. The Project also provides a network of on-site trails that connect to

Project amenities, as well as providing non-vehicular access routes that connect to off-site bicycle and pedestrian routes. The social loop trail noted above would connect to Peñasquitos Drive, Del Diablo Way (pedestrians may pass through bollards at this emergency access point), and Carmel Mountain Road; and thereby would provide easy access to the loop for residents of the Glens. Project residents would connect to the perimeter trail via internal private sidewalks or DG pathways. Class II bike lanes are also proposed, connecting Peñasquitos Drive and Carmel Mountain Road through the Project.

Primary vehicular access to the Project, as well as fire and emergency access, would be from a new driveway, connecting to Janal Way at the intersection of Janal Way with Peñasquitos Drive, to form a new four-way intersection designed as a traffic-calming roundabout. A secondary right-in only access point from Carmel Mountain Road would be provided to the southern portion of the Project. Additionally, a traffic signal is proposed by the Project at the intersection of Peñasquitos Drive/Cuca Street/Hotel Karlan driveway. These two intersection designs have been incorporated into the Project design to mitigate the traffic impacts of the Project. A right-turn-in only access to the site from Carmel Mountain Road is also proposed. Internal connections within the Project site would be provided with privately maintained driveways and pathways.

The access point driveway from Carmel Mountain Road would capture the majority of the trips from points east and minimize additional Project trips on Peñasquitos Drive. It also would provide emergency-only egress, through an emergency personnel-operated RF (radio frequency) gate, and a mountable median with delineators in the median center. Emergency vehicles would thus be able to turn right or left, into or out of the development, and this route also could be opened by emergency personnel in the event of an emergency evacuation. The Project also proposes a road widening on Carmel Mountain Road for the deceleration lane, which would result in a 315-foot long deceleration lane plus a 90-foot long bay taper for a total of 405 linear feet. This lane would not extend to the I-15 southbound ramps intersection and would not affect the traffic signal; however, it would be necessary to make improvements in both City and California Department of Transportation (Caltrans) right-of-way (ROW). The Project would provide a Class II buffered bike lane and non-contiguous sidewalk along this section of Carmel Mountain Road.

Two intersection improvements are based on Project mitigation and have been incorporated into Project design. A new four-way intersection designed as a traffic-calming roundabout occurring within the public road right-of-way and a portion of the Project site, would be located at Peñasquitos Drive and Janal Way, as noted above. The roundabout would provide single-lane approaches on all sides with a single circulating lane, consistent with the existing cross-section of Peñasquitos Drive. Bicyclists in the existing buffered bike lanes would merge into the auto lane and navigate the roundabout as would a vehicle, returning to the bike lane thereafter. The radii, width, and hardscape to retain line-of-sight of the roundabout would meet design requirements for emergency vehicle usage. In addition, a traffic signal is proposed at the intersection of Peñasquitos Drive and Cuca Street to mitigate both Project impacts and a currently failing condition. The traffic signal would be consistent with the existing cross-section of Peñasquitos Drive, providing left-turn lanes with protected phasing on Peñasquitos Drive.

An existing man-made ditch trends through the eastern portion of the site. This does not qualify as a City wetland, but is subject to the jurisdiction of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and California Regional Water Quality Control Board as a non-wetland Waters of the U.S./Waters of the State. Impacts to this jurisdictional feature would be mitigated through on-site reestablishment of the drainage, off-site creation or preservation of wetland habitat, and/or purchase of wetland credit within a mitigation bank, subject to permit approvals by the noted resource agencies (currently under review by the resource agencies, with final issuance requiring completion of the CEQA process through EIR certification). Project plans addressed in the EIR reflect the proposed on-site mitigation currently under resource agencies review. As proposed, the drainage would be reestablished along the eastern perimeter of the site and enhanced with native wetland habitat, such as southern willow scrub, mule fat scrub, and baccharis scrub. Only non-invasive landscape species would be permitted adjacent to this biology mitigation area.

Approximately 12,250 feet of retaining walls are proposed around the site perimeter, with heights of up to 12 feet, to support Project slopes and protect certain utilities in place, including an SDG&E north-to-south gas transmission line and existing underground AT&T distribution line. Other existing utilities on site would be vacated or retained and realigned to occur within Project streets. Approximately 820,000 cubic yards of cut and fill are anticipated during Project grading, and little to no import or export of graded material is anticipated.

The Project would comply with applicable laws and regulations (e.g., the Migratory Bird Treaty Act [MBTA] addressing nesting birds, California Department of Fish and Game Code, the City's MSCP Subarea Plan, landscape water use requirements [Chapter 14, Article 2, Division 4] and the California Model Water Efficient Landscape Ordinance [MWELO], International Building Code/California Building Code, and Title 24 energy efficiency standards, etc.). It also includes construction traffic control plans (TCPs) as incorporated design features. The TCPs would be reviewed and determined to be satisfactory to the City Engineer prior to construction activities for the Project. Construction activities also would comply with San Diego Municipal Code section 59.5.0404 regarding restricted construction hours.

II. DISCRETIONARY ACTIONS

The Final Environmental Impact Report (FEIR) is intended to provide documentation pursuant to CEQA to cover all local, regional, and state permits and/or approvals that may be needed to implement the Project.

Implementation of the Project would require the following discretionary approvals from the City:

- Vesting Tentative Map (VTM)
- General Plan Amendment (GPA)/ Community Plan Amendment

- Rezone
- Community Plan Implementation Overlay Zone (CPIOZ)
- Planned Development Permit (PDP)
- Site Development Permit (SDP)
- Rescind Conditional Use Permit 87-0346, associated with the prior golf course use.
- Sewer Easement Vacation
- Variance to Bedroom Equivalency Requirements in the City of San Diego Inclusionary Housing Guidelines.

Permits/Discretionary Approvals required by other agencies and entities:

- Streambed Alteration Agreement - California Department of Fish and Wildlife (CDFW)
- Section 404 Nationwide or Individual Permit - U.S. Army Corps of Engineers (USACE)
- Section 401 Certification - Regional Water Quality Control Board (RWQCB)
- National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit Compliance - City of San Diego and RWQCB
- NPDES General Construction Activity Permit for Stormwater Discharges Compliance - RWQCB and State Water Resources Control Board (SWRCB)
- MCAS Miramar Airport Land Use Compatibility Plan (ALUCP) Consistency Determination - San Diego County Regional Airport Authority
- ROW Encroachment Permit - Caltrans
- Relocation of SDG&E gas distribution lines and regulating facilities
- Relocation of AT&T underground telecommunication easements

SECTION II: ENVIRONMENTAL REVIEW PROCESS

The City of San Diego (City) is the lead agency conducting environmental review under the California Environmental Quality Act (CEQA; California Public Resources Code sections 21000, *et seq.*, and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, sections 15000, *et seq.* (CEQA Guidelines). The City as lead agency is primarily responsible for carrying out the Project. In compliance with section 15082 of the CEQA

Guidelines, the City published an initial Notice of Preparation on April 10, 2018, which began a 30-day period for comments on the appropriate scope of the Project EIR. Consistent with Public Resources Code section 21083.9, the City held a Scoping Meeting on April 18, 2018. The purpose of this meeting was to seek input and concerns from public agencies as well as the general public regarding the environmental issues that may potentially result from the Project.

