

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

SCH No. 2010051073

Project No. 193036

July 2014

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**SECTION 1: INTRODUCTION**

**I. PROJECT DESCRIPTION**

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

The Revised Project entails the phased construction of a mixed-use development encompassing a maximum of 1,454,069 gross square feet (sf) including approximately 198,500 gross sf of commercial retail (all of the 198,500 square feet comprises the gross leasable area [gla]), approximately 48,000 gross sf of cinema (48,000 sf gla), approximately 492,480 gross sf of commercial office (484,000 sf gla), and approximately 714,729 gross sf consisting of a maximum of 608 multi-family residential units. The Revised Project would provide a total of 10.7 acres of total open space including a 1.1 acre recreation area, a 0.4-acre children's play area, and 5.1 acres of landscaped greenbelts, plazas, paseos, and gardens. The Revised Project includes a 1,200-seat cinema. A total of 3,688 parking spaces would be provided in both structured and surface parking.

The Revised Project includes all of the land use components of the originally proposed project, except that the current project eliminates the hotel that was previously proposed and adds a 1.1-acre recreation area at the corner of Del Mar Heights Road and High Bluff Drive. The Revised Project retains the critical “Main Street” concept of the originally proposed project, but it reduces the gross floor area by approximately 22 percent, resulting in an overall floor area ratio (FAR) of 1.4 instead of the 1.8 FAR of the originally proposed project.

Specifically, the Revised Project reduces the gross leasable area (gla) of commercial square footage by nearly ten percent, from 806,000 to 730,500 square feet. The reduction in the total commercial square footage includes a 14 percent reduction in the amount of office space and a 10 percent reduction in the amount of retail. The size of the cinema decreased by about 2,000 sf, but the total number of seats remains at 1,200. The Revised Project maintains the same number of multi-family residential units.

The Revised Project also reduces the building heights in comparison with the originally proposed project, such that no building will exceed nine stories from ground level. More specifically, the 125-foot-high, ten-story residential building proposed in the northwest corner of the site in Block C of the originally proposed project would be replaced by an 85-foot-high, six-story building. The residential building on Block B in the originally proposed project would be reduced from a maximum height of 100 feet to 90 feet from ground level. The building on Block A in the originally proposed project would be reduced from a height of 77 feet to a maximum height of 67 feet from ground level. The office building on Block D of the originally proposed project would be reduced from 199 feet to 170 feet from ground level.

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

## II. PROJECT OBJECTIVES

The EIR included the following project objectives:

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

### **SECTION 2: ENVIRONMENTAL REVIEW PROCESS**

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

Pursuant to CEQA Guidelines Section 15084(d)(3), HELIX Environmental Planning, Inc. prepared and submitted environmental documents to the City on behalf of the applicant. The City published a Draft Environmental Impact Report in March 2012. The City posted a Notice of Availability of the EIR pursuant to CEQA Guidelines Section 15087. The Draft EIR was circulated for 60 days for public review and comment beginning on March 29, 2012. In response to comments received from the public on the Draft EIR, three additional project alternatives were analyzed, including the Reduced Main Street Alternative, the Reduced Mixed-use Alternative, and the Specialty Food Market Retail Alternative. The Recirculated Alternatives were released to the public for a 45-day public review period on October 24, 2013. After the close of public review, the City prepared the Final EIR, which provided responses in writing to all comments received on the Draft EIR and the Recirculated Alternatives section. The Final EIR, which was published on \_\_\_\_\_, 2014, has been prepared in accordance with CEQA.

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

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

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

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

## **SECTION 3: FINDINGS**

### **I. INTRODUCTION**

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

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

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

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or lessen significant environmental impacts that would otherwise occur with the

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

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

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

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

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

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

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

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

## **II. ENVIRONMENTAL EFFECTS FOUND NOT SIGNIFICANT DURING PROJECT SCOPING**

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

### **A. Agriculture and Forestry Resources**

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

*Reference:* EIR, § 8.1

### **B. Geology and Soils**

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

preparation and foundation recommendations in accordance with Appendices O and P, no significant impacts related to soil stability would occur.

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

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

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

*Reference:* EIR, § 8.2

### **C. Mineral Resources**

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

*Reference:* EIR, § 8.3

#### **D. Population and Housing**

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

During Revised Project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met by the local labor force within San Diego County, and would not require importation of a substantial number of workers that could cause an increased demand for temporary or permanent housing in this area. The completed development would create additional part-time and full-time employment, involving a wide variety of jobs ranging from low to high-wage scales. The proposed uses are not expected to require the importation of a specialized work force. While the Revised Project would foster economic growth for the City through expanded sales and property tax revenues, the retail and office components are expected to have a negligible effect on regional population growth and the need for new housing because it is anticipated that these proposed uses would draw from the San Diego labor pool to fill jobs.

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

The Revised Project would provide additional housing within the Carmel Valley community. While residential uses were not anticipated for the Revised Project site in adopted land use plans, the Revised Project would contribute additional housing to the regional housing supply in the central part of San Diego County. The Regional Housing Needs Assessment (RHNA) calls for 88,096 new housing units (over half of the needed regional supply) to be provided in the City between 2010 and 2020. The City's General Plan Housing Element states that "[t]hrough the community plan update process, [the City shall] designate land for a variety of residential densities sufficient to meet its housing needs for a variety of household sizes, with higher densities being focused in the vicinity of major employment centers and best transit service." (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.3].) The Housing Element indicates that future modifications to community plans will be focused on creating more pedestrian and transit-oriented mixed-use environments in specific locations. It is expected that over the five years of this Housing Element cycle a number of locations will be identified for mixed-use development throughout the City. The larger ones will be designated as urban villages. These are where opportunities for new housing construction will be concentrated in the future.

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

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

*Reference:* EIR, § 8.4

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

#### **A. Direct and Cumulative**

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

##### **1. Land Use**

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

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

*Reference:* EIR, § 5.1.2

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

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

*Reference:* EIR, § 5.1.3

*c. Urban Decay*

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

*Reference:* EIR, § 5.1.4

*d. Cumulative*

The Revised Project's impact on land use would not be cumulatively considerable. The Revised Project seeks approval of General Plan, Community Plan, and Precise Plan amendments and a rezone. Should these discretionary land use changes or policies be approved, the Revised Project will be consistent with land use designations and associated density. The Revised Project will be compatible with surrounding land uses. Considering that the surrounding area is generally built out per the Community Plan and Precise Plan, and considering that the Revised Project site will be compatible with surrounding uses, the Revised Project would not result in significant cumulative land use impacts.

*Reference:* EIR, § 6.2.1

**2. Air Quality**

*a. Consistency with any Applicable Air Quality Plan*

Although the Revised Project would require amendments to the General Plan, Community Plan and Precise Plan to allow for the proposed land uses, construction or operational air emissions generated by the Revised Project would not exceed applicable significance thresholds for ozone precursors or respirable particulate matter (PM<sub>10</sub>). Project design features are proposed to reduce project emissions in compliance with the strategies in the Regional Air Quality Strategy (RAQS) and State Implementation Plan (SIP) for attaining and maintaining air quality standards. The

Revised Project, therefore, would not conflict with the RAQS or SIP and no associated significant air quality impacts would occur.

*Reference:* EIR, § 5.5.2

*b. Compliance with Air Quality Standards*

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

*Reference:* EIR, § 5.5.3

*c. Exposure of Sensitive Receptors to Substantial Pollutant Concentrations*

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

*Reference:* EIR, § 5.5.4

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

The predicted level of emissions of PM<sub>10</sub> during all of the analyzed construction phasing scenarios of the proposed Revised Project would be below the City's significance criteria. Thus, the project's construction-related dust emissions would be less than significant.

*Reference:* EIR, § 5.5.5

*e. Objectionable Odors*

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

The Revised Project site would be developed with commercial (office and retail) and residential land uses, which are not land uses that are typically associated with objectionable odors. It is possible that restaurants may be located on site, but restaurants do not emit odors that are generally perceived as unpleasant or a nuisance to sensitive receptors. On-site trash receptacles associated with proposed commercial and residential uses would have the potential to create adverse odors to on- and off-site sensitive receptors. As trash receptacles would be located and maintained in a manner that promotes odor control, such as keeping the receptacles closed and secured, and scheduling regular collections, no adverse odor impacts are anticipated from the proposed commercial and/or residential land uses. Therefore, Revised Project operations would result in less than significant air quality impacts related to objectionable odors.

