

**DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
3823 INGRAHAM STREET (a.k.a. AVA PACIFIC BEACH)**

PRJ-1059329
SCH No. 2022120345

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1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The following Candidate Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) are made for development of the 3823 Ingraham Street (a.k.a. AVA Pacific Beach) project (Project Number 1055329) (Project). The environmental effects of the Project are addressed in the Final Environmental Impact Report (Final EIR) (SCH. 2022120345) July 31, 2025 which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs. § 15000 et seq.) require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made before project approval. (CEQA § 21081; Guidelines § 15091.) It is the exclusive discretion of the decision-maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

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

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

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

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

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations (SOC) must be prepared. (CEQA §§ 21002, 21002.1(c); Guidelines § 15093.) The SOC provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding an SOC, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other

benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR for the 3823 Ingraham Street (a.k.a. AVA Pacific Beach) project (project), Project No. 1059329/State Clearinghouse No. 2022120345, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made and an SOC is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency on the basis of substantial evidence in the record. These Findings and SOC set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

Furthermore, the Findings and SOC have been submitted by the City Development Services Department as Candidate Findings to be made by the decision-making body. They are attached to allow readers of this report an opportunity to review the applicant’s position on this matter and to review potential reasons for approving the project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

1.2 Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The draft EIR for the Project (Draft EIR);

- The Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Draft EIR, the Final EIR, and any responses to comments in the Final EIR;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, Federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

1.3 Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project are located at the City, Development Services Department, 550 W C Street, San Diego, California 92101. The Development Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department (DSD). This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

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

2.0 PROJECT SUMMARY

2.1 Project Location

The 12.96-acre AVA Pacific Beach project site is located in the Pacific Beach community of the City of San Diego, within San Diego County. The Pacific Beach community is in the mid-coastal region of the City of San Diego, south of La Jolla, west of Interstate 5 (I-5), and north of Mission Bay Park. The Pacific Ocean forms the western boundary of the Pacific Beach community. The project site is

identified as within the Crown Point neighborhood of Pacific Beach. The project site is bordered by Fortuna Avenue to the north, Jewell Street to the east, Ingraham Street to the west, and La Playa Avenue to the south. Surrounding the project site to the west, east, and south are multi- and single-family residential and commercial uses. The Crown Point Junior Music Academy is located immediately north of the project site, with single- and multi-family residential uses located farther north beyond the school. Regional access to the site is provided by I-5, approximately three miles east of the project site. Local access to the site is via Ingraham Street, Fortuna Avenue, La Playa Avenue, and Jewell Street.

The AVA Pacific Beach project site is currently developed as 564 multi-family apartment units, associated resident amenities, and approximately five acres of surface parking. Landscaping consists of street trees, shrubbery along project street frontage, shade trees in surface parking areas, and accent trees and native plant species along building walkways and sidewalks. Elevations on-site range from 30 feet to 32 feet above mean sea level (AMSL).

2.2 Project Description

2.2.1 Statement of Objectives

Pursuant to Guidelines Section 15124(b) and as described in Section 3.1.2 of the Final EIR, the project has the following objectives:

1. Redevelop underutilized portions of an existing multi-family residential site where public facilities and amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian.
2. Maximize site efficiency while assisting the City in implementing the General Plan's housing goals by providing rental housing stock with a mix of affordable and market-rate housing on the same site contributing to a range of housing opportunities and affordability.
3. Provide affordable housing on-site in a location proximate to employment uses (including the adjacent Crown Point Music Academy, nearby office, and commercial uses) and multi-modal and transportation amenities, thereby reducing reliance on the personal automobile to go about daily life.

2.2.2 Project Components

The project involves demolishing some surface parking areas and a recreational sports deck. These areas would be redeveloped as multi-family dwelling units in three buildings (Buildings 1, 2, and 3) consisting of 138 units, including seven affordable housing units. Building 1, located in the northwest corner of the project site along Fortuna Avenue, would provide 69 units and 384 parking spaces in a

parking garage. Building 2, located along the western portion of the project site fronting Jewell Street, would provide 21 units and 20 surface parking spaces. Building 3 is located in the southeast portion of the project site at the corner of Jewell Street and La Playa Avenue and would provide 48 units and 230 parking spaces in a parking garage. Residential units for the project would be provided in one-bedroom and two-bedroom configurations. All units would have private outdoor space in balconies or patios. Buildings would be two levels and three levels and would not exceed the Coastal Zone height limit of 30 feet. Parking would be provided as partially wrapped structures and minimal surface parking. A portion of the project improvements would encroach into the existing 15-foot sewer easement that runs through the site. Where this occurs, the sewer line and associated easement would be re-routed to avoid conflicts with the proposed improvements.

The project would provide a total of 634 parking spaces, where none are required. The parking spaces would be provided in garages (614 spaces) and surface parking (20 spaces). Parking on site would total 756 spaces (122 existing to remain and 634 new).