Pursuant to CEQA Guidelines section 15084(d)(3), HELIX Environmental Planning, Inc. prepared and submitted environmental documents to the City on behalf of the applicant. The City reviewed and approved the Draft EIR (DEIR) for public circulation. The City posted a Notice of Availability of the DEIR pursuant to CEQA Guidelines section 15087. The DEIR was circulated for 45 days for public review and comment beginning on February 19, 2020 and ending on April 6, 2020. After the close of public review, the City prepared the FEIR, which provided responses in writing to all comments received on the DEIR. The FEIR, which was published in January 2021 has been prepared in accordance with CEQA.

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

The FEIR is the primary reference document for the formulation and implementation of a mitigation monitoring and reporting program (MMRP) for the Project. All Project impacts would be mitigated to less than significant through implementation of the MMRP. No impacts would remain significant and unmitigated.

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

I. 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 responses to the NOP received by the City;
- The FEIR;
- The DEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR;

- All responses to the written comments included in the FEIR;
- All written and oral public testimony presented during a noticed public hearing for the Project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the FEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of the DEIR and FEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code section 21167.6(e).

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Office of the City Clerk, 202 C Street, 2nd Floor, San Diego, California 92101. This information is provided in compliance with CEQA Guidelines section 15091(e).

Copies of the document that constitute the record of proceedings are on the City's website and at all relevant times have been available upon request at the offices of the City's DSD. The DEIR was also placed on the City's website at www.sandiego.gov/city-clerk/officialdocs/public-notices, and the FEIR was placed on the City's website at www.sandiego.gov/final. This information is provided in compliance with the Public Resources Code 21081.6(a)(2) and State CEQA Guidelines 15091(e).

SECTION III: FINDINGS

I. INTRODUCTION

CEQA states that no public agency shall approve or carry out a Project which identifies one or more significant environmental impacts of a Project unless the public agency makes one or more written findings for each of those significant effects, and, in the case of impacts that have not been mitigated to less than significant, that findings are accompanied by an overriding justification and rationale for each (no significant and unmitigated impacts would occur for the Project; all significant impacts would be mitigated to less than significant). The possible findings are:

- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the Final FEIR.

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

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or lessen significant environmental impacts that would otherwise occur with the implementation of a project. Project mitigation or alternatives are not required, however, when they are infeasible or when the responsibility for modifying a proposed project lies with another agency (CEQA Guidelines, §15091[a] [(b)]). For those significant impacts that cannot feasibly be reduced to a less than significant level, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefit of a proposed project outweighs the significant effects on the environment (Pub. Res. Code, §21081[b]; CEQA Guidelines, §15093). If such findings can be made, the CEQA Guidelines state that “the adverse environmental effects may be considered acceptable” (CEQA Guidelines, §15093). As noted, no significant and unmitigated impacts were identified for the Project.

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

The Findings reported in the following pages incorporate by reference the facts and discussions of the FEIR, and summarize pertinent sections of the Project FEIR and relevant information, including the responses to comments. For each of the significant impacts associated with the Project, the following discussion is provided:

- *Impact or Description of Significant Effects:* The specific impact being addressed by the Finding.
- *Finding:* Specific description of the environmental effects identified in the FEIR, including a conclusion regarding the significance of the impact. One or more of the three specific findings set forth in CEQA Guidelines section 15091.
- *Mitigation Measures:* Identifies feasible mitigation measures in the FEIR or actions, that are required as part of the Project.

- *Rationale:* A summary of the reasons for the Finding(s).
- *Reference:* A notation on the specific section in the FEIR that includes the evidence and discussion of the identified impact.

II. ENVIRONMENTAL EFFECTS FOUND NOT SIGNIFICANT DURING PROJECT SCOPING

The Council of the City of San Diego hereby finds that the Project would not have the potential to cause significant impacts associated with the impact categories outlined below. These findings are based upon initial study environmental review where the City determined that the Project would not have the potential to cause significant impacts associated with the following issue areas:

- Agriculture and Forestry Resources
- Mineral Resources
- Paleontology
- Population and Housing
- Schools

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

The Council of the City of San Diego hereby finds that direct and cumulative environmental impacts in the following areas would be less than significant. Pursuant to CEQA Guidelines section 15091(a) written findings by the public agency are only required for each of the significant effects identified in the FEIR. For those areas not addressed in Sections IV, V, VI and VII of these Findings, no significant impact was determined in the FEIR. These Findings are based on the analyses conducted for the Project as described in Section 5.0 of the FEIR, which are incorporated by reference herein to these Findings.

The City, as the Lead Agency, prepared an EIR and found no significant impacts would occur in the following areas, with no mitigation required:

- Land Use (inconsistency/conflict with the environmental goals, objectives, or guidelines of the General/Community Plan; deviation or variance resulting in a physical impact on the environment; and incompatibility with the City Noise Element, or an adopted ALUCP)
- Transportation (potential for traffic congestion related to construction, traffic load and capacity of street segments, or traffic added to any congested freeway segment, interchange or ramp; conflict with planned transportation systems; traffic hazards to motor vehicles, bicyclists, or pedestrians; and conflict with adopted policies, plans, or programs supporting alternative transportation modes)

- Visual Effects/Neighborhood Character (blockage of public views to scenic vistas; creation of a negative aesthetic site or project; impacts to neighborhood character relative to incompatibility to surrounding development or substantial alteration to existing or planned character of the area; substantial change to existing landform, and generation of substantial light or glare)
- Noise (exposure to operational or construction noise, creation of a significant permanent increase in ambient noise levels, and vibration)
- Air Quality (Air Quality Management Plan Consistency, criteria pollutant emissions, exposure of sensitive receptors to substantial pollutant concentrations, and exposure to objectionable odors)
- Greenhouse Gas Emissions (generation of GHGs and Climate Action Plan consistency)
- Energy (potential for wasteful energy use)
- Biological Resources (sensitive species and habitats including plant species, City Environmentally Sensitive Lands [ESL] wetlands, sensitive vegetation communities (excludes jurisdictional streambed/non-vegetated wetlands addressed below), raptor foraging, nesting western bluebird and Cooper's hawk, or nesting birds in general [including raptors]; wildlife corridors; and conflict with local policies or ordinances protecting biological resources)
- Hydrology/Water Quality (increase in impervious surfaces and runoff, drainage alteration, development within a floodplain/resulting in flood hazard, increase in pollutant discharge and effects on waters quality)
- Geology and Soils (potential for geologic instability, erosion and sedimentation, and geologic hazards)
- Historical and Tribal Cultural Resources (structures)
- Public Utilities (need for construction of new water, sewer or solid waste management systems or substantial alterations to existing utilities resulting in physical impacts)
- Public Services and Facilities (potential for inadequate public service facilities related to police, fire, libraries, and park and recreation facilities)
- Health and Safety (fire risk, emergency response/evacuation, airport hazards)