*Reference:* EIR, § 5.5.6

*f. Cumulative Impacts*

The Revised Project would not generate operational emissions that would exceed the thresholds for criteria pollutants, including ozone precursors (volatile organic compounds [VOC]) and nitrogen oxides (NO<sub>x</sub>) and PM<sub>10</sub>. Therefore, the Revised Project's contributions to the increase of these criteria pollutants, in combination with the cumulative projects, would not be cumulatively considerable. In addition, the Revised Project would not cause or contribute to a CO hot spot in combination with the cumulative projects.

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

*Reference:* EIR, §§ 5.5.5, 6.2.3

**3. Energy**

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

Construction of the Revised Project would incorporate on-site energy conservation and demand-side management features as described in the Final EIR, including the limiting of trucks and construction equipment idle times to reduce fuel consumption and pollutant emissions. Project construction would be required to comply with all applicable local, state, and federal regulatory requirements regarding energy conservation. Therefore, construction phase impacts related to energy conservation would be less than significant.

Upon implementation of the proposed energy-related project design features, the Revised Project would reduce its energy demand in compliance with local, state, and federal regulations. The Revised Project would not conflict with any adopted energy conservation plans, and

development would not require new sources of energy. Therefore, operational-phase impacts related to energy conservation would be less than significant.

*Reference:* EIR, § 5.6.2

*b. Cumulative Impacts*

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

*Reference:* EIR, § 6.2.4

**4. Greenhouse Gas Emissions**

*a. Generation of Greenhouse Gas (GHG) Emissions*

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

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

*Reference:* EIR, § 5.7.2

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

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

*Reference:* EIR, § 5.7.3

c. *Cumulative Impacts*

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

The City acknowledges that the State's post-2020 emissions reduction goals will require measures at the state or regional level. The City believes that these agencies can and will, accordingly, implement these measures to reduce and control GHG emissions in furtherance of both the 2020 goals of AB 32 and 2050 goals of Executive Order S-3-05. Specifically, the City reasonably assumes that the California Air Resources Board will take further action to reduce vehicle emissions, and that the California Public Utilities Commission and the California Energy Commission will take action to further reduce the per-megawatt greenhouse gas burden of energy used in the project, as set forth in the Scoping Plan and the First Update to the Climate Change Scoping Plan. (*First Update to the Climate Change Scoping Plan: Building on the Framework*, May 2014.) Thus, the Revised Project would not result in a cumulatively considerable GHG emissions impact.

*Reference:* EIR, § 6.2.5

## 5. Hydrology/Water Quality

### a. *Impervious Surfaces and Associated Runoff*

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

*Reference:* EIR, § 5.10.2

### b. *On- and Off-Site Drainage Patterns*

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

*Reference:* EIR, § 5.10.3

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

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

*Reference:* EIR, § 5.10.4

d. *Groundwater Extraction*

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

*Reference:* EIR, § 5.10.5

e. *Groundwater Recharge*

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

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

*Reference:* EIR, § 5.10.5

*f. Cumulative Impacts*

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

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

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

The Revised Project's contribution to the cumulative loss of local groundwater recharge capacity due to the construction of impervious surfaces is considered less than significant because:

(1) shallow permanent groundwater is generally not expected to occur in the Revised Project site and vicinity, (2) a number of the identified cumulative projects are located in areas with known groundwater aquifers that have no connection to the Revised Project, and (3) the potential use of groundwater in the Revised Project vicinity is considered unlikely due to the widespread availability of municipal water and the anticipated low quality of local aquifers.

*Reference:* EIR, § 6.2.8

## **6. Public Utilities**

### *a. Water Supply and Conservation*

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

*Reference:* EIR, § 5.11.2

### *b. Water Infrastructure*

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

*Reference:* EIR, § 5.11.2

*c. Wastewater Infrastructure*

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

*Reference:* EIR, § 5.11.2

*d. Storm Water Drainage*

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

*Reference:* EIR, § 5.11.2

*e. Solid Waste Disposal*

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

*Reference:* EIR, § 5.11.2

*f. Cumulative Impacts*

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

infrastructure as needed. Therefore, the Revised Project would not result in cumulative water supply or utility infrastructure impacts.

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

*Reference:* EIR, § 6.2.9

## **7. Public Services and Facilities/Recreation**

### *a. Fire and Emergency Medical Services*

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

*Reference:* EIR, § 5.12.2

### *b. Police Protection Services*

The Revised Project may result in minimal increases in calls for service, but no new facilities or improvements to existing facilities would be required as a result of the Revised Project. The San Diego Police Department's current facilities and staffing ratio of 1.5 sworn personnel per 1,000 residents is considered adequate to handle demand for police services, including an average Priority E response time to the project area (Carmel Valley Community Planning Area) of 6.8 minutes. An increase in the City population may incrementally impact the ratio and require additional police officers; however, that impact would not be substantial and would not require construction of new facilities. New employees of the Revised Project would likely

already reside locally or regionally and would already be included in the projected City population figures. The new residential units would increase the area's population by up to 1,666 persons, per SANDAG's forecasted density factor of 2.74 persons per household unit (2010). Some residents of the proposed multi-family residential dwelling units may also be relocating from other communities in the City. Development is not expected to decrease the City's ability to service the area. As the Revised Project would not result in the need for additional police facilities, no physical impacts to the environment would occur as a result of the Revised Project.

*Reference:* EIR, § 5.12.2

*c. Schools*

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

*Reference:* EIR, § 5.12.2

*d. Libraries*

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

*Reference:* EIR, § 5.12.2

*e. Parks and Recreational Facilities*

Implementation of the Revised Project would create an additional demand for parkland within the Carmel Valley Community Plan area given the fact that residential development was not anticipated on the site. The 608 units associated with the proposed development are expected to generate an estimated 1,666 people. Based on the General Plan standard of 2.8 acres of parkland per 1,000 population (see *General Plan Recreation Element*, p. RE-19), the population associated with the Revised Project would generate a demand for 4.67 acres of parkland. When the demand from the Revised Project (4.67 acres) is added to the currently projected demand at buildout (107.87 acres), the total demand for parkland including the Revised Project at buildout would be 112.54 acres. This would exceed the amount of parkland expected to be available (98.02 acres) by 14.52 acres at community buildout. While the proposed development would create a demand for an additional 4.67 acres of parkland in the community, the applicant would be required to pay an estimated \$13.7 million Facilities Benefit Assessment (FBA) fee to the Carmel Valley Public Facilities Financing Plan (PFFP). The payment of this FBA fee is an adequate means of offsetting the impacts of a proposed development on public facilities, including parks, within communities with PFFPs. Thus, payment of the FBA fee would be considered adequate to offset the additional recreation demand associated with the project. Since the applicant would pay an FBA specifically intended to offset development impacts on public facilities including recreation, no associated significant impacts would occur with respect to parks and recreation facilities.

*Reference:* EIR, § 5.12.2

*f. Cumulative Impacts*

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

*Reference:* EIR, § 6.2.10

## **B. Cumulative**

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

### **1. Visual Effects and Neighborhood Character**

The cumulative study area for visual impacts consists of the project site's viewshed. Only one project, The Heights at Del Mar, is within the same viewshed as the Revised Project. These two projects are situated in the portion of Carmel Valley that has been planned for the most intense form of development within the community. The cumulative impact of these two projects is considered less than significant because: (1) neither project site contains significant scenic resources, (2) neither project site is within the viewshed of a state scenic highway or other designated scenic vista, and (3) the cumulative development will be consistent with the type of development already occurring in the area. 'The Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to visual effects and neighborhood character would be less than significant.

*Reference:* EIR, § 6.2.2

### **2. Paleontological Resources**

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

*Reference:* EIR, § 6.2.6

### **3. Biological Resources**

Migratory bird impact avoidance is required by law. Thus, the Revised Project and all cumulative projects will be required to comply and, thereby, avoid impacts to migratory birds

will occur. Considering that all other cumulative projects will be subject to California Fish and Game Code Section 3503.5, and will be required to implement similar mitigation as the Revised Project, the Revised Project's impact with respect to other cumulative projects would not be considerable. Thus, the cumulative impact of the Revised Project with respect to raptors would be less than significant.