Residential vehicular access to the project site currently occurs from driveways on Jewell Street, Fortuna Avenue, and La Playa Avenue. Vehicular access is also provided to the leasing office at the project site from Ingraham Street. The project would consolidate the three existing driveways along Fortuna Avenue to one driveway. The five existing driveways along La Playa Avenue would also be consolidated to one driveway. In total, the project proposes three driveways along Ingraham Street for vehicular access to the main project entrance; as well as three driveways along Jewell Street, one driveway along Fortuna Avenue, and one driveway along La Playa Avenue for vehicular access to the parking lots and parking structures.

Pedestrian movement would be accommodated throughout the project site, allowing pedestrians to easily move between the buildings and recreation areas via accentuated enhanced paving and signage. An accessible pedestrian route is provided along Ingraham Street including access to bus stops along Ingraham Street. The project proposes a new non-contiguous sidewalk and landscaped parkway along a portion of the project site's frontage on Ingraham Street. Additionally, the project would add a concrete pad to the existing bus stop on Ingraham Street. At the entry to the leasing office on Ingraham Street, the project proposes modifications to meet Americans with Disabilities Act (ADA) requirements. The existing non-contiguous concrete sidewalk along Fortuna Avenue would remain, as well as the existing non-contiguous concrete sidewalk and pedestrian ramps at Fortuna Avenue and the alley along the west side of Building 1. The project proposes a new non-contiguous concrete sidewalk along the length of the east side of Building 1. The existing non-contiguous concrete sidewalk along the south side of Building 1 would remain. For Building 2, the project proposes new non-contiguous concrete sidewalks on the northern and southern boundaries of the building. On the eastern side of the building, along Jewell Street, the existing concrete driveway would remain, and a new vehicular gate would be installed at this project entrance.

The project includes a linear park along Jewell Street at its corner with La Playa Avenue, east of Building 3. The linear park would connect with and expand landscaping proposed along Jewell Street and La Playa Avenue. Enhanced features of the linear park would include a fitness court, bike racks, bicycle repair station, and seating structures with benches.

The proposed landscape plan includes the use of low-water-use plant materials and meets all current codes and requirements. The landscape plan has been designed to accentuate and complement existing landscaped areas, to be aesthetically pleasing and welcoming to all residents and guests, to provide a variety of experiences through multiple recreation areas, and to provide softness and scale to the architecture.

2.3 Discretionary Actions

For the 3823 Ingraham Street (a.k.a. AVA Pacific Beach) Project, the following discretionary actions are being requested.

2.3.1 Community Plan/General Plan Amendment

An amendment to the Pacific Beach Community Plan to change the existing land use from Residential (29-43 dwelling units/acre) to Residential (15-54 du/ac). The Residential (15-54 du/ac) land use designation would allow between 194 and 700 units on the project site. The proposed 138 additional units plus the existing 564 units would result in a total of 702 units on-site resulting in a density of 54.16 du/ac and is consistent with the proposed Residential (15-54 du/ac) land use designation due to density allowance (54.45 du/ac) in the proposed zone (see Section 2.3.2, *Rezone*, below).

The project site has a General Plan land use designation of Residential. The project is consistent with this land use designation. However, the project requires a Community Plan Amendment to modify the land use designation to reflect the proposed density. Because Community Plans are essentially community-specific components of the City's General Plan, a Community Plan Amendment inherently triggers a General Plan Amendment. The project includes a General Plan Amendment in name only, as the land use designation and associated text and graphics of the General Plan are consistent with the project.

2.3.2 Rezone

The project site is zoned Residential Multiple Unit (RM-3-7). The project requires a rezone to the Residential Multiple (RM-3-8) zone to provide the additional 138 residential units on 4.35 acres of the 12.96-acre project site resulting in a total of 702 units. The RM-3-8 zone permits a maximum density of one dwelling unit for each 800 square feet of lot area, which would permit up to a maximum density of 54.45 du/ac and would support a maximum density of 705 dwelling units on the project site.

2.3.3 Coastal Development Permit

A Coastal Development Permit (CDP) is required to allow for redevelopment of the project site within the Coastal Overlay Zone.

2.3.4 Utility Easements/Modifications

As part of the project, the exiting on-site sewer easement would be affected, requiring City approval of the Public Service Utility Easement modification. Specifically, a portion of the project improvements would encroach into the existing 15-foot sewer easement that runs through the site. The project would maintain the general sewer alignment that currently exists. However, where encroachment into the existing easement occurs, the sewer line and associated easement would be re-routed to avoid proposed improvements. In order to ensure adequate access to the sewer lines, the project would establish new public sewer easements, which would allow for vehicle access to all points of the on-site sewer line. In instances where the easement is encroached upon by the existing balconies, special shoring would be required in the event that the sewer line needs to be excavated.

The project would require connection to San Diego Gas & Electric (SDG&E) utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to better serve the project and SDG&E. Public Utilities Code Sections 851–857 requires SDG&E to seek California Public Utilities Commission (CPUC) approval prior to disposing of SDG&E property or allowing encroachments within SDG&E easements. Because the project would require modifications to SDG&E facilities and easements, the CPUC will make a determination regarding such modifications.