References: FEIR, § 5.1.2 and 5.1.3, 5.2.2 through 5.2.4, 5.3.2 through 5.3.6, 5.4.2 through 5.4.4, 5.5.2 through 5.5.5, 5.6.2, 5.7.2, 5.8.2 through 5.8.5, 5.9.2 through 5.9.5, 5.10.2 through 5.10.4, 5.11.2, 5.12.2, 5.13.2, and 5.14.3 through 5.14.5.

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

The Council of the City of San Diego, having reviewed and considered the information contained in the FEIR, hereby finds pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1) that the following potentially significant impacts would be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Sections 5.0 of the FEIR, incorporated by reference herein, and as more fully described below.

The draft FEIR concludes that the Project would result in less than significant environmental impacts with implementation of mitigation measures with regard to:

- Transportation/Circulation (intersection capacity)
- Biological Resources (jurisdictional streambed/unvegetated waters)
- Historical and Tribal Cultural Resources (potential for unknown buried resources)
- Health and Safety (potential for contaminant exposure during construction/operations)

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

A. Transportation

Impact: Potential for Traffic Congestion

Issue 1: Would the Project result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Issue 2: Would the Project have a substantial impact upon existing or planned transportation systems?

(a) Finding

Significant direct and cumulative impacts would occur at the Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway and the Peñasquitos Drive/Janal Way/Project Access intersections under the Existing Conditions Plus Project, Near- Term Plus Project, and Year 2050 Plus Project scenarios.

Changes or alterations have been required in or incorporated into the Project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of mitigation measures TRA1 and TRA2, these impacts would be less than significant.

(b) Mitigation Measures

TRA-1: Traffic Signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway Intersection Prior to issuance of the first building permit, Owner/Permittee shall assure by permit and bond the construction of a traffic signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway with dedicated left-turn lanes with protected phasing on Peñasquitos Drive, and permissive phasing on the minor street (Cuca Street/Hotel Karlan Driveway) approaches, satisfactory to the City Engineer. Improvements shall be completed and operational prior to the Project's first occupancy.

TRA-2: Roundabout at Peñasquitos Drive/Janal Way/Project Access Intersection Prior to issuance of the first building permit, Owner/Permittee shall assure by permit and bond the construction of a single-lane roundabout at Peñasquitos Drive/Janal Way/Project Access, satisfactory to the City Engineer. Improvements shall be completed and operational prior to the Project's first occupancy.

(c) Rationale

The trip generation for all 536 proposed housing units was calculated using the City of San Diego Trip Generation Manual (2003) trip generation rate for "Retirement/Senior Citizen Housing." Peak hour rates are not provided by the City's trip generation manual. The SANDAG (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (2002) was used to calculate the peak hour trip generation.

The Traffic Impact Analysis (TIA) prepared for the FEIR at Appendix B analyzed potential effects to study area intersections under Existing, Near-Term (Opening Day), and Horizon Year conditions, with and without the Project. The Project is forecasted to generate a total of 2,144 average daily traffic (ADT) with 107 trips during the AM peak hour (43 inbound/ 64 outbound) and 150 trips during the PM peak hour (90 inbound/ 60 outbound).

Trip distribution was based on the existing travel patterns in the area, the proximity of the Project land uses to complementary uses, proximity to I-15, the type of housing proposed, and general knowledge of the area. Residents of age-qualified housing include both retirees who would tend to avoid unnecessary peak hour trips and travel to a variety of local and regional destinations, and those still in the workforce whose travel patterns reflect that of a more typical commuter.

Based on the City significance criteria contained in FEIR Table 5.2-3 and the analysis methodologies described in the FEIR evaluation (and discussed in more detail in the Project Traffic Impact Analysis, LLG 2019), the Project would result in significant direct and cumulative impacts at two study area intersections, including Intersection #6, Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway, and Intersection #7, Peñasquitos Drive/Janal Way/Future Project Access. All other impacts would be less than significant and would not require mitigation measures.

The Existing Plus Project condition represents the effect of Project traffic on the existing street network at the time of traffic data collection (February 2018) without assuming

either additional reasonably foreseeable development projects or additional road improvements in the baseline condition other than those proposed as part of the Project (i.e., the fourth leg of the Peñasquitos Drive/Janal Way intersection and the right-turn in only access and frontage improvements on Carmel Mountain Road). Anticipated trips associated with buildout of the Project were then distributed throughout the study area to determine the changes in operations for intersections and roadway segments.

Traffic generated by the Project was added to the existing traffic volumes to develop the Existing Plus Project volumes. Without including reasonably foreseeable development, or installation of a traffic signal at the intersection of Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway and a roundabout at Peñasquitos Drive/Janal Way/Future Project Access, all intersections are calculated to continue to operate at LOS D or better except for Intersections #6 and #7.

Based on City significance criteria, Project-related increases in delay at Intersection #6 and Intersection #7 would result in significant impacts because both intersections would be degraded from LOS E and B, respectively, to LOS F and E, respectively. Intersection #11 would not be significantly impacted by the Project because the LOS grade would not change, and the allowable delay threshold of 2.0 seconds would not be exceeded.

The Near-Term Opening Day scenario adds traffic anticipated to be generated by three other nearby development projects in the near future, and then adds the traffic generated by the Project to develop the Near-Term Opening Day Plus Project volumes. This scenario assumes existing lane geometrics, except that the Near-Term Plus Project scenario includes additional road improvements as part of the Project (i.e., the fourth leg of the Peñasquitos Drive/Janal Way intersection and the right-turn in only access and frontage improvements on Carmel Mountain Road). The resulting conditions at intersections and roadway segments are shown on FEIR Table 5.2-7. Intersections #6 and #7 continue to show a significant Project contribution to these cumulative impacts.

The Horizon Year volumes were obtained from the SANDAG Series 12 Year 2050 forecast traffic model to forecast the baseline traffic volumes representing the Horizon Year without Project conditions. The analysis assumes that no improvements to the study area street segments and intersections would occur by the Year 2050 and that the existing on-the-ground conditions would remain.