*Reference:* EIR, § 6.2.7

#### **4. Health and Safety**

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

*Reference:* EIR, § 6.2.11

#### **5. Historical Resources**

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

*Reference:* EIR, § 6.2.12

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

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

##### **A. Transportation/Circulation/Parking**

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

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

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

Mitigation requires that prior to the issuance of the first certificate of occupancy for Phase 1, the applicant shall install a traffic signal at the Carmel Creek Road/Del Mar Trail intersection (MM 5.2-5), and prior to the issuance of the first certificate of occupancy for Phase 1, construct a

dedicated, northbound, right-turn lane at the intersection of Del Mar Heights Road and High Bluff Drive (MM 5.2-6).

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

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

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

*Reference:* Final EIR §§ 5.2, 6.1.1, 12.0

## **B. Noise**

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

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

persons using the recreation area in the northwest corner of the Revised Project could be exposed to unacceptable noise levels.

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

*Mitigation Measures:* Mitigation Measure 5.4-1 requires, prior to the issuance of building permits, an assessment of noise generated by building-specific stationary noise sources as well as a determination and implementation of noise attenuation measures to reduce interior noise levels within nearby residential uses to within acceptable standards. Mitigation Measure 5.4-2 requires, prior to the issuance of building permits, an assessment of off-site noise sources as well as a determination and implementation of noise attenuation measures to reduce interior and exterior noise levels to acceptable standards within residential and office uses. Mitigation Measure 5.4-3 requires, prior to the issuance of building permits, an assessment of construction noise as well as determination and implementation of noise attenuation measures to reduce interior noise levels to acceptable standards within residential uses. Mitigation Measure 12.9-1 requires, prior to the issuance of building permits, an assessment of traffic noise as well as a determination and implementation of noise attenuation measures to reduce exterior noise levels to acceptable standards within recreational uses.

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

*Reference:* EIR §§ 5.4, 6.1.2, 12.0

### **C. Paleontological Resources**

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

Sandstone. Therefore, the Revised Project may result in significant impacts to paleontological resources.

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

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

*Rationale:* The inclusion of Mitigation Measure 5.8-1, which requires construction monitoring and recovery of significant paleontological resources encountered during grading, would reduce the potential for grading to potentially impact paleontological resources to below a level of significance.

*Reference:* EIR §§ 5.8, 12.0

#### **D. Biological Resources**

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

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

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

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

*Reference:* EIR §§ 5.9, 6.2.7, 12.0

## **E. Health and Safety**

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

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

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

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

*Reference:* EIR §§ 5.13, 12.0

## **F. Historical Resources**

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

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

*Mitigation Measures:* Mitigation Measure 5.14-1 requires that grading be monitored by a qualified archaeologist and Native American monitor. The measure also requires recovery of

significant historical resources which are encountered during grading by a qualified archaeologist and Native American monitor.

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

*Reference:* EIR §§ 5.14, 12.0

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

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

### **A. Transportation/Circulation/Parking**

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

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

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

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,500,000 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge. The applicant has agreed with Caltrans to contribute \$1,500,000, an amount in excess of its fair share of \$1,192,500.

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

Caltrans is proposing to lengthen the existing Del Mar Heights Road bridge as part of the proposed I-5/SR 56 Connector Project. The lengthened replacement bridge could include an

additional lane, thereby increasing capacity and mitigating significant impacts from the Revised Project. The applicant would contribute \$1,500,000 toward the design of a third eastbound through lane on the bridge. However, the construction and/or timing of the additional lane is outside the control of the City. In addition, the installation of a replacement bridge, if approved, is not likely to occur prior to the construction of the Revised Project. Consequently, the significant traffic impacts described above would occur during the interim period between Revised Project construction and the completion by Caltrans of the replacement bridge.

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

*Reference:* EIR §§ 5.2, 12.0

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

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

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

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

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

*Finding:* Changes or alterations have been required in, or incorporated into, the project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific

economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in Section XI of these Findings, the City has determined that this impact is acceptable because of specific overriding considerations.

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

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

*Reference:* EIR §§ 5.2, 12.0

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

*Finding:* Changes or alterations have been required in, or incorporated into, the project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific economic, social, technological, or other considerations, including considerations for the

provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in Section XI of these Findings, the City has determined that this impact is acceptable because of specific overriding considerations.

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

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

*Reference:* EIR §§ 5.2, 12.0

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

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

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

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

*Finding:* Changes or alterations have been required in, or incorporated into, the Revised Project which will lessen the significant environmental impacts on traffic. These changes or alterations, however, will not reduce all traffic impacts to below a level of significance and the Revised Project is expected to have a significant adverse impact on traffic. The City finds that specific

economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in Section XI of these Findings, the City has determined that this impact is acceptable because of specific overriding considerations.

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

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,500,000 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge. The applicant has agreed with Caltrans to contribute \$1,500,000, an amount in excess of its fair share of \$1,192,500.

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

Caltrans proposes to lengthen the existing Del Mar Heights Road bridge as part of the proposed I-5/SR 56 Connector Project. The replacement bridge could include an additional lane, thereby increasing capacity and mitigating significant impacts from the Revised Project. The applicant would contribute \$1,500,000 toward the design of a third eastbound through lane on the bridge. However, the construction and/or timing of the additional lane is outside the control of the City.

In addition, the installation of a replacement bridge, if approved, is not likely to occur prior to the construction of the Revised Project. Consequently, the significant traffic impacts described above would occur during the interim period between Revised Project construction and the completion by Caltrans of the replacement bridge.

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

## **B. Visual Effects and Neighborhood Character**

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

*Finding:* The Revised Project was included as the Reduced Main Street Alternative in Section 12.9 of the EIR. The Revised Project would reduce bulk and scale, and building height, in comparison to the originally proposed project. While the reduction in development intensity would reduce such impacts, the Revised Project nevertheless would result in significant impacts to neighborhood character. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR that would mitigate such impacts. As described in Section XI of these Findings, the City has determined that this impact is acceptable because of specific overriding considerations.

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

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

Nevertheless, the Revised Project site is visually prominent and the proposed structures would, despite design strategies to minimize apparent height and mass, contrast with the existing development immediately adjacent to the Revised Project site. Such impacts are anticipated with implementation of the City of Villages Strategy, as discussed in the General Plan EIR at

Section 3.16.5. There are no feasible mitigation measures or other feasible alternatives (as discussed in Section VII below) to reduce community character impacts to below a level of significance. As a result, notwithstanding the lessening of such impacts associated with the Revised Project in comparison to the originally proposed project, impacts to the character of the neighborhood immediately surrounding the Revised Project site would remain significant and unavoidable.

*Reference:* EIR §§ 5.3, 12.0

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

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

### **A. Transportation/Circulation/Parking**

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

*Finding:* Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation. The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make

infeasible the mitigation measures or alternatives identified in the EIR. As described in Section XI of these Findings, the City has determined that this impact is acceptable because of overriding considerations.

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

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,500,000 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge. The applicant has agreed with Caltrans to contribute \$1,500,000, an amount in excess of its fair share of \$1,192,500.

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

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

significant traffic impacts described above would occur during the interim period between Revised Project construction and the completion by Caltrans of the replacement bridge.

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

*Reference:* EIR §§ 5.2, 12.0

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

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

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

*Rationale:* Implementation of the proposed improvement would reduce, but not fully mitigate the direct and cumulative impacts identified above. A portion of the improvements called for in Mitigation Measure 5.2-2 are located near the freeway interchange, which is within Caltrans'

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

*Reference:* EIR §§ 5.2, 12.0

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

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

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

Mitigation Measure 5.2-1.1 mandates that the applicant, prior to the issuance of the first building permit for Phase 1, contribute to Caltrans \$1,500,000 toward the provision of a third eastbound

through lane on the Del Mar Heights Road bridge. The applicant has agreed with Caltrans to contribute \$1,500,000, an amount in excess of its fair share of \$1,192,500.

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

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

5. *Description of Significant Effect:* Implementation of the Revised Project would result in a cumulative impact on the Del Mar Heights Road/I-5 southbound on-ramp meter. Certain traffic mitigation measures described below are within the jurisdiction of Caltrans and, if these

mitigation measures are not approved and implemented, the Revised Project will have significant impacts on traffic.