2.3.5 Incentives and Waivers

The project is proposing a density bonus and shall be entitled to incentives and waivers pursuant to Land Development Code (San Diego Municipal Code [SDMC]) Section 143.0740 and California Government Code Section 65915 et seq. . The project requests an incentive relative to SDMC Section 142.0407(e). Section 142.0407(e) requires solar mounted shade structures within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space. The project does not propose solar mounted shade structures. The project site is located within the Coastal Height Limit Overlay Zone, which has a strict height limit for structures of 30 feet. In order to provide vitally necessary affordable and market-rate housing at a scale and density consistent with the project site and surroundings, it is not possible to provide solar mounted shade structures without exceeding the Coastal Height Limit Overlay Zone height limit. This incentive allows for relief from the requirements of Section 142.0407(e).

The project would require a waiver from SDMC Table 142-10B, which requires off-street loading spaces. The project proposes 149,682 square feet of multi-family residential use. Per Table 142-10B, the project would be required to provide one off-street loading space. The project does not propose any new loading spaces. The project site represents an in-fill development constrained by existing site parameters, height limitations due to location in the Coastal Height Limit Overlay Zone, and surrounding development. Project implementation requires not only awareness of existing residential buildings and resident amenities on-site, but also requirements relative to utilities and fire safety access to the site. The provision of an additional off-street loading space is not able to be provided taking into account the various physical and regulatory constraints on the site. Loading is currently provided and actively managed by the on-site management company; this active management would be maintained with project implementation. This waiver results in a superior project design, greater provision of housing, and better responsiveness to access requirements than what may be accomplished with strict compliance with the off-street loading space requirement.

SDMC Section 131.0443(f)(3)(A) requires a minimum street side setback of 10 feet or 10 percent of the premises width, whichever is greater. The project would require a waiver to allow for encroachment into the street side setback. The premises of the project site is approximately 340 feet wide, which makes the required street side setback along Jewell Street 34 feet. SDMC Section 131.0443(f)(3)(B) allows for up to 50 percent of the building façade to encroach up to five feet into the required street side setback. For the project, a waiver is required, as 65 percent of the façades along Jewell Street encroach more than five feet into the required street side setback. The amount of encroachment ranges from approximately 11 feet to approximately 19.5 feet. The building frontage along Jewell Street represents existing and proposed buildings. Of the 65 percent total frontage encroachment along Jewell Street, existing building comprise encroachment along 51 percent of the frontage (representing approximately 80 percent of the total encroachment), while proposed buildings make up 14 percent of the frontage encroachment (or approximately 20 percent of the total encroachment). The new building encroachment into the street side setback would be 12 feet, three inches. This encroachment is reflective of the overall development pattern and rhythm along the project frontage of Jewell Street and maintains a consistent street wall, which encroaches within the minimal end of the existing encroachment range. The project design results in a cohesive appearance along Jewell Street between the existing and proposed buildings and allows for buildings to better address Jewell Street, thereby creating interest and activity for pedestrians along Jewell Street.

SDMC Section 131.0455(c) allows for private exterior open space to be located within the required front yard, but no closer than nine feet from the front property line. The project would require a waiver to allow balconies to encroach into the front yard setback. One of the balconies of proposed Building 3 is approximately seven feet from the property line along La Playa Avenue. This balcony encroaches into the required front yard setback due to the specific layout and design of the unit type to which it is attached. The one balcony that would minimally encroach into the required setback allows for unit variety without unduly hindering the pedestrian realm along La Playa Avenue.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an environmental review under CEQA (California Public Resources Code Sections 21000, et seq.) and the Guidelines promulgated thereunder in the California Code of Regulations, Title 14. Further, the City is the lead agency as the public agency which has the principal responsibility for carrying out or approving the project. (CEQA § 21067.) In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on June 22, 2022, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with CEQA Section 21083.9, the City held a virtual public agency scoping meeting, allowing the public to provide comments from December 15, 2022, through January 16, 2023. The purpose of this meeting was to seek input from the public regarding the environmental effects that may potentially result from the project. Various agencies and other interested parties responded to the NOP. The NOP, comment letters, and transcript of comments made during the scoping meeting are included as Appendix A of the Final EIR.

The City prepared and published a Draft EIR, which was circulated for a 45-day public review and comment period beginning on April 2, 2025, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

During the public review period, the City received comments on the environmental document. After the close of public review period on May 19, 2025, the City provided responses in writing to all comments received on the Draft EIR. The Final EIR and the response to comments for the project was published on July 31, 2025. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines.

4.0 SUMMARY OF IMPACTS

Impacts associated with specific environmental issues resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes that the project would have no impacts with respect to the following issues:

- Agricultural Resources and Forestry
- Mineral Resources
- Biological Resources
- Geologic Conditions
- Paleontological Resources
- Health and Safety
- Population and Housing

- Wildfire

The Final EIR concludes that the project would have a less than significant impact and requires no mitigation measures with respect to the following issues:

- Land Use
- Visual Effects and Neighborhood Character
- Air Quality
- Greenhouse Gas Emissions
- Energy
- Noise
- Hydrology
- Water Quality
- Public Services and Facilities
- Public Utilities

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

- Historical Resources
- Tribal Cultural Resources

The Final EIR concludes the project would potentially have a **significant and unavoidable impact** and no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

- Transportation (VMT)

5.0 FINDINGS REGARDING SIGNIFICANT IMPACTS

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

5.1 Findings Regarding Impacts that will be Mitigated to Below a Level of Significance [CEQA § 21081(a)(1) and CEQA Guidelines § 15091(a)(1)]

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

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Final EIR (PRJ-1059329/ SCH No. 2022120345) as described below.