The net increase in traffic with the Project was added to the baseline Horizon Year traffic volumes to arrive at Horizon Year Plus Project conditions, as demonstrated on FEIR Table 5.2-9. Intersections #6 and #7 would have significant impacts in the Horizon Year Plus Project.

After mitigation measures TRA-1 and TRA-2 are applied, the above stated impacts would be less than significant. FEIR Tables 5.2-12 and 5.2-13 show the delay in both Near Term and Horizon Year scenarios with mitigation applied. Both intersections would operate at LOS A in both the AM and PM peak hours.

Reference: FEIR § 5.2.2

B. Biological Resources

Impact: Sensitive Species and Habitat

Issue 1: Would the Project result in a substantial adverse impact, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by CDFW or USFWS?

Issue 2: Would the Project result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats, as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS?

(a) Finding

Construction of the Project would result in impacts to the man-made drainage feature that occurs within the eastern/northeastern portion of the Project site, which qualifies as a non-wetland Waters of the US/Waters of the State subject to USACE and RWQCB jurisdiction and a streambed habitat subject to CDFW jurisdiction. The Project would be required to notify the regulatory agencies of impacts to jurisdictional resources and would be required to implement any compensatory mitigation determined by those agencies.

Changes or alterations have been required in or incorporated into the Project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of mitigation measures impacts would be less than significant.

(b) Mitigation Measures

BIO-1: Impacts to 0.10 acre of USACE- and RWQCB-jurisdictional non-wetland waters of the U.S./State shall be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, and/or enhancement of a minimum of 0.10 acre waters of the U.S./State; and/or off-site purchase of waters of the U.S./State credits at an approved mitigation bank, such as the Brook Forest Conservation/Mitigation Bank, or other location deemed acceptable by the USACE and RWQCB. Impacts to waters of the U.S./State would require notification to the USACE for issuance of a Section 404 CWA permit and notification to the RWQCB for issuances of a Section 401 CWA permit from the RWQCB.

BIO-2: Impacts to 0.15 acre of CDFW-jurisdictional streambed will be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, reestablishment,

rehabilitation, and/or enhancement of a minimum of 0.15 acre riparian and/or stream habitat; and/or off-site purchase of riparian and/or stream credits at an approved mitigation bank, such as the Brook Forest Conservation/Mitigation Bank, or other location deemed acceptable by the CDFW. Impacts to CDFW-jurisdictional resources would require notification to the CDFW for a CFG Section 1602 Streambed Authorization Agreement.

(c) Rationale

A jurisdictional wetland delineation of the Project site was conducted by HELIX on March 9, 2018, and results are included in the FEIR Biological Resources Letter Report (HELIX 2019c) at FEIR Appendix F. The delineation was conducted to identify and map any water and wetland resources potentially subject to USACE, RWQCB, and/or CDFW jurisdiction. The delineation was also conducted to determine the presence or absence of wetlands characterized by the City as Environmentally Sensitive Lands (ESL).

The site supports a single jurisdictional feature in the form of a man-made ditch, which was identified as being subject to USACE, RWQCB, and CDFW jurisdiction. The ditch was created during grading and development of the prior on-site golf course in the 1960s. There are no areas within the Project site that meet the criteria to be considered City ESL wetlands. The on-site ditch is man-made and ephemeral in nature being fed primarily by urban runoff from the adjacent residential development and lacks sufficient hydrology to support significant and self-sustaining stands of wetland dependent vegetation. Despite the lack of native riparian habitat or vegetation within the ditch, it qualifies as a non-wetland WUS/WS subject to USACE and RWQCB jurisdiction and a streambed subject to CDFW jurisdiction. Unavoidable impacts would occur to non-wetland waters of the U.S./State and CDFW jurisdictional streambed habitat in order to realign and enhance the existing man-made drainage ditch from its current configuration and disturbed condition. The realignment and enhancement activities would require permanent impacts to the existing ditch, including 0.10 acre of USACE/RWQCB-jurisdictional non-wetland waters of the U.S./State and 0.15 acre of CDFW jurisdictional streambed. Project impacts to the man-made ditch are shown in FEIR Figure 5.8-2, Vegetation and Jurisdictional Resources Impacts and quantified in FEIR Table 5.8-4, Jurisdictional Impacts and Mitigation, and incorporated herein by reference.

Reference: FEIR § 5.8.2

C. Historical and Tribal Cultural Resources

Impact: Historical and Tribal Cultural Resources

Issue 1: Would the Project result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric site or historic building (including an architecturally significant building), structure, object, or site?

Issue 2: Would the Project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

Issue 3: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(K); or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1.

(a) Finding

The potential exists for subsurface resources to occur on the subject property. If present and significant in nature, grading associated with the Project would result in a significant impact on these resources.

Changes or alterations have been required in or incorporated into the Project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of mitigation measures impacts would be less than significant.

(b) Mitigation Measure

Standard Mitigation Measure HIS-1 for Archeological Monitoring has been required and shown at FEIR section 5.11.2.4 and in Table S-1.

(c) Rationale

The Project is primarily located on the site of the former Carmel Highland Golf Course, which was constructed in the 1960s and began operations in 1967 as the Rancho Peñasquitos Golf Course. Substantial fill was placed on the site for the golf course development.

An archival search was completed for this Project at the SCIC in 2016. A total of 15 recorded archaeological/historic sites (sites) and 2 isolated finds not associated with an intact resource deposit (isolates) have been recorded within a 1-mile radius of the Project, none of which is located within the Project site itself. In accordance with AB 52, the City notified the following Tribes who had requested notification for projects in this area: Iipay Nation of Santa Ysabel and Jamul Indian Village. The City provided the archaeological survey report for the Project as an attachment to the letters. In response to these notifications, both Tribes indicated that they concurred with the findings and mitigation identified for the Project, and that no further consultation is required. In addition, the Native American Heritage Commission (NAHC) was contacted for a SLF Check and list of Native American contacts. A Native American Monitor was present during the field survey of the site and the subsequent testing of a potential shell deposit as described below. No Tribal resources were discovered during these investigations. Even though no resources were discovered during the 2018 survey; the potential still exists for such resources to occur on the subject property. Because the Project would include grading that could impact soils where buried resources may occur, there is a possibility that unidentified prehistoric or ethnohistoric resources (including Native American resources and remains) may be impacted.

Reference: FEIR § 5.1.2

D. Health and Safety

Impact: Health Hazards

Issue 1: Would the Project expose people or sensitive receptors to potential health hazards?