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

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

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

*Finding:* Changes or alterations are within the responsibility and jurisdiction of another agency (Caltrans) and not the City of San Diego. Such changes can and should be adopted by Caltrans. If the mitigation measures that are the responsibility of agencies other than the City are not implemented, the Revised Project will have significant adverse impacts on traffic and circulation.

The City finds that specific economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. As described in Section XI of these Findings, the City has determined that this impact is acceptable because of overriding considerations.

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

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

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

## **VII. FINDINGS REGARDING PROJECT ALTERNATIVES**

### **A. Project Objectives**

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

1. Develop a mixed-use village consistent with the goals of the General Plan.
2. Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.
3. Provide additional housing types and employment opportunities within the Carmel Valley community.
4. Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.

5. Provide the community with a place for public gathering and social interaction, reinforcing the sense of community and pride.
6. Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development.

## **B. Project Alternatives**

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

- The No Project/No Development Alternative (Alternative 1)
- The No Project/Employment Center Alternative (Alternative 2)
- The Commercial Only Alternative (Alternative 3)
- The Medical Office/Senior Housing Alternative (Alternative 4)
- The No Retail Alternative (Alternative 5)
- Reduced Main Street Alternative, also known as the Revised Project (Alternative 6)
- Reduced Mixed-use Alternative (Alternative 7)
- Specialty Food Market Retail (Alternative 8)

The City Council of the City of San Diego hereby finds that Alternative 1, Alternative 2, Alternative 3, Alternative 4, Alternative 5, Alternative 7, and Alternative 8 are not feasible. The City finds that there are specific economic, legal, social, technological and technological, and other considerations, including the provision of employment opportunities for highly trained workers and important matters of public policy, which make infeasible these project alternatives identified in the EIR. As noted earlier, “feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The City may reject an alternative if it finds that it would be infeasible to implement because of “[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers.” (CEQA Guidelines, § 15091(a)(3).) An agency may also reject an alternative that does not meet

the public policy goals and objectives of the agency. In *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899, 947, the city approved a project while rejecting as infeasible a reduced-density alternative that stripped out portions of the project that would have created a synergistic mix of retail and restaurant tenants. Additionally, in *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, the court upheld the city's findings requiring that additional preservation of open space would be infeasible because it would "at the very least [slow] 'the progress of necessary development such that the public's health and welfare is harmed through lack of economic growth and productivity and a shortage of housing supply.'" (*Environmental Council of Sacramento, supra*, (2006) 142 Cal. App. 4th 1018, 1039). Similarly, courts have upheld a city's infeasibility finding on a policy-based rationale in the following cases: *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal. App. 4th 911, 936, and *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1270.

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

### **1. No Project/No Development Alternative**

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

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

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

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

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would fail to implement that strategy because without new development, the site cannot be used to integrate a variety of uses in one compact village. Moreover, by eliminating all new development, this alternative would not comply with the goals and policies of the Housing Element or the Urban Design Element. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149 [Housing Element Policies HE-A.3, HE-A.4, HE-A.5, HE-A.7]; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25 [Urban Design Policies UD-C.1, UD-C.8, UD-A.11, UD-A.12].) Therefore, due to its failure to comply with these identified General Plan policies, the No Project/No Development Alternative is infeasible as a matter of public policy.

## **2. No Project/Employment Center**

*Alternative Description:* The No Project/Employment Center Alternative evaluates development consistent with the current land use and zoning designations of the Community Plan, Precise Plan, and the Carmel Valley PDO. Buildout under the existing zoning would allow for approximately 510,000 square feet of multi-tenant corporate office uses and associated parking. Due to the size of development under this alternative compared to the size of the Revised Project site and existing parking facilities in the Employment Center, parking likely would be provided primarily with surface parking lots. The amount of earthwork, therefore, would be greatly reduced from the Revised Project because subsurface parking would not be constructed.

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

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

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

The Housing Element “incorporates the City of Villages strategy as a key component of the City’s housing strategy.” (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to “Ensure the provision of sufficient housing for all income groups to accommodate San Diego’s anticipated share of regional growth over the next housing element cycle, 2013 – 2020.” (*General Plan Housing Element*, p. HE-2.) The City’s share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Housing Element’s Adequate Sites Inventory at page HE-149 designates the Project site and the 608 units in review for the Revised Project as units that could accommodate the City’s housing needs in the RHNA. The No Project/Employment Center Alternative would remove the residential units and therefore be inconsistent with the Adequate Sites Inventory. In addition, Housing Element Policy HE-A.5 states: “Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations.” (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The Revised Project site has been deemed suitable by the Adequate Sites Inventory; however, the No Project/Employment Center Alternative fails to utilize the site

for residential uses, and therefore is infeasible from a policy perspective because it conflicts with the policies of the General Plan.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The General Plan at page SF-3 defines a village as “the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated.” This alternative would fail to implement the City of Villages strategy because it fails to provide the mix of uses needed to be defined as a village, and therefore fails to meet the growth policy objectives of the General Plan. The No Project/Employment Center Alternative would also fail to comply with the Housing Element’s goals and policies because no new housing would be developed, and it would be inconsistent with the Urban Design Element because without a mixed-use village, this alternative would not provide new commercial shopping destinations and function as a focal point for public gathering. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149 [Housing Element Policies HE-A.3, HE-A.4, HE-A.5, HE-A.7]; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25 [Urban Design Policies UD-C.1, UD-C.8, UD-A.11, UD-A.12].) Therefore, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy.

### **3. Commercial Only Alternative**

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

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

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

*Rationale:* Implementation of the Commercial Only Alternative would reduce Revised Project-generated traffic by removing hotel and residential uses of the originally proposed project. It would avoid or reduce identified significant project-related on-site sensitive noise generators, and paleontological and historical resource impacts. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise sensitive receivers, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

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

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The General Plan at page SF-3 defines a village as “the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated.” This alternative would fail to implement the City of Villages strategy because it fails to provide the mix of uses, specifically residential uses, needed to be defined as a village, and therefore fails to meet the

growth policy objectives of the General Plan. Because the Commercial Only Alternative would not include housing, or comply with the City of Villages Strategy, it would not comply with the General Plan Housing Element's goals and policies. The Housing Element "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "Ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Housing Element's Adequate Sites Inventory at page HE-149 designates the Project site and the 608 units in review for the Revised Project as units that could accommodate the City's housing needs in the RHNA. The Commercial Only Alternative would remove the residential units and therefore be inconsistent with the Adequate Sites Inventory. In addition, Housing Element Policy HE-A.5 states: "Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The Revised Project site has been deemed suitable by the Adequate Sites Inventory; however, the Commercial Only Alternative fails to utilize the site for residential uses, and therefore is infeasible from a policy perspective because it conflicts with the policies of the General Plan.

In addition, by eliminating the mixed-use concept, this alternative would not meet the goals of the Urban Design Element. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149 [Housing Element Policies HE-A.3, HE-A.4, HE-A.5, HE-A.7]; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25 [Urban Design Policies UD-C.1, UD-C.8, UD-A.11, UD-A.12].) Therefore, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy

#### **4. Medical Office/Senior Housing Alternative**

*Alternative Description:* The Medical Office/Senior Housing Alternative would be a mixed-use development, but would be limited to medical office and senior housing components. It would consist of approximately 425,000 sf of medical office and 600 senior housing units. Similar to the originally proposed project, General Plan, Community Plan, and Precise Plan amendments would be required, as well as a Rezone. Parking for the proposed uses would be provided through surface parking lots and/or above-grade parking structures, but no subsurface parking garages would be constructed because it is assumed that all required on-site parking would be accommodated in surface lots and/or above-grade parking structures. As a result, the amount of earthwork would be greatly reduced from the originally proposed project.

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

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

*Rationale:* Implementation of the Medical Office/Senior Housing Alternative would avoid or reduce identified significant project-related impacts on paleontological and historical resource impacts below a level of significance. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise, biological resources, and health and safety

from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance. This alternative would reduce peak hour traffic trips and would slightly reduce the scale and bulk of development when compared to the originally proposed project.

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

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

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

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

multimodal transportation facilities,” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.7].)