5.1.1 Historical Resources

5.1.1.1 Potentially Significant Effect

The project site is built out and the likelihood of discovering prehistoric resources is low. However, the project site is within the boundaries of a known archaeological site and, based on the amount and depth of grading and excavation needed for the project, there is potential for buried significant cultural resources to be encountered that would meet the significance criteria in Section 15064.5 of the State CEQA Guidelines. Refer to Final EIR Section 5.8.3 for additional details.

5.1.1.2 Facts in Support of Finding

The records search conducted for the project showed that the project is within the boundaries of a known archaeological site. The project site is built out and the likelihood of discovering prehistoric resources is low. However, the possibility remains that intact cultural deposits may exist in the subsurface of the project site and could be encountered during grading and excavation activities. Impacts to historical resources (archaeology) would be potentially significant (Final EIR Section 5.8.3).

Mitigation Measures:

MM-HIST-1

ARCHAEOLOGICAL RESOURCES

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.

3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

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

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

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

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

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. Night and/or Weekend Work

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

VI. Post Construction

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

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

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

5.1.1.3 Finding

With the implementation of MM-HIST-1, impacts to historical resources would be reduced to below a level of significance. The mitigation monitoring program would ensure impacts are reduced through monitoring conducted by a qualified archaeologist for ground-disturbing activities during the project construction phase. If a resource is found, grading activities would be limited to allow for proper recovery and review by qualified archaeologists. Any significant resources found would be curated at a qualified institution or repatriated as applicable per the measure, and associated information preserved. Implementation of this monitoring program would ensure that the development of the AVA Pacific Beach project would mitigate direct project impacts to historical resources to below a level of significance.

Reference: Final EIR § 5.8.

5.1.2 Tribal Cultural Resources

5.1.2.1 Potentially Significant Effect

The project site is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. The project area has the possibility for potential tribal cultural resources (in the form of unknown subsurface archaeological resources). Therefore, there is the potential for inadvertent discovery of a significant resource that could be impacted by project grading and excavation activities. Impacts to tribal cultural resources would be potentially significant. Refer to Final EIR Section 5.13.3.

5.1.2.2 Facts in Support of Finding

The likelihood of discovering tribal cultural resources is low due to the project site being fully developed. However, the possibility remains that intact subsurface cultural deposits may exist within the proposed project site considering the sensitivity rating of the area and that cultural resources have been identified in the area of the project site (Final EIR Section 5.13.3). Proposed grading would potentially disturb or destroy such subsurface resources. Impacts to tribal cultural resources would

be potentially significant. Construction monitoring by a qualified archaeologist and Native American monitor would be required for ground-disturbing activities during the project construction phase.

Mitigation Measures:

MM-HIST-1 listed above in 5.1.1.2 requires a monitoring program and would be implemented to mitigate this impact.

5.1.2.3 Finding

With implementation of MM-HIST-1, impacts to tribal cultural resources would be reduced to below a level of significance through monitoring conducted by a qualified archaeologist and Native American monitor for ground disturbing activities during the project construction phase. If a resource is found, grading activities would be limited to allow for proper recovery and review by qualified archaeologists and a Native American monitor. Any significant resources found would be curated at a qualified institution or repatriated as applicable per the measure, and associated information preserved.

Reference: Final EIR § 5.13.

5.2 Findings Regarding Mitigation Measures that Are Significant and Unavoidable [CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3)]

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding transportation and circulation impacts associated with VMT:

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (PRJ. 1059329/SCH No. 2022120345) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.2.1 Transportation and Circulation

5.2.1.1 Potentially Significant and Unavoidable Impact

The residential VMT per capita for the project exceeds the significance threshold for residential projects of 15 percent below the regional mean VMT per capita. Therefore, the project would result in a significant transportation impact relative to VMT. Refer to Final EIR Sections 5.2.3.2 and 6.3.2; and Appendix C of the Final EIR for additional details.

5.2.1.2 Facts in Support of Finding

In conformance with California Senate Bill (SB) 743, the project's vehicular impacts were evaluated using a vehicle miles traveled (VMT) metric, pursuant to the latest direction from the OPR Technical Advisory and consistent with the City's Transportation Study Manual (TSM). The project is located within Census Tract 77.02 with 17.4 VMT per resident, which is 91.9 percent of the regional mean. The significance threshold for a residential project is 15 percent or more below the regional mean VMT per capita. This residential project generates 828 unadjusted daily trips, which is under the 2,400-trip threshold, indicating that the project's residential VMT per capita can be considered the same as the residential VMT per capita of the census tract in which it is located. The SANDAG Series 14 (ABM 2+ base Year 2016) Regional VMT screening map at the project site shows that the census tract that contains the project is not a VMT-efficient area with over 85 percent of the regional residential mean VMT per capita. Because the census tract residential VMT per capita is 91.9 percent of the residential mean VMT per capita of 18.9, it is more than the 85 percent threshold and does not pass the screening.