(a) Finding

During construction, the Project would result in potentially significant impacts related to disturbance of soils, slabs, and pavements within the two on-site maintenance areas. Residue from the previous handling and storage of hazardous materials within these areas could result in health hazards to workers during construction.

Changes or alterations have been required in or incorporated into the Project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of mitigation measures impacts would be less than significant.

(b) Mitigation Measure

HAZ-1: Soil Management Plan

Prior to the initiation of demolition and construction activities at the site, the Construction Manager and/or Grading Contractor shall submit a soil management plan (SMP) for approval by the City. The SMP shall outline the procedures for the contractor to identify, segregate, and dispose of any impacted soils discovered in the existing/previous maintenance areas of the subject site during the demolition, grubbing, and grading phases of Project construction. The City MMC shall verify implementation of the SMP.

(c) Rationale

The FEIR analysis is based on two Phase I Environmental Site Assessments (ESAs; Hillmann Consulting 2016 and 2018b) and an Asbestos and Lead-Based Paint Investigation (Hillmann Consulting 2018a), constituting FEIR Appendices K1 through K3, respectively, and incorporated herein by reference. The site has a history of containing under- and above-ground storage tanks and potential for asbestos-containing materials in golf course pipes and the on-site sheds (one of which has been removed), as well as handling hazardous materials including fertilizers, pesticides/herbicides, waste and mixed oil, diesel fuel, solvents, and gasoline, during its use as a golf course site. The studies identified the potential for herbicides and pesticides to be present in on-site soils, and pose a health hazard to existing surrounding residents or future Project residents. The studies documented that past violations regarding handling of hazardous materials and petroleum products on the property constitute existing Recognized Environmental Conditions (RECs) that could create a significant hazard to the public or environment as the ground is disturbed and structures/built materials are removed during construction. Therefore, a soil management plan (SMP) (HAZ-1) and mandatory conformance with applicable regulatory/industry standards and codes would be required during construction. Based on compliance with such regulatory requirements, potential impacts from construction related hazardous materials would be effectively avoided or addressed and the impact would be less than significant.

Reference: FEIR § 5.14.2

V. CUMULATIVE IMPACTS

Section 15130 of the CEQA Guidelines requires that an EIR address cumulative impacts of a project when its incremental effect would be cumulatively considerable. As defined in section 15335, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. Cumulatively considerable means that the incremental effects of an individual project would be considerable when viewed in connection with the effects of past, current, or probable future, projects. According to section 15130 of the State CEQA Guidelines, the discussion of cumulative effects "... need not provide as great detail as is provided of the effects attributable to

the project alone. The discussion should be guided by the standards of practicality and reasonableness." The evaluation of cumulative impacts is to be based on either:

1. *A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or*
2. *A summary of projections contained in an adopted local, regional, or statewide, planning document...such plans may include a general plan...A summary of projections may also be contained in a adopted or certified prior environmental document which has been adopted or certified, for such a plan. Any such document shall be referenced and made available to the public at a location specified by the Lead Agency.*

For the analysis of cumulative impacts which are localized (e.g., traffic and noise), a list of past, approved, and pending (i.e., active applications) projects within the Project area was identified by City staff based on their ability to contribute to and/or compound impacts with those of the Project. The location of these cumulative projects is illustrated on EIR Figure 6-1, *Cumulative Projects*. For other topics, like air quality, the cumulative setting is the region, and analysis is instead based on regional planning documents. It is the City's practice to determine the list of cumulative projects to be analyzed at the time of the Notice of Preparation ("NOP") for the Project EIR, which was published on April 10, 2018 (any projects initiated after this date are not required to be addressed in the EIR). These projects are shown in EIR Figure 6-1. Based on this analysis, none of the Project effects addressed within EIR Section 5.0 was found to be cumulatively significant. EIR Section 6.2 provides the analyses of the cumulative effects found to be less than significant, with or without mitigation and is incorporated herein by reference. The City Council finds that the Project will have no significant cumulative impacts.

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Alternative Requirement in CEQA

Pursuant to CEQA guidelines section 15126.6 an FEIR shall describe a range of reasonable alternatives to a project or to 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 alternative. Project Objectives are stated in Section I.B of these Findings. An FEIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

B. Alternatives Determined to be Infeasible

An FEIR is not required to consider alternatives which are infeasible. Alternatives considered but rejected from further study for the Project include the Project Location Alternative and Existing Zoning Alternative. There are no significant and unavoidable environmental impacts anticipated from Project implementation; therefore, relocation of the Project would not avoid a significant impact of the Project. However, relocation of the Project to another site could potentially result in a substantial reduction or avoidance of an impact that would be reduced to less than significant, with the incorporation of the

mitigation measures that have been identified for the Project. Prior to the purchase of the Project property, the Project applicant considered an infill location for the Project to provide underserved populations in the San Diego region (seniors and low-income) with additional housing opportunities. Primary considerations for selecting the Project location included properties that could accommodate a housing development near existing infrastructure and regional transportation and transit opportunities, and at a site that is previously disturbed or void of substantial natural resources (i.e., biological habitat and animal species). While another infill opportunity exists at a former golf course across I-15 just east of the Project site, it is more fragmented and is surrounded by more residences than the Project site. As this alternative site is generally in the same area and neighborhood, selection of the alternative site would not be expected to substantially reduce impacts associated with the Project. No other feasible alternative locations were identified.

Development in Accordance with the Existing Zoning Alternative (Existing Zoning Alternative) was assumed to correspond with the maximum residential development allowed under the existing Residential – Single Unit (RS-1-14) zoning that applies to most of the Project site. A portion of the site in the very southern-central extent is designated Commercial Visitor (CV-1-1). The site would still be constrained by the Open Space designation in the Rancho Peñasquitos Community Plan, and therefore a Community Plan Amendment would be required and development consistent with zoning would not be ministerial. As a result, this alternative could result in the development of up to 831 residences instead of the 536 age-restricted units associated with the Project. With development of an additional 295 residential units, this alternative would be expected to result in increased adverse effects to transportation/circulation, visual effects/neighborhood character, hydrology/water quality (due to increased impervious surfaces and runoff), geology and historical and tribal cultural resources (due to increased grading/excavation), air quality, GHG, energy, and public services and utilities, when compared with the Project, and for which impacts were identified as less than significant. Therefore, due to the greater impacts, the alternative was determined to be infeasible.

C. Alternatives Reviewed

The Lead Agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.

The following three alternatives were evaluated in the FEIR analysis:

- No Project/No Development Alternative
- No Project/Development Per Community Plan Alternative
- Reduced Intensity Development Alternative

The following rationale was considered when developing this range of alternatives:

The No Project Alternative is required per State CEQA Guidelines section 15126.6(e). It provides a basis for comparing the impacts that would occur if the Project were approved, relative to what would occur if the Project were not approved.