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

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

By failing to encourage mixed-use development, whether vertical (stacked) or horizontal (side-by-side), and by failing to “provide more and improved linkages among uses in the superblock, neighboring development and the public street system,” the Medical Office/Senior Housing Alternative would be inconsistent with the Urban Design Element’s policies. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25 [UD-C.1, UD-C.8].) As a result, this alternative conflicts with the identified goals of the General Plan, and in-turn the Project objectives, and is therefore infeasible as a matter of public policy.

## **5. No Retail Alternative**

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

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

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

*Rationale:* Implementation of the No Retail Alternative would not avoid or reduce identified significant project-related impacts below a level of significance, although it would reduce overall impacts to volume/capacity ratio along roadway segments and delay at intersections and freeway ramps, and would reduce the scale and bulk of development in comparison to the originally proposed project. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

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

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) Since no retail

uses are proposed, this alternative would not provide a compact, mixed-use village and it would fail to meet the basic objectives of the General Plan Strategic Framework codified in the City of Villages strategy. By eliminating shopping and dining uses, the No Retail Alternative is inconsistent with the Strategic Framework, which was “created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools and civic uses at different scales, in village centers.” In addition, this alternative does not comply with Housing Element policy HE-A.4, which seeks to “promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving.” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.4].) In addition, the No Retail Alternative would fail to meet an important need in the community for retail services, and thus force residents of the community to drive to other communities to receive those services. The report prepared by The London Group Realty Advisors, concludes at page 1 that “74% of annual retail expenditures by Primary Market Area residents are leaving the market in the form of ‘outflow leakage.’ In fact [the] analysis demonstrates retail support for an additional 1.4 million square feet of space in the PMA.” (*Retail Market Analysis and Retail Critical Mass Associated with a Reduced Project Alternative*, February 5, 2014 [Critical Mass Report].) The City of Villages strategy seeks to create mixed-use villages to serve the needs of community, in that community, to reduce driving trips and subsequent GHG emissions. The elimination of retail in this Alternative would fail to place retail services where they are shown to be needed and therefore necessitate additional vehicle miles traveled to meet the need for those services. This is counter to the goals of the City of Villages strategy.

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

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.

- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20 [Urban Design Element Mixed-Use Villages and Commercial Areas Goals].)

Without retail uses, this alternative cannot “encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development,” nor can it effectively “provide more and improved linkages among uses in the superblock, neighboring development and the public street system” since only office, residential and hotel uses would be developed. As a result, this alternative would be inconsistent with the Urban Design Element’s policies and therefore infeasible as a matter of public policy. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25 [UD-C.1, UD-C.8].)

## **6. Reduced Main Street Alternative (Revised Project)**

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

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

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

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

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

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

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

Based on this direction, the General Plan seeks to efficiently use the remaining developable land in the City, consistent with the new growth policies of the Strategic Framework. The Strategic Framework Element embraces mixed use villages as the desirable development pattern for the City stating that “new policies have been created to support changes in development patterns to

emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City's continued growth over the long term." (*General Plan Strategic Framework*, p. SF-6.)

Toward that end, the General Plan employs the City of Villages strategy to implement this new development pattern. The General Plan notes that the "City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system." (*General Plan Strategic Framework*, p. SF-3.) The General Plan defines a village as "the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system." (*General Plan Strategic Framework*, p. SF-3.) The Reduced Main Street Alternative will implement the City of Villages strategy since it will create a mixed-use heart of Carmel Valley where residential, commercial, employment, and civic uses are together on one site. The City of Villages Strategy requires high residential and retail density to achieve the mixed use benefits of a Village, and this alternative will meet those requirements. Therefore, the Reduced Main Street Alternative is consistent with the Strategic Framework Element of the City's General Plan.

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

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

The Reduced Main Street Alternative is feasible from a policy standpoint because it maintains the same number of dwelling units as the originally proposed project, and thus it allows the City to achieve its goals under the RHNA. As noted in the General Plan Housing Element, “the General Plan sets forth direction to update the City’s many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City.” (*General Plan Housing Element*, p. HE-46.) The Housing Element’s Adequate Sites Inventory designates the Project site and the 608 units in review for the Project as units that could accommodate the City’s housing needs in the RHNA. (*General Plan Housing Element*, p. HE-149.) The 608-units proposed in this alternative are consistent with the Adequate Sites Inventory.

The Project site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a “full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City’s communities.” (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the Project is already in place, and therefore, the site is more desirable for meeting the RHNA than infill sites in areas where infrastructure

does not exist. The Reduced Main Street Alternative maintains the same number of housing units on the site, and therefore maximizes the site for housing consistent with the Adequate Sites Inventory. In addition, SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the Revised Project site as a Town Center smart growth area. (*Smart Growth Concept Map*, January 27, 2012 [*Concept Map*].) The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the Regional Comprehensive Plan (RCP) specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the General Plan "City of Villages Strategy" as supporting the Town Center concept. (*Regional Comprehensive Plan*, November 2006 [*RCP*].)

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

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

Project site on El Camino Real and High Bluff Drive, this alternative is feasible as a matter of public policy.

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

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

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

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

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

The Reduced Main Street Alternative is consistent with these goals, because as explained in the Recirculated Alternatives, this alternative will integrate a number of uses onsite, it will create a heart for Carmel Valley, it will serve as a neighborhood destination and provide attractive and functional retail shopping uses in an underserved community, both as to the amount and variety of retail available. (*Critical Mass Report; Retail Market Analysis*.) In addition, Urban Design Element policy UD-C.1.a states that mixed use centers should “encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development.” (*General Plan Urban Design Element*, p. UD-21 [Urban Design Element Policy UD-C.1a].)

The variety of uses proposed in this alternative comply with this element because the Reduced Main Street Alternative will maximize vertical and horizontal mixed-use development. By mixing uses onsite and increasing linkages to neighboring job centers, this alternative will also be consistent with Urban Design Element policy UD-C.8 which provides direction to “[r]etrofit existing large-scale development patterns, such as ‘superblocks’ or ‘campus-style’ developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system.” (*General Plan Urban Design Element*, p. UD-25 [Urban Design Element policy UD-C.8].)

Finally, the Recirculated Alternatives section of the EIR states that “Parking facilities [for the Reduced Main Street Alternative] would include underground garages beneath the site, a multi-level, above-ground parking structure, and some surface parking.” By creating a mixed-use development that minimizes surfaces parking lots, the Reduced Main Street Alternative complies with Urban Design policy UD-A.11, which “[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking” and policy UD-A.12, which seeks to “[r]educe the amount and visual impact of surface

parking lots.” (*General Plan Urban Design Element*, p. UD-12 – UD-14 [Urban Design Element policies UD-A.11, UD-A.12].) As a result, this alternative is feasible from a policy standpoint because it would implement the Urban Design goals and policies of the General Plan.

## **7. Reduced Mixed-use Alternative**

*Alternative Description:* The Reduced Mixed-use Alternative would retain all of the land use components of the originally proposed project, with the exception of the hotel. This alternative would reduce the amount of commercial development by approximately 50 percent, from the proposed 806,000 to 407,800 sf. This alternative would reduce the number of residential units by 50 percent from 608 to 304 units. The Alternative would consist of 140,000 sf (GFA) of retail, 267,800 sf (GFA) of commercial office, and 304 multi-family residential units. This alternative would not include the 1.5 acres of open space accessible to the public which would be included in the Reduced Main Street Alternative. The overall GFA of this alternative would be reduced by 1.04 million sf (50 percent) from 1,857,440 sf to 817,800 sf. The floor area ratio (“FAR”) would be reduced from 1.8 to 0.8.

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

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

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

Although this alternative would not eliminate the significant traffic impacts in the horizon year, it would reduce the magnitude of some of the traffic impacts in the interim. In the existing and near-term condition, the Reduced Mixed-use Alternative would avoid the significant impact

associated with the originally proposed project on the Del Mar Heights Road bridge, between the I-5 northbound and southbound ramps. In addition, although Del Mar Heights Road, between the I-5 northbound ramp and High Bluff Drive, would continue to be significantly impacted by the Reduced Mixed-use Alternative, the level of service (LOS) would be E rather than F (with the originally proposed project) in the existing and near-term scenarios. However, as with the originally proposed project, the LOS would be F with the Reduced Mixed-use Alternative in the long-term condition. In the existing plus project condition, this alternative would avoid the impact to the Carmel Creek Road/Del Mar Trail intersection.