SDMC Ordinance Number O-21274 describes the regulations for the Mobility Choices portion of the Complete Communities Program. The project is subject to Mobility Choices Regulations. One purpose of the Mobility Choices Regulations is to assist the City in determining the feasible level of VMT reductions that developments can implement to address environmental impacts from developments on the City's VMT, while still providing other benefits from the development that the City finds desirable. The site is located within Mobility Zone 2, meaning it is partially or entirely within a Transit Priority Area (TPA). According to the SDMC Section 143.1103(b)(1), development in Mobility Zone 2 shall include VMT Reduction Measures totaling at least five points, unless the project exceeds the Basic parking requirements. Parking for the project, including existing parking for the project site, does not exceed the Basic parking requirement (1,140 spaces); therefore, the project must and shall include VMT Reduction Measures totaling at least five points.

The project would implement mitigation measure TRANS-1, provided below, that includes VMT reduction measures totaling five points. These measures are recognized in the Mobility Choices regulations as the feasible level of VMT reductions that the project can implement to address the VMT of development. However, the VMT reduction measures would not result in reducing the

project's VMT impact to below 15 percent; and there are no additional measures that can be implemented such that the project is 15 percent or more below the regional mean VMT per capita. Therefore, the projects VMT impact would remain significant and less than fully mitigated.

TRANS-1: In accordance with SDMC Section 143.1103(b)(1), the project shall include VMT Reduction Measures totaling five points. Prior to issuance of the first Certificate of Occupancy, the Owner/Permittee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures totaling five points as shown on Exhibit A, satisfactory to the City Engineer.

- Pedestrian Measure 8: Install resting area/recreation node on-site, adjacent to public pedestrian walkway (Four Points)
- Bicycle Measure 12: Provide on-site bicycle repair station (One Point)

5.3.1.2 Finding

As there would be no mechanism to implement mitigation to reduce the potentially significant transportation and circulation impact with regard to VMT, the impact would remain significant and unavoidable.

Reference: Final EIR § 5.2.3.2, Final EIR § 6.3.2 and Final EIR Appendix C.

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

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

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

Because the project has the potential to cause one or more significant environmental effects, the City must make findings with respect to the alternatives to the project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the project's significant environmental effects while achieving most of its objectives (listed in Section 2.3, above, and Section 3.1.2 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (PRJ-1059329/ SCH No. 2022120345):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (PRJ-1059329/ SCH No. 2022120345) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4.1 Alternative 1 – No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “no project” alternative, along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as circumstances under which the project does not proceed. In other words, the No Project/No Build alternative assumes that the project site would not be developed with the project.

Under the *No Project/No Build* alternative, the project would not be implemented on the site. The existing underutilized portions of the site would not be demolished; the site would be left as it exists today. No redevelopment of the site to include additional residential buildings, amenities, associated landscaping, and other improvements would occur.

5.4.1.1 Potentially Significant Effects

When compared to the project, the *No Project/No Build* alternative would eliminate the potential for impacts to transportation and circulation (VMT threshold), historic resources (archaeology), and tribal cultural resources associated with the project, as no grading or construction would occur. The *No Project/No Build* alternative would also reduce environmental effects associated with air quality, GHG emissions, and energy, as no new trips would occur under this alternative. This alternative would also result in less noise impacts as no new construction or grading would occur; however, there are no significant noise impacts associated with the project and therefore the *No Project/ No Build* alternative would result in the same no impact conclusion. There would also be less impacts to public services and public utilities, as well as no impacts to schools, libraries, and recreation, as no residential development would occur. However, based on the analysis in the Final EIR, none of those effects

would be regarded as significant under the project and therefore the *No Project/ No Build* alternative would result in the same no impact conclusion. Although the *No Project/No Build* alternative would be less compatible visually and from a neighborhood character perspective than what is proposed by the project, such effects would not reach a level of significance.

5.4.1.2 Finding and Supporting Facts

Finding: The No Project/No Build alternative is rejected because it fails to satisfy the project's underlying purpose and basic project objectives. Social considerations, including matters of public policy and housing needs, make this alternative infeasible. The City finds that each of these grounds is independently sufficient to support rejection of this alternative.

Rationale: Under the *No Project/No Build* alternative, no new development would be implemented on the site. The existing underutilized portions of the site would not be demolished; the site would be left as it exists today. No redevelopment of the site to include additional residential buildings, amenities, associated landscaping, and other improvements would occur.

The *No Project/No Build* alternative would not meet any of the project objectives. This alternative would not provide additional market rate and affordable housing to serve the urgent needs of the City and where transit is immediately available and would not result in community benefits that promote access to transit and improve the pedestrian experience. The *No Project/No Build* alternative would not feasibly accomplish the basic objectives of the project. Social considerations, including matters of public policy and housing needs, make this alternative infeasible.

Reference: Final EIR § 10.6.1.

5.4.2 Alternative 2 – Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources

The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative that eliminates Building 1 was evaluated, which would reduce the potential to encounter subsurface cultural resources (archaeology) and tribal cultural resources. Building 1 fronts on Fortuna Avenue and would include half of the overall new residential units provided by the project. Building 1 involves the construction of 69 units wrapped around a new parking garage that would provide 384 parking spaces.