The No Project/Development Per Community Plan Alternative has been prepared to evaluate what could be developed at the site without an amendment to the Community Plan, which designates the site as "Open Space" on the Land Use Map and as "Preserve Golf Course Use" on its Glens neighborhood map.

The Reduced Intensity Development Alternative is included to evaluate whether any impacts would be reduced substantially when compared to the Project.

The City Council finds that these alternatives represent a reasonable range of alternatives, as defined in the State CEQA Guidelines, because they provide feasible alternate development patterns that would reduce (but not eliminate) the significant impacts associated with the Project. The impacts associated with these alternatives are compared to those identified for the Project in the following analysis, and the alternatives are assessed relative to their ability to meet the basic objectives of the Project, with an overview of Project and alternative impacts provided in FEIR Table 8-1, *Comparison of Project and Alternative Impacts*, and incorporated by reference herein.

D. Findings on Project Alternatives

The Council of the City of San Diego hereby finds that the Project alternatives, do not meet or obtain the majority of the Project objectives and are not feasible. The City finds that there are specific economic, legal, social, technological, and other considerations, as well as important matters of public policy, which make infeasible the Project alternatives identified in the FEIR.

As noted earlier, "feasible" is defined in section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject an alternative if it finds that it would be infeasible to implement because of "[s]pecific economic, legal, social, technological, or other considerations, ..." (CEQA Guidelines, § 15091(a)(3).) An agency may also reject an alternative that does not meet the public policy goals and objectives of the agency.

The following findings are based on the discussion in Section 8.0 of the FEIR.

No Project / No Development Alternative

(a) Alternative Description

Section 15126.6(e) of the State CEQA Guidelines provides that the "No Project" analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably

expected to occur in the foreseeable future if a project were not approved, based on current plans and consistent with available infrastructure and community services. The No Project/No Development Alternative assumes that the Project would not be adopted, no new recreational or residential uses would be constructed, and the former golf course site and existing condition described in Section 2.0 of the EIR would remain. Those conditions include a former golf course that is maintained to prevent fire and erosion, with no activity on the site.

(b) Finding

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

(c) Rationale

The alternative would not meet the Project objectives or further City policies from the General Plan that encourage future growth and new development to occur away from undeveloped lands and toward existing urbanized areas and/or areas with conditions that allow the integration of housing, employment, civic uses, and transit uses. The City's General Plan Housing Element also identifies goals to facilitate construction of quality housing (Goal 1) and to provide new affordable housing (Goal 3). The alternative would fail to achieve the Project objectives and would not address the City's housing goals and supply needs by providing additional housing opportunities. In addition, no affordable housing would be produced on the site, which is contrary to the City's stated need to produce additional affordable housing. No parks or other recreation infrastructure would be provided for area residents. The benefit of an improved jurisdictional channel would not be realized with this alternative, which would not disturb the existing site. For these reasons, the No Project alternative would not meet the Project objectives and public policy goals and is therefore infeasible.

No Project/Development Per Community Plan Alternative

(a) Alternative Description

Under the No Project/Development Per Community Plan Alternative, the Project would not be approved, and a reconfigured golf course would be constructed on the former golf course, tennis courts and maintenance area that were associated with the Hotel Karlan. This alternative assumes that the existing vegetation and structures would be removed, the site would involve substantial shallow grading/reconfiguration, and new buildings (e.g., a clubhouse, pro shop, and maintenance buildings, etc.), landscaping, irrigation, roadways/parking facilities and utilities connections would be

required to complete the reconfigured golf course. This alternative could also include related golf course uses, such as a restaurant and pro shop.

(b) Finding

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

(c) Rationale

The significant but mitigable impacts of the Project with respect to transportation, historical and tribal cultural resources and health/safety would remain significant but mitigable with this alternative and would have the same mitigation requirements, although the transportation and historical and tribal cultural resources impacts would be slightly reduced compared to the Project.

The No Project/Development Per Community Plan Alternative would have the potential to preserve the existing jurisdictional drainage ditch on the Project site, although preservation in place may not be feasible during grading to reconfigure the golf course, and must be weighed against the benefits of the on-site or off-site creation/preservation of a higher quality jurisdictional feature with wetland vegetation.

The No Project/Development Per Community Plan Alternative would not provide a diversity of housing opportunities, including age-qualified homes and 15 percent affordable housing rental units, nor would it provide residential uses in proximity to existing neighborhood commercial to support a walkable neighborhood (Objectives 1 through 3). The alternative would fail to achieve the Project objectives and would not address the City's housing goals and supply needs by providing additional housing opportunities. In addition, no affordable housing would be produced on the site, which is contrary to the City's stated need to produce additional affordable housing. The alternative also would fail to meet City policies from the General Plan that encourage future in-fill growth where new development occurs away from undeveloped lands and toward existing urbanized areas and/or areas with conditions that allow the integration of housing, employment, civic uses, and transit uses. It also would not increase mobility options by providing improved pedestrian and bicycle linkages between the center and the adjacent neighborhood (Objective 4). If the golf course would be public, then this alternative would provide a public open space (Objective 5). This alternative would either avoid or mitigate impacts to the existing on-site drainage, providing for the creation and/or preservation of on- and/or off-site higher quality wetland habitat using native and wetland species (Objective 6). It would not provide substantial solar energy opportunities but would have a similar GHG

emissions profile to that of the Project (Objective 7). The alternative would not provide alternative and additional emergency access across the site and off site for existing residents to the west (Objective 8), nor would it provide publicly accessible mobility features to encourage alternative modes of transportation (Objective 9). Overall, the No Project/Development Per Community Plan Alternative would potentially meet some, but not all, of the basic Project objectives listed above in Section I.B. Therefore, the alternative fails to meet the public policy goals of the City and either does not meet the Project objectives, or meets them to a lesser extent than the Project, and is therefore found to be infeasible.

Reduced Intensity Development Alternative

(a) Description of Alternative

The Reduced Intensity Development Alternative would involve a similar development proposal to the Project, but with a 25 percent reduction in the number of residential units. Specifically, this alternative considers the development of 402 age-restricted homes, including 341 market rate and 61 affordable age-restricted residences. The mobility improvements and community facilities, as well as sustainable design features, proposed as part of the Project also would occur under this alternative, but at a similarly reduced rate, and this alternative is anticipated to involve slightly larger market rate homes.