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

The reduction in retail would eliminate the critical mass necessary to implement the “Main Street” concept. As discussed and analyzed in the Critical Mass Report, the originally proposed project, as well as the Reduced Main Street Alternative, contemplate a retail tenant and merchandise mix consistent with lifestyle centers, which are generally defined as retail development between 150,000 -500,00 square feet that included national-chain specialty stores within dining and entertainment in an outdoor setting. Such high-quality specialty retailers typically locate in projects with similar quality retailers and require a volume of shoppers to sustain their operations not generated by smaller, neighborhood-oriented shopping centers. (*Critical Mass Report.*) The 50 percent reduction in retail associated with this alternative would not generate the number of shoppers necessary to sustain and attract the desired class of retailers necessary to address the retail gap within Carmel Valley identified in the Critical Mass Report. Moreover, the greatly reduced intensity of uses would promote surface parking, in the place of more costly underground or structured parking, reducing the available land for public gathering spaces thereby resembling a traditional suburban shopping center.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The Urban Design Element of the General Plan, discussed in greater detail below, includes a goal that mixed-use areas include “vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.” (*General Plan Urban Design Element*, p. UD-20.) The Main Street design concept promotes a pedestrian-oriented public gathering space associated with residential and commercial development, often associated with successful “lifestyle centers” developed over the last decade. (*Critical Mass Report*.) The Land Use and Community Planning Element of the General Plan specifically promotes the enhancement or maintenance of a “Main Street” character for infill projects. (*General Plan Land Use Element*, p. LU-11.) The “Main Street” concept is central to the mixed-use villages goals enunciated in the General Plan’s Urban Design Element. Moreover, the Economic Prosperity Element of the General Plan contemplates the Main Street design concept:

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

As noted, the Revised Project objective quoted above seeks to create “a mixed-use village consistent with the goals of the General Plan.” The phrase “consistent with the General Plan” involves development of a village that will provide opportunities for “public gathering and social interaction, reinforcing the sense of community.” A village integrates residential, commercial, employment, and civic uses in pedestrian-friendly, inviting, accessible, and attractive streets and public spaces. Over time, the General Plan anticipates that these villages will be increasingly connected to each other by an expanded regional transit system. The village land use pattern and

densities help make transit operate more efficiently, which in turn allows for improved and more cost effective transit services. (*General Plan Land Use Element*, at p. LU-6.)

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

- Vertical integration of retail, residential and office uses;
- Pedestrian-oriented ground floor retail or other street-activating uses fronting Main Street;
- Outdoor gathering spaces, including plazas and landscaped open space to accommodate a wide-range of activities including strolling, sitting, eating and entertainment; and
- Paseos to provide a pedestrian and bicycle network between retail and residential uses.

The Reduced Mixed-use Alternative reduces retail space to 140,000 square feet of gross floor area, reduces office space to 267,800 square feet and reduces housing by 50% to 304 dwelling units. The Reduced Mixed-use Alternative’s significant reduction in housing and retail density leads to a reduction in the mixed use characteristics of the site as a “village,” “and therefore lacking the vibrancy and atmosphere needed to “activate” the project.” (*Critical Mass Report*.)

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

Further, the Reduced Mixed-use Alternative would not contain enough retail space to succeed as a high-quality, mixed-use “lifestyle center” that meets the goals and policies of the City of Villages concept. The volume of retail would conflict with two primary principles: (1) the amount of space available for certain primary or “anchor” tenants, as well as supporting retail,

with certain space requirements; and (2) the availability of space for preferred co-tenants, as many of the desired retailers demand the presence of other specific retailers as a condition of leasing. (*Critical Mass Report.*)

As described in Section 12.10 of the EIR, the project aspires to offer a broader range of shopping experiences than a traditional community shopping center because of its integration into a mixed use environment. As described in the Critical Mass Report, lifestyle centers are characterized by higher quality “specialty” retail tenants (as distinguished from typical in-line tenants typically associated with strip-style malls already present in Carmel Valley). Such quality tenants prefer to cluster together because such tenants view their businesses as synergistic: that is, patrons of one are likely also to patronize the other, and also would more likely patronize either or both if both are present. Lifestyle centers also provide an emphasis on entertainment opportunities, such as movie theaters and restaurants, to “activate” the center by generating opportunities to participate in a range of activities on the same outing. Integrated open space to promote pedestrian activity is also a key ingredient of lifestyle centers. (*Critical Mass Report.*)

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

The smaller retail component of the Reduced Mixed-use Alternative also does not complement the adjacent Del Mar Highlands Town Center. Although both the Retail Market Analysis and the Critical Mass Report conclude, based on extensive economic evidence, that a surplus of demand for retail uses would continue to exist in Carmel Valley even after development of the originally

proposed project or Revised Project and any future expansion of the Del Mar Highlands Town Center, similar tenant mixes would fail to differentiate the two centers. In other words, lacking a critical mass of retail space, a reduced project could effectively duplicate the types of retail tenants already present in Carmel Valley, rather than fill the void by providing the upscale retail opportunities currently lacking in Carmel Valley. (*Retail Market Analysis; Critical Mass Report.*)

A lifestyle center provides a shopping experience that complements the retail tenants of nearby retail establishments. A smaller retail component would not attract the desired tenant mix to attract shoppers and would fail to capture any significant portion of the retail sales “leakage” from Carmel Valley. (*Critical Mass Report.*) As a result, the Reduced Mixed-use Alternative fails to meet the City of Villages strategy of the General Plan, and therefore is infeasible as a matter of public policy.

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

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

The reduction in dwelling units in the Reduced Mixed-use Alternative is infeasible from a policy standpoint because it could prevent the City from achieving its goals under the RHNA. As noted in the General Plan Housing Element, “the General Plan sets forth direction to update the City’s many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City.” (*General Plan Housing Element*, p. HE-46.) The Housing Element’s Adequate Sites Inventory designates the Project site and the 608 units in review for the Project as units that could accommodate the City’s housing needs in the RHNA. (*General Plan Housing Element*, p. HE-149.) The Reduced Mixed-use Alternative would reduce the residential units in the Project to such an extent that it would be inconsistent with the Adequate Sites Inventory.

As noted above, the site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a “full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City’s communities.” (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the site is already in place, and therefore, the site is more desirable for meeting the RHNA than infill sites in areas where infrastructure does not exist. The Reduced Mixed-use Alternative reduces the housing units on the site, and therefore fails to maximize the site for housing consistent with the Adequate Sites Inventory. The Reduced Mixed-use Alternative is therefore infeasible because it does not meet the policy demands of the RHNA.

As noted in the City’s General Plan at page SF-5, “The SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure

Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource protection. The RCP addresses San Diego's relationships with neighboring counties, Tribal Governments, and northern Baja California. The City of San Diego General Plan is designed to complement and support the RCP." (*General Plan Strategic Framework*.) SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the proposed project site as a Town Center smart growth area (*Concept Map*). The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City General Plan "City of Villages Strategy" as supporting the Town Center concept. (*RCP*.) The Reduced Mixed-use Alternative fails to intensify land uses near this designated Town Center and is therefore inconsistent with SANDAG's RCP and the City of Villages Strategy that the RCP relies upon to support the Town Center concept. Therefore, the Reduced Mixed-use Alternative fails to meet the public policy goals of both SANDAG and the City, and is therefore infeasible as a matter of public policy.

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

Housing Element Policy HE-A.5 seeks to "[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density

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

Housing Element Policy HE-A.7 encourages the “develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.7].) The Reduced Mixed-use Alternative reduces the amount of housing on the site by 50% which would reduce the opportunity to create a mix of housing types on the Project site, and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. The Reduced Mixed-use Alternative’s reduction in housing units is inconsistent with Policy HE-A.7 and is therefore infeasible as a matter of public policy.