As identified in Section 5.8 and 5.13 of the Final EIR, grading and excavation could affect unknown subsurface resources, resulting in a potentially significant effect to archaeological and tribal cultural resources. Mitigation measure HIST-1 would reduce impacts to below a level of significance. The only way to avoid impacts to archaeological and tribal cultural resources would be to not construct the project—essentially the *No Project/No Build* alternative, addressed as Alternative 1 Section 5.4.1, above. To reduce the potential for impacts associated with archaeological and tribal cultural

resources, the area proposed for redevelopment would need to be reduced in size such that the overall area graded would be less.

Therefore, a reduced density alternative that eliminates Building 1 would reduce the potential to encounter subsurface cultural resources (archaeology) and tribal cultural resources, as no grading or excavation would occur in that area.

With the elimination of Building 1, this alternative would provide a total of 69 new residential units in Building 2 (21 units) and Building 3 (48 units) and would include three affordable housing units and a total of 250 parking spaces (20 spaces at Building 2 and 230 spaces at Building 3). Proposed landscape and pedestrian improvements along Fortuna Avenue would not occur, because there would be no new construction along that street to warrant improvements to the existing sidewalk and landscaping. Buildings 2 and 3 would be constructed under this alternative as proposed by the project, as well as project amenities associated with those buildings, proposed landscape, and pedestrian improvements along Jewell Street and La Playa Avenue. The architecture and design of Buildings 2 and 3 would be the same as the proposed project.

Because of the height limits restriction of the Coastal Height Limit Overlay Zone, the 69 units contained in Building 1 could not be moved to Buildings 2 and/or 3, as those buildings are at the maximum height allowed in the Coastal Height Overlay Zone. Thus, under this alternative, only 69 new units would be provided on the project site. Similar to the project, the intensity of development resulting from this alternative (48 dwelling units per acre) would exceed the residential land use designation of the Community Plan, as well as the density allowed in the existing zone. Therefore, this alternative would require a Community Plan Amendment and Rezone, as the project does.

5.4.2.1 Potentially Significant Effects

When compared to the project, the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would reduce impacts to historic resources (archaeology) and tribal cultural resources. This alternative would result in the same level of impacts to transportation and circulation with regard to VMT, as the project and could implement similar mitigation measures to partially reduce impacts to below a level of significant. This alternative would also result in less noise impacts, as less grading would occur; however, there are no significant noise impacts associated with the project. This alternative would have a slight reduction in effects associated with air quality, GHG emissions, and energy, as less development would occur under this alternative. There would also be a slight reduction in impacts to public services and public utilities, as less residential development would occur. However, based on the analysis in the Final EIR, none of those effects would be regarded as significant under the project. Impacts relative to visual effects and neighborhood character would be the same as the project and would also not be significant.

Finding: The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would result in reduced potential for impacts to historic (archaeology) and tribal cultural resources due to the reduced footprint. This alternative would contribute 69 less units than the project and the wrap-around parking garage with 384 parking spaces would not be constructed. This alternative would not meet the Project Objective 2 to maximize site efficiency while assisting the City in implementing the General Plans housing goals, and would also satisfy Project Objective 3 to a substantially lesser extent since development would not be maximized. Social and housing need considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale:

The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would meet two-thirds of the project objectives, albeit at a much reduced level. This is most evident with Project Objectives 2 and 3. This alternative does not *maximize site efficiency by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City* and does not *provide for infill redevelopment of underutilized portions of a site within an urban area, where public facilities and amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian* to the extent that the project does.

The goals of the General Plan Land Use Element include increasing the City's supply of land designated for various residential densities and ensuring diverse and balanced neighborhoods and communities with housing available for households of all income levels. The General Plan's Housing Element has policies that aim to provide a variety of housing types and sizes with varying levels of affordability in residential and village developments (HE-I.1 and HE-I.2). The unit mix also accommodates the needs of a variety of potential residents, as they can select a unit that meets their size and budgetary needs (LU-H.1, LU-H.2). Although this alternative would provide new housing that relies on and supports transit use (HE-O.2), as stated above, it would not do so at a substantially reduced level when compared with the project considering it would provide 69 fewer units.

The project would contribute 138 units to the 108,036 units allocated to the City under the County's Regional Housing Needs Assessment (RHNA) for the 2021-2029 Housing Element period. While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). Considering this, as public policy, the City aims to maximize the number of new residential units due to the ongoing housing crisis. This alternative would not maximize the number of units and would not fulfill City policy to the extent of the proposed project.

The Pacific Beach Community Plan Residential Land Use element includes the goal to “[p]romote the development of a variety of housing types and styles in Pacific Beach to provide a greater opportunity for housing that is both affordable and accessible by everyone.” While the *Reduction of Cultural*

Resources (Archaeology) and Tribal Cultural Resources Impacts alternative would include 69 units with three affordable units, it would be half than the project's 138 units with seven affordable units. The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would not meet the Pacific Beach Community Plan vision and strategies to the extent of the proposed project. This alternative would not result in an efficient use of an infill site, located proximate to transit and well-served by existing infrastructure, and also would not provide for the amount of market rate and affordable housing as the project would, thereby reducing the effect of redeveloping the project site to create housing opportunities in the Pacific Beach community and the City. Additionally, pursuant to Public Resources Code section 21159.26, "[w]ith respect to a project that includes a housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation." Based on the analysis in the Final EIR, none of the effects reduced by the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would be regarded as significant under the project, which includes specific mitigation measures that provide a comparable level of mitigation.