(b) Finding

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

(c) Rationale

There were no feasible residential development alternatives identified that could eliminate any of the impacts associated with the Project. Development necessarily involves removal of the on-site poorly compacted fill material and impacts to the on-site non-wetland, jurisdictional drainage. As calculated in the Trigger Analysis Memo (LLG January, 2020) that is provided in EIR Appendix B, the need for a traffic signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway and roundabout at Peñasquitos Drive/Janal Way/Future Project Access is triggered at just 54 and 27 homes, respectively, which represent 10 percent and 5 percent, respectively, of the Project units. Development of 5 or 10 percent of the proposed units would not represent a viable development for the Project applicant. Therefore, an alternative was selected that would reduce but not eliminate Project impacts, and would result in a feasible development for the applicant to implement.

Significant but mitigable traffic and historical and tribal cultural resources impacts would be slightly less than the Project impacts, but the required mitigation would be the same. The Project and this alternative would have essentially the same significant impacts with the same mitigation required to reduce impacts to less than significant levels, for biological resources and health/safety. Less than significant impacts associated with both the Project and this alternative with respect to land use, noise, visual effects/neighborhood character, air quality, GHG, energy, geology, public utilities, and public services and facilities/recreation, would be slightly less for this alternative, while less than significant water quality/hydrology impacts would be approximately the same. The differences are primarily associated with the slightly reduced intensity of development and level of grading required for this alternative.

The Project was originally proposed to be 476 residential units, as described in FEIR Section 4.0. However, it was determined that additional units were necessary to meet the objectives of City policy documents and comments made by the Mayor and City Council members about the housing shortage faced by the City. Information on the shortfall on housing overall, as well as affordable housing is provided under the Growth Inducement discussion below. This growth, however, has outpaced the housing construction necessary to accommodate San Diegans and the proposed Project meets these policy objectives more than this alternative. The total number of Project homes was increased to 536, including 455 age-qualified housing units and 81 affordable age-qualified multi-family apartment-style homes to meet the policy objectives of increasing housing supply while not creating significant new impacts. This increased density would not be realized with the Reduced Intensity Development Alternative and would therefore not meet the policy objectives of the City to increase housing supply throughout the City, especially in in-fill areas.

Relative to Project Objectives, this alternative would provide a diversity of housing opportunities, including age-restricted market-rate housing and affordable for-rent housing, and provide residential uses in proximity to existing neighborhood commercial to support a walkable neighborhood (Objectives 1 through 3), although it is likely that the market rate homes for this alternative would be slightly larger and the development would be less compact (Objective 2). This alternative would increase mobility options by providing improved pedestrian and bicycle linkages between the shopping center and the adjacent neighborhood (Objective 4) and would likely provide a public open space that would be about 25 percent smaller than the park for the Project (Objective 5). This alternative would mitigate impacts to the existing non-wetland drainage on site through the creation and/or preservation of higher quality wetland habitat either on-site or off-site using native and wetland species (Objective 6), reduce GHG emissions with solar panels on housing structures (Objective 7),

improve emergency access through the site and off site (Objective 8). This smaller development would provide fewer publicly accessible mobility features to encourage alternative modes of transportation (Objective 9). Therefore, the City Council has determined that the alternative does not meet the policy objectives of the City and, excluding Objective 6, would meet objectives to a lesser extent than the Project, and therefore finds the alternative infeasible as a matter of public policy.

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

Section 15126(c) of the CEQA Guidelines requires an FEIR to address any significant irreversible environmental changes that may occur as a result of Project implementation.

As discussed in more detail in EIR Section 7.4, the site was previously developed with a golf course and therefore would not result in significant irreversible impacts to agricultural or forestry lands or mineral resources. Although the Project would impact an existing manmade drainage feature, mitigation for the impacts would generate a net gain in resource quality. Although in the long-term, development would result in irretrievable losses of non-renewable resources such as fuel and energy, the Project contains sustainability elements to minimize such consumption and associated impacts would be less than significant. Paleontological and cultural resources could be disturbed during Project grading, but any resources encountered would be recovered in accordance with City standards. Further, no major environmental accidents or hazards are anticipated to occur as a result of Project implementation, with incorporation of identified mitigation.

Therefore, the Council of the City of San Diego hereby finds that, based on the discussion included in Section 7.4 of the FEIR, implementation of the Project would not result in significant irreversible impacts.

F. Growth Inducing Impacts of The Project

In accordance with section 15126(d) of the State CEQA Guidelines, an FEIR must include an analysis of the growth-inducing impacts of the Project. The growth inducement analysis must address: (1) the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment; and (2) the potential for the Project to encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. The Project would not remove physical barriers to growth and would accommodate existing and projected housing needs.

As described in EIR Sections 7.1.4 and 7.2.3, the population of the region has been increasing at twice the rate of the production of new housing in the San Diego region, and the City is behind in the production of its Regional Housing Needs Assessment (RHNA) allocation for 2010 - 2020 by approximately 50,000 units. The San Diego region's economy grew by roughly 80 percent, and its population increased by 15 percent over the past 15 years. This growth, however, has outpaced the housing construction necessary to

accommodate San Diegans. As shown in the 2020 Housing Element, the current (SANDAG 2021 through 2029) City RHNA goal is 108,036 residential units, with 17,311 being low-income units and 19,319 being moderate income units. The proposed development of 455 moderately-priced and 81 affordable age-qualified, multi-family homes (536 total dwelling units) would therefore: (1) help to reduce the existing shortfall in the City's RHNA allocation; (2) provide needed housing in the region, including affordable and age-restricted housing; (3) convert a currently unused golf course to a residential use similar to the surrounding community; and (4) provide housing in proximity to transit opportunities given the Route 20 bus stops within approximately 0.15 mile of the southern Project entrance and site location 1.0 mile from the Sabre Springs/Peñasquitos Transit Station and Parking Structure and provide multimodal infrastructure with a mobility hub and bike and sidewalk connections.

The Project would provide much-needed housing for seniors, including those classified as low income, and would help to accommodate the City's aging population and regional population growth, consistent with the City's RHNA. The Project would not directly or indirectly increase population growth in the region. No significant pressure on local housing supply or demand is expected to result from development of the Project. Proposed residential development would accommodate growth and demand that is already occurring within the region.