Urban Design Element UD-C.1.a states that mixed use centers should “encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development.” (*General Plan Urban Design Element*, p. UD-21 [Urban Design Element Policy UD-C.1a].) However, as stated in the Recirculated Alternatives section of the FEIR, the significant reduction in density, and particularly retail development, would promote a traditional suburban shopping center design, with greater reliance of surface parking. Increased reliance on surface parking is inconsistent with Urban Design policy UD-A.11, which “[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking” and policy UD-A.12, which seeks to “[r]educe the amount and visual impact of surface

parking lots.” (*General Plan Urban Design Element*, p. UD-12 – UD-14 [Urban Design Element Policy UD-A.11, UD-A.12].) Therefore, the Reduced Mixed-use Alternative does not meet these policies of the Urban Design Element and is infeasible due to its conflict with such General Plan policies.

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

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

Mixed-use Alternative which demonstrate extraordinary public benefit in General Fund net revenues.

The applicant has agreed to participate in the Regional Beach Sand Project coordinated through SANDAG. The Beach Sand Project is a coordinated regional effort to replenish sand on the region's beaches, which suffer from critical sand shortage negatively affecting the environment and enjoyment by residents and tourists of our beaches. Material excavated from the project site in the course of grading operations has been determined to be suitable for the beach replenishment efforts. With the Reduced Mixed-use Alternative, it is estimated that between 0 and 5,000 cubic yards of sand may be available to replenish area beaches, due to the Reduced Mixed-use Alternative's reduced development scope and grading operations, in comparison to the approximately 250,000 cubic yards of sand associated with the Revised Project. (*Final Sampling and Analysis Plan Results Report*, dated November 1, 2012 [*Beach Report*].) The City therefore finds the Reduced Mixed-use Alternative infeasible due to the failure to produce sufficient excavation materials to replenish beaches within the region.

## **8. Specialty Food Market Retail Alternative**

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

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

30,000 sf food market, and 50,000 sf of retail uses, such as restaurants, banks, convenience stores, and other neighborhood stores, totaling 80,000 sf with a floor area ratio of 0.08.

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

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

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

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

potentially subject to further development, in accordance with the Carmel Valley PDO. Thus, this alternative is considered infeasible.

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

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

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

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.

- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20 [Urban Design Element Mixed-Use Villages and Commercial Areas Goals].)

By failing to encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development, and by failing to “provide more and improved linkages among uses in the superblock, neighboring development and the public street system,” the Specialty Food Retail Market Alternative would be inconsistent with the Urban Design Element’s policies. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25 [UD-C.1, UD-C.8].) As a result, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy.

## **VIII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS**

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

Section 15126(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 10 of the EIR, implementation of the Revised Project would not result in significant irreversible impacts to biological, agricultural, forestry, mineral, or cultural resources. The Revised Project site currently is vacant, graded, and designated for employment center uses. Therefore, it contains no natural vegetation, agriculture, or forestry resources. No significant mineral deposits underlie the site, not are there any known significant cultural resources present onsite. In addition, no water bodies are located on the site or within the Revised Project vicinity.

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

## **B. Growth Inducing Impacts of The Project**

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

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

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

The Revised Project does not require the extension of existing roads to provide access to the site. Since the Revised Project is conditioned on the payment of Facilities Benefit Assessment (FBA) fees to fund programmed public facilities identified in the Carmel Valley Public Facilities Financing Plan (PFFP), proposed roadway improvements would not result in growth beyond what is already planned. In addition, existing off-site infrastructure is more than adequate to accommodate the project. Permanent storm water and sewer drainage facilities will be located in approximately the same location will replace the current, temporary facilities. The new facilities

will be sized to accommodate the Revised Project. Proposed utility extensions will occur off of existing utility lines in the roadways surrounding the Revised Project site and will be sized to accommodate the project. As a result, no infrastructure improvements will result in growth beyond what is already planned.

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

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

## **IX. FINDINGS REGARDING SB 610 WATER SUPPLY ANALYSIS**

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

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

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

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

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

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

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

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

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

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

The following statement identifies why, in the City Council’s judgment, the benefits of the Revised Project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found either in the preceding sections, which are incorporated by reference into this section, the EIR, or in documents that comprise the Record of Proceedings in this matter.

**A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS**

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

The Revised Project will result in substantial fiscal benefits for the City. The national and regional economies are recovering from a significant recession, which led to numerous job losses and revenue reductions. According to the San Diego Regional Chamber of Commerce’s 2012 economic impact study titled “San Diego’s Road to Economic Recovery,” the unemployment rate in San Diego was at approximately 5% in 2007, and rose to a peak of 10.9% in July of 2010. (*San Diego’s Road to Economic Recovery*, dated June 2012.) The National University Institute for Policy Research Economic Ledger (December 2011) notes that, “from 2007 to 2009 San Diego lost 102,400 payroll jobs.” (*National University Institute for Policy Research Economic Ledger*, dated December 2011.) The Chamber report shows a negative 3% growth between 2008 and 2009, with positive growth of 1% beginning in 2010. The National University study indicates that although unemployment rates are dropping more growth and job creation are necessary. The Report states, “NUSIPR’s forecast for employment gains in 2012 will only lower the annual rate to 9.8 percent. Real GDP needs to grow more than three percent to absorb all new labor entrants and “re-entrants” to more significantly bring the unemployment rate down.” The Revised Project will help boost the local economy by supporting an estimated 6,402 construction related jobs. (Fiscal Impact Analysis.) Construction output from the Revised Project, which includes direct, indirect and induced spending associated with Revised Project construction, is anticipated to be \$1,014,000,000. In addition, the completed Revised Project will support an estimated 1,591 new permanent jobs and inject approximately \$154,000,000 in new permanent job wages into the local economy. (*Ibid.*)

**2. The Revised Project will make a substantial contribution to the City's General Fund and fund infrastructure for the community.**

The Revised Project is estimated to generate a net annual fiscal benefit to the City of between \$528,000 and \$880,000. (Fiscal Impact Analysis.) Such revenue may be spent by the City to improve vital services including police and fire protection, parks, roads and other infrastructure in the City. Money added to the General Fund will positively impact the City as a whole, not just the Carmel Valley community. In addition, City development impact fees from the Revised Project are expected to total approximately \$21,000,000, which will help to pay for planned infrastructure serving the Carmel Valley community.

**3. The Revised Project will revitalize the Carmel Valley economy.**

Development of the Revised Project will revitalize an underutilized property and result in a new source of economic vibrancy in the Carmel Valley community. The Revised Project is anticipated to generate on an annual basis approximately \$113,000,000 in new wages, \$41,000,000 in new wages through economic multiplier effects, and conservatively, more than \$80,000,000 in new retail sales activity (Fiscal Impact Analysis; Retail Market Analysis). The Revised Project is also expected to generate approximately \$2,500,000 in new annual tax revenues for the City, supporting net new tax revenues of between \$528,000 and \$880,000 annually, after incremental City project related expenses. (*Ibid.*) As demonstrated by the Retail Market Analysis prepared for the project by the Kosmont Companies, the addition of new retail uses at the project site will fulfill a recognized need in the community for additional retail development, and reduce the need for area residents to travel outside the community to satisfy their shopping requirements. The analysis prepared by The London Group suggests that Kosmont's study was conservative, and that "the local market is significantly underserved as to both the supply of retail space and variety of choices available to residents of the community." (*One Paseo Retail Component Market Analysis*, dated May 2013.)

In addition, the Critical Mass Report explains that the Revised Project will attract higher-quality "specialty" retail tenants that prefer to cluster together with other synergistic business entities that are currently missing from Carmel Valley. Patrons of one high-end tenant are likely to patronize the other, and more likely to patronize both if both are present. (*Critical Mass Report.*) The Revised Project will activate the area, emphasizing entertainment options and integrating

open space to promote pedestrian activity, and at the same time, will contrast with and complement the existing nearby retail establishments.