As indicated above, the City is in a housing crisis and needs additional housing supply. Considering the City's Housing Element and 2022 Climate Action Plan, the City policy is to locate additional housing within transit priority areas to the extent possible in order to reduce vehicle miles travelled and associated emissions. The greater increase in housing within these areas would result in greater reductions in vehicle miles travelled and related GHG emissions, including by increasing opportunities for and frequency of transit service. Thus, although the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impact* alternative would increase the number of residential units within a transit priority area, the proposed project would further increase the number of residential units within a transit priority area and promote the City's goals of providing housing and reducing greenhouse gas emissions to a greater extent.

The reduction in the proposed number of units renders the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative infeasible based on social considerations and City's housing needs.

Additionally, pursuant to Public Resources Code section 21159.26, the City may not reduce the proposed number of housing units as a project alternative because there are other feasible specific mitigation measures which will provide a comparable level of mitigation.

Reference: Final EIR § 10.6.2.

6.0 FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

6.1 Growth Inducement

6.1.1 Short-term Growth Inducing Effects

During construction activities associated with the project, demand for various construction trade skills and labor would increase. 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, which could cause an increased demand for temporary or permanent housing in this area. Further, construction of the project would be short-term and temporary. It would not lead to an increase in employment on-site that would stimulate the need for additional housing or services. Therefore, no associated substantial short-term growth-inducing effects would result.

6.1.2 Long-term Growth Inducing Effects

The project proposes the construction of 138 multi-family dwelling units in three buildings with parking on underutilized portion of the project site currently developed with 564 multi-family residential units. The project site is designated as Residential Multi-family [23-43 dwelling units per acre (du/ac)] in the Pacific Beach Community Plan. The project site is zoned Residential Multiple (RM)-3-7. The project would require a Community Plan Amendment and a Rezone to allow for the proposed increase of residential development on-site.

Based on San Diego Association of Governments (SANDAG's) 2050 Regional Growth Forecast rate for the Pacific Beach community for year 2035, the population rate coefficient is 1.99 persons per household. Thus, the 138-unit development would introduce an estimated 274.62 people to the area. The project would help accommodate the existing and planned population and population growth anticipated in the City and would aid the existing housing shortage by providing market-rate and affordable rental units. The project would not directly induce substantial growth through the development of residential land uses within a vacant site.

The City of San Diego is experiencing a housing shortage as discussed in the City of San Diego General Plan Housing Element 2021-2029. The City of San Diego's portion of the County's RHNA target for the 2021-2029 Housing Element period is 108,036 homes (City of San Diego 2020). While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 and 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). The project's proposed construction of 138 units is anticipated to help accommodate the existing and planned population and population growth anticipated in the City and help with the existing housing shortage. Therefore, the project would not directly induce substantial unplanned population growth to the area.

The project would not induce extensions of roads or other infrastructure. The project site is surrounded by residential and commercial development that is served by existing public services and utility infrastructure. The project would connect to existing utilities. No new major infrastructure facilities are required to accommodate the proposed project. The project would not remove an obstacle to growth or expand public services and facilities to accommodate additional economic or population growth beyond that proposed for the site. Roadways already exist to serve the project, and no improvements would be needed as a result of the project.

Additionally, the project site is fully served by public infrastructure and does not propose to extend new infrastructure or increase the capacity of public services, such as water or sewer, in excess of what is necessary to adequately serve the project site. Although the project includes some improvements to existing utilities within the site, these improvements would serve only the project and would not extend off-site. Additionally, surrounding areas are generally developed and the overall area is currently served by public infrastructure. The project would not result in a substantial alteration to the planned location, distribution, density, or growth rate of the Pacific Beach community, adjacent communities, or the City as a whole. The project would not result in significant impacts associated with growth inducement.

6.2 Significant Irreversible Environmental Changes that Will Be Caused by the Project

As required by Section 15126.2(c) of the CEQA Guidelines, the significant irreversible environmental changes of a project shall be identified. Irreversible commitments of non-renewable resources are evaluated to assure that their use is justified. Irreversible environmental changes typically fall into three categories: primary impacts, such as the use of nonrenewable resources; secondary impacts, such as highway improvements that provide access to previously inaccessible areas; and environmental accidents associated with a project. Section 15126.2(d) of the Guidelines states that irretrievable commitments of resources should be evaluated to ensure that the current consumption of resources is justified.

6.2.1 Impacts Related to Nonrenewable Resources

Development would occur as a result of the project that would entail the commitment of energy and natural resources. The primary energy sources would be electricity, natural gas, and fossil fuels. Use of electricity, natural gas, and fossil fuels represents an irreversible commitment of these resources. Construction of the project would also require the use of various raw materials, including cement, concrete, lumber, steel, etc. These resources would also be irreversibly committed. Once constructed, operation of the project would entail a further commitment of energy resources in the form of fossil fuels and electricity. This commitment would be a long-term obligation since the project would result in the development of structures that are likely to have a useful life of 20 to 30 years or more.