VII. CONCLUSION

The Council of the City of San Diego makes and adopts each of the above stated Findings and finds that all Project impacts with mitigation applied will be reduced to below a level of significance.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

APPROVAL OF THE AMENDMENT TO THE RANCHO PEÑASQUITOS COMMUNITY PLAN; REZONE NO. 2073792; ORDINANCE APPLYING THE COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE ON THE PROPERTY; PLANNED DEVELOPMENT PERMIT NO. 2419770; SITE DEVELOPMENT PERMIT NO. 2073790; VESTING TENTATIVE MAP NO. 2073797 INCLUDING A PUBLIC RIGHT-OF-WAY EASEMENT VACATION; TO RESCIND CONDITIONAL USE PERMIT 87-0346 ASSOCIATED WITH THE CLOSED GOLF COURSE; AND APPROVAL OF FINDINGS UNDER MUNICIPAL CODE SECTION 142.1308 FOR AN ADJUSTMENT TO THE BEDROOM COMPARABILITY PROVISIONS OF THE SAN DIEGO HOUSING COMMISSION'S ADMINISTRATIVE REGULATIONS FOR THE IMPLEMENTATION OF THE CITY OF SAN DIEGO'S INCLUSIONARY HOUSING ORDINANCE PROJECT NO. 586670

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 586670/SCH No. 2018041032 shall be made conditions of approval of the Amendment to the Rancho Peñasquitos Community Plan; Rezone No. 2073792; Ordinance applying the Community Plan Implementation Overlay Zone on the property; Planned Development Permit No. 2419770; Site Development Permit No. 2073790; Vesting Tentative Map No. 2073797 including a Public Right-of-Way Easement Vacation; to rescind Conditional Use Permit 87-0346 associated with the closed golf course; and approval of findings under Municipal Code section 142.1308 for an adjustment to the bedroom comparability provisions of the San Diego Housing Commission's administrative regulations for the implementation of the City of San Diego's Inclusionary Housing Ordinance as may be further described below.

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

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

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

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

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (after permit issuance/prior to start of construction)

1. **Preconstruction meeting is required ten (10) working days prior to beginning any work on this project.** The permit holder/owner is responsible to arrange and perform this meeting by contacting the City Resident Engineer (RE) of the Field Engineering Division and City staff from mitigation monitoring coordination (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants:

Qualified Biologist

Qualified Archaeologist

Qualified Native American Monitor

Qualified Paleontological Monitor

Qualified Acoustician

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

Contact Information:

- a. The **PRIMARY POINT OF CONTACT** is the **RE at the Field Engineering Division – 858-627-3200**
- b. For Clarification of **ENVIRONMENTAL REQUIREMENTS**, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP Compliance:** This project, Project Tracking System (PTS) #586670 and/or Environmental Document #2018041032, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

3. **Other Agency Requirements:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:

California Department of Fish and Wildlife: California Fish and Game Code Section 1602 Streambed Alteration Agreement

Regional Water Quality Control Board: National Pollutant Discharge Elimination System General Construction Permit, Clean Water Act Section 401 waiver/ certification

U.S. Army Corps of Engineers: Clean Water Act Section 404 authorization

San Diego County Airport Land Use Commission: Consistency Determination

Caltrans: Right-of-Way Encroachment Permit

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

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

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

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
Transportation	Transportation Control Plan	Prior to Construction
Noise/Land Use	Acoustical Reports	Noise Mitigation Features (incorporated as conditions of approval) Inspection

Biology	Restoration Plan/Mitigation Plan for On-Site Drainage Feature	Prior to Construction
Biology	Restoration Monitoring for On-Site Drainage Feature	Inspection/Reporting on Restoration Efforts During Construction
Biology	Long-Term Management Plan for Restored Drainage Feature	Five-year Maintenance and Monitoring of Drainage Restoration
Historical/Tribal	Letter of Verification	Prior to Permit Issuance
Historical/Tribal	Draft/Final Monitoring Report	Archaeological/Native American Monitoring During Construction
Health/Safety	Soil Management Plan	Prior to Construction Activities
Paleontology	Verification of compliance with SDMC Section 142.0151	During Construction
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS FROM EIR

TRANSPORTATION/CIRCULATION

TRA-1: Traffic Signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway Intersection

Prior to issuance of the first building permit, Owner/Permittee shall assure by permit and bond the construction of a traffic signal at Peñasquitos Drive/Cuca Street/Hotel Karlan Driveway, with dedicated left-turn lanes with protected phasing on Peñasquitos Drive, and permissive phasing on the minor street (Cuca Street /Hotel Karlan Driveway) approaches, satisfactory to the City Engineer. Improvements shall be completed and operational prior to the project's first occupancy.

TRA-2: Roundabout at Peñasquitos Drive/Janal Way/Project Access Intersection

Prior to issuance of the first building permit, Owner/Permittee shall assure by permit and bond the construction of a single lane roundabout at Peñasquitos Drive/Janal Way/Project Access, satisfactory to the City Engineer. Improvements shall be completed and operational prior to project's first occupancy.

BIOLOGICAL RESOURCES

BIO-1 Impacts to 0.10 acre of USACE- and RWQCB-jurisdictional non-wetland waters of the U.S./State shall be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, and/or enhancement of a minimum of 0.10 acre waters of the U.S./State; and/or off-site purchase of waters of the U.S./State credits at an approved mitigation bank, such as the Brook Forest Conservation/Mitigation Bank, or other location deemed acceptable by the USACE and RWQCB. Impacts to waters of the U.S./State would require notification to the USACE for issuance of a Section 404 CWA permit and notification to the RWQCB for issuances of a Section 401 CWA permit from the RWQCB.

BIO-2 Impacts to 0.15 acre of CDFW-jurisdictional streambed will be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, reestablishment, rehabilitation, and/or enhancement of a minimum of 0.15 acre riparian and/or stream habitat; and/or off-site purchase of riparian and/or stream credits at an approved mitigation bank, such as the Brook Forest Conservation/Mitigation Bank, or other location deemed acceptable by the CDFW. Impacts to CDFW-jurisdictional resources would require notification to the CDFW for a CFG Section 1602 Streambed Authorization Agreement.

Additional Standard City Requirements That Apply:

Biological Resources – RESOURCE PROTECTION 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 and revegetation program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring and restoration/revegetation.

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), 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, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocols), timing of surveys, 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 raptors and/or any native/migratory birds, 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 10 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 nesting birds 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 take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan 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 or mitigation plan are in place prior to and/or during construction.

HISTORICAL AND TRIBAL CULTURAL RESOURCES

HIS-1 Archaeological Monitoring

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

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

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4mile 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 inhouse, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4mile 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 fulltime during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on

the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop, and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the 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 granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;

- (2) Record an open space or conservation easement; or
- (3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries: In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

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

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation: The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HEALTH AND SAFETY

HAZ-1: Soil Management Plan

Prior to the initiation of demolition and construction activities at the site, the Construction Manager and/or Grading Contractor shall submit a soil management plan (SMP) for approval by the City. The SMP shall outline the procedures for the contractor to identify, segregate, and dispose of any impacted soils discovered in the existing/previous maintenance areas of the subject site during the demolition, grubbing, and grading phases of project construction. The City MMC shall verify implementation of the SMP.

Passed by the Council of The City of San Diego on JUN 15 2021, 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"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 JUN 15 2021.


(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)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313601