**4. The Revised Project will help fulfill the City of Villages Strategy in the City's General Plan which will sustain the long-term economic, environmental, and social health of the City, and implements the regional planning goals of the SANDAG Regional Comprehensive Plan.**

The Revised Project will fulfill the City's General Plan, Strategic Framework by implementing the General Plan's City of Villages strategy, by creating a mixed-use village in the heart of the Carmel Valley Community where residential, commercial, employment and civic uses are all present and integrated. As noted in the General Plan at page SF-3, "Implementation of the City of Villages strategy relies upon the designation and development of village sites." (*General Plan Strategic Framework.*) Therefore, actual development of sites within a community consistent with this strategy is necessary for the City of Villages to succeed. The Revised Project is located on one of the last undeveloped sites in the Carmel Valley Community and is therefore being developed as a "village" to ensure that Carmel Valley implements this important General Plan strategy. According to the City's General Plan at page SF-3, the "City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system...The strategy is designed to sustain the long-term economic, environmental, and social health of the City and its many communities... A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated...All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs." (*General Plan Strategic Framework.*)

The Revised Project proposes the residential, commercial, employment and civic uses described in the strategy. The Project's 608 units of multi-family residential housing will provide a greater range of housing types in Carmel Valley that are affordable to people of different incomes and needs. The 198,500 square feet of commercial uses will ensure that residents of the Project and larger community have adequate retail to serve the area, and the employment uses will provide

job centers close to residential uses to create a live-work balance in the community. By designating and developing this site consistent with the definition of a “village” in the General Plan, the Project will “sustain the long-term economic, environmental, and social health of the City.”

The City’s General Plan states that coordination between the City and SANDAG is vital for coordinating regional land use and transportation planning. Page SF-5 of the General Plan states, “The SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource protection...The City of San Diego General Plan is designed to complement and support the RCP.” (*General Plan Strategic Framework*.) SANDAG’s Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the Project site as a Town Center smart growth area (*Concept Map*).

The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. (*RCP*.) This continues SANDAG’s Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City General Plan “City of Villages Strategy” as supporting the Town Center concept. (*RCP*.) Therefore, development consistent with the City of Villages Strategy both implements the General Plan goals and policies and furthers the established SANDAG regional planning goals.

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

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

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

As shown in the Kosmont Retail Market Analysis, there is net supportable retail space of 1,219,972 square feet in the trade area for the Project, which includes Carmel Valley. (*Retail Market Analysis.*) As noted in the Critical Mass Report, “our May 3, 2013 report concluded that \$542 million or 74% of annual retail expenditures by Primary Market Area residents are leaving the market in the form of ‘outflow leakage.’ In fact, [the] analysis demonstrates retail support for an additional 1.4 million square feet of space in the PMA.” (*Critical Mass Report.*) Therefore, the Carmel Valley area has significant pressure to develop additional retail space within the community to serve the unmet needs of residents. By concentrating that growth in retail space within the already developed area of the Community, growth into open space areas

will be avoided, thereby furthering the goals of the General Plan Conservation Element. Implementation of the City of Villages Strategy also compliments and implements the third planning goal of the North City West Community Plan, which is “to preserve the natural environment.” (*North City West Community Plan.*) The City of Villages Strategy balances the growing needs of residents for retail, residential and employment uses, while preserving the environment and open space. Therefore, the Project’s design consistent with the City of Villages will preserve and protect open space and the environment.

**6. The Revised Project will Support the Housing Goals of the General Plan and Provide More Balanced Housing Supply in the Community.**

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

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

The Revised Project allows the City to achieve its goals under the RHNA. As noted in the General Plan Housing Element, “the General Plan sets forth direction to update the City’s many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the

City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City.” (*General Plan Housing Element*, p. HE-46.) The Housing Element’s Adequate Sites Inventory designates the Project site and the 608 units in review for the Project as units that could accommodate the City’s housing needs in the RHNA, and therefore the Project supports the policies of the General Plan’s Housing Element. (*General Plan Housing Element*, p. HE-149.)

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

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

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

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

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

Implementation of the Revised Project will require the applicant to undertake and fund a number of infrastructure improvements above and beyond that which is required to mitigate the project’s transportation impacts, including the following:

- a. As part of an agreement with Caltrans, the applicant has agreed to advance the installation of improvements within the jurisdiction of Caltrans, including improvements to the I-5/Del Mar Heights Road Interchange, and fund more than

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

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

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

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

- a. The applicant will donate materials excavated from the project site to SANDAG's Regional Beach Sand Project. Up to an estimated 250,000 cubic yards of material have been prequalified by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency as beach quality sand for beach replenishment. This native Torrey Sandstone material has been tested and submitted to all necessary agencies for approval in the Final Sampling and Analysis Plan Results Report (SAP). Several receiving beach sites have been identified and possess existing Sand Compatibility Opportunistic Use Permits. Nourished shorelines provide two primary benefits: increased area for recreation, and greater protection against coastal storms. Other tangible benefits include tourism revenues, restored wildlife habitats, enhanced public health and safety.

- b. The applicant will advance up to \$1,100,000 to the SR56/I-5 CVREP Phase 1 trail under I-5, to help advance portions of the installation of this previously approved Caltrans' improvement. The project is a 1.23-mile long, 12 foot wide trail connection under the I-5 freeway structures that would link the existing Old Sorrento Valley Road along Peñasquitos Lagoon easterly to the existing SR 56 bike bath, providing access to the lagoon and to the ocean and creating a link between three regional trail systems (the Sea-to-Sea Trail from the Salton Sea to the Pacific Ocean, the existing Old Sorrento Valley Road trail, and Carmel Valley Restoration Enhancement Project trail) and to the proposed Carmel Valley Park and Ride trailhead. The project would include removal of sediment under freeway bridges to promote movement of wildlife. The applicant's financial contribution will help complete one of the most significant missing trail connections in coastal north county San Diego.
- c. The applicant will fund the installation of an Adaptive Traffic Control signal system on Del Mar Heights Road from the I-5/Del Mar Heights Road interchange to the intersection of Carmel Canyon Road. The applicant and City are coordinating these efforts with Caltrans for the two traffic signals near the I-5/Del Mar Heights Road interchange within Caltrans' jurisdiction. Caltrans has the sole authority to approve the coordination efforts within its jurisdiction. Once implemented, this program will help reduce congestion and improve the flow on this busy roadway.
- d. The applicant will fund up to \$150,000 towards the investigation and installation of potential traffic calming devices on High Bluff Drive north of Del Mar Heights Road.
- e. The applicant will fund up to \$40,000 for the design and installation of Carmel Valley community identity monuments at Del Mar Heights Road and the south end of El Camino Real.
- f. The applicant will enhance the planted medians, tree-lined parkways and bike lanes along Del Mar Heights Road and El Camino Real in order to connect the

Revised Project to the community beyond the Revised Project boundary. In addition, the applicant will implement a boulevard-style design treatment along the Revised Project frontage with separated bicycle tracks and improved pedestrian promenades.

- g. The applicant will enhance the crosswalks at the intersection of Del Mar Heights Road and El Camino Real with enhanced pedestrian connections.
- h. The applicant will advance up to \$550,000 for the design and engineering of a potential enhanced park and additional play fields at the Carmel Valley Recreation Center, as well as a potential future gateway to the Center.

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

- a. The Revised Project is a premier example of “smart-growth” principles. The Revised Project fulfills a vision for a civic and cultural “core” by creating a special destination where work, play, dining/entertainment, living and just gathering naturally bring the Carmel Valley community together. The Revised Project will serve as *“the major unifying element of the entire community,”* as envisioned by the Community Plan. The Revised Project will help connect the community by providing walkways, trails, bike lanes and linear park-like amenities that will link the diverse land uses in Carmel Valley to one another. By providing a new degree of connectivity in Carmel Valley, the project will allow residents, employees in the adjacent offices and shoppers to explore their community by foot and by bicycle in new and different ways. The Revised Project includes a pedestrian connection from High Bluff Drive which includes a significant number of office buildings. This connection will allow employees in these buildings to access food, entertainment, and shopping that will be offered by the project. The connection of these previously isolated office buildings to retail and uses furthers the Strategic Framework’s smart growth goals to integrate jobs, housing and retail use in a pedestrian friendly area.

- b. The applicant will include bike and pedestrian friendly bike stations and ride sharing amenities, as well as several electric vehicle charging stations, and a shuttle service that will further the sustainability goals of the City and reduce GHG emissions. A shuttle service is being offered as part of an enhanced Transportation Demand Management program. It is anticipated that the shuttle system will be implemented in the final stages of the Revised Project. It will be piloted as a loop system that will run during the AM/PM peak times from the Revised Project site to the local schools and to the nearby Coaster stations.
- c. It is anticipated that all of the Revised Project's office buildings will be certified to a LEED Gold rating.
- d. The Revised Project will be developed using energy and water efficiency standards, "cool" roofs and paving materials and an extensive onsite recycling and composting program.

## **B. CONCLUSION**

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