The project would increase demand for energy in the project area and SDG&E's service area. However, no adverse effects on non-renewable resources are anticipated. The project would follow Uniform Building Code (UBC) and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. The impact of increased energy usage would not result in a significant adverse environmental impact.

Additionally, the project would be consistent with the City's Climate Action Plan (CAP). A CAP Consistency Checklist has been prepared for the project that outlines specific strategies and actions that reduce greenhouse gas emissions, which would also reduce energy consumption. For example, pursuant to CAP Strategy 1, the project would include roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code; or would include roof construction that has a thermal mass over the roof membrane, including areas of vegetated (green) roofs weighing at least 25 pounds per square foot as specified in the voluntary measures under California Green Building Standards Code; or would provide a combination of these two design features. In accordance with Strategy 2, the project would include low-flow fixtures and appliances. Pursuant to Strategy 3, the project includes electric vehicle parking spaces with the necessary electric vehicle supply equipment installed to provide active electric vehicle charging stations ready for use by residents.

6.2.2 Other Environmental Changes

Implementation of the project would not result in significant irreversible impacts to agricultural, mineral resources, biological resources, geologic conditions, paleontological resources, health and safety, population and housing, and wildfire. The project site is currently accessible via regional transportation facilities and local roadways. The immediate vicinity is a developed, urbanized area of the City with residential and neighborhood commercial uses to the west, east and south and the Crown Point Junior Music Academy to the immediate north. No new freeways or roadways are proposed that would provide access to currently inaccessible areas. Therefore, implementation of the project would not result in a significant irreversible commitment with regard to unplanned land use.

7.0 FINDINGS REGARDING RESPONSES TO LETTERS OF COMMENTS AND FINAL EIR REVISIONS

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines Section 15088(c).

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

8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA and Sections 15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the project against potential unavoidable significant impacts to Transportation (VMT) associated with the project and has examined alternatives to the project that could avoid these significant impacts and has rejected them as infeasible, finding that none of them would fully meet the basic project objectives and, additionally, each is independently infeasible due to social considerations, including matters of public policy and housing needs.

Each of the separate benefits of the project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings. 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 whether in the preceding section, which are by reference in this section, the Final EIR, or in documents that comprise the Records of Proceedings in this matter.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide benefits, of the project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

8.1 Considerations

8.1.1 Provide Much-Needed Housing

The AVA Pacific Beach project will add 138 residential units, including seven affordable housing units that will be provided to very low income households. The project would contribute 138 units to the 108,036 units allocated to the City under the County's Regional Housing Needs Assessment (RHNA) for the 2021-2029 Housing Element period. Re-developing underutilized portions of the existing project site with additional residential development will serve the growing needs of the Pacific Beach community and the City of San Diego by meeting critical housing needs and supporting current and future employment centers.

8.1.2 Contributes to Community Character

The project contributes to the enhancement of the character of the Crown Point neighborhood of the Pacific Beach community through redevelopment of an underutilized site with architectural elements, enhanced landscaping, and design components that further contribute to the character of this neighborhood. Project design includes low-rise buildings consistent with the existing patterns of development in the project vicinity.

8.1.3 Provide Housing Proximate to Transit

The project will provide affordable housing adjacent to two Metropolitan Transit System (MTS) bus stops along the project frontage and within one-half mile of two MTS bus transit stops. The project would also provide housing near employment and institutional uses, multi-modal transit, and regional transportation amenities. This would assist in reducing reliance on the personal automobile to go about daily life.

8.1.6 Implements the City's Climate Action Plan

The City's CAP is a proactive step toward addressing and reducing the City's greenhouse gas (GHG) emissions. The CAP provides a roadmap for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. Compliance with the CAP is determined via the CAP Consistency Checklist which ensures that the specified emissions targets identified in the CAP are achieved.

The City's CAP Consistency Checklist focuses on operational emissions associated with planned land uses and includes a three-step process to determine if a project would result in a GHG impact. Step 1 consists of an evaluation to determine the project's consistency with existing General Plan, Community Plan, and zoning designations for the site. Step 2 consists of an evaluation of the project's

compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but results in a more intensive project in a transit priority area than assumed in the CAP.

The project is consistent with Step 1 of the checklist as it includes a Community Plan Amendment that results in an increased density within a TPA. The project is also consistent with Step 2 as it is consistent with each of the strategies and measure outlined in Step 2 of the CAP Checklist. The project would comply with Step 3, as the project would provide transit-supportive residential densities within a TPA; support the increased use of transit in a TPA; implement features that support walkability and bicycle use; contribute to the City's urban canopy tree coverage goal; and function overall as a Transit Oriented Development. The project is consistent with Step 3 of the CAP.

The project is consistent with the CAP and therefore ensures the specified emissions targets identified in the CAP are achieved.

8.2 CONCLUSION

For the foregoing reasons, the City Council finds in accordance with Public Resources Code 21081(b) and 21085.5 and CEQA Guidelines 15093 and 15043, that the project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigated effects that were found. Therefore, the City Council has adopted this SOC.