THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 454123
SCH No. 018061037

SUBJECT: Carmel Valley Hotel Project SITE DEVELOPMENT PERMIT (SDP), COASTAL DEVELOPMENT PERMIT (CDP), and NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) for the development of one 1.46-acre parcel currently developed with a one-story restaurant building with a five-story, 127-guestroom hotel with a pool and spa, meeting space, outdoor amenity area, surface parking and one level of subterranean parking. The proposed project site is located at 3510 Valley Centre Drive, San Diego, CA 92130. The total gross building area including the subterranean parking would be 106,675 square feet (SF). This includes approximately 1,400 SF of meeting space, 2,500 SF of food and beverage services (e.g., dining space, kitchen, etc.), and a 2,500-SF lobby. A total of 127 parking spaces are proposed (49 within surface parking and 78 within the subterranean parking lot), including 5 accessible spaces and 11 carpool/zero emission spaces. Additionally, 3 parking spaces would be provided for motorcycles and 9 would be provided for short-term bicycle parking. Public utilities, including sewer, water, and fire mains, would connect with existing lines within Valley Centre Drive to serve the project. Site preparation would include demolition of the existing 8,669-SF restaurant building, parking lot, curbs, and sidewalks and grading for the subterranean parking garage (approximately 11,500 cubic yards of soil export).

Revisions to this document have been made when compared to the Draft Mitigated Negative Declaration (DMND) dated June 12, 2018. Information was added to the Geology and Soils which clarified where groundwater was encountered. The modification to the Final MND is denoted by strikeout and underline format. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. The information that was added to the environmental document does not affect the environmental analysis or conclusions of the MND.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Cultural Resources (Paleontology)**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION: The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS**."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

https://www.sandiego.gov/development-services/industry/information/standtemp

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

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

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Paleontological Monitor

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

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) #454123 and /or Environmental Document # 454123, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

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

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency. **Not Applicable**

4. MONITORING EXHIBITS

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

NOTE:

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

5. OTHER SUBMITTALS AND INSPECTIONS:

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

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Paleontological Resources	Monitoring Report(s)	Monitoring Approval
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL MONITORING PROGRAM

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 Paleontological Monitoring have been noted on the appropriate construction documents.

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 paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain 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 has been completed. Verification includes, but is not limited to a copy of a confirmation letter

from San Diego Natural History Museum, other institution 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.

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, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological 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
   Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME 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 conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **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 PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR'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 Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery 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.

C. Determination of Significance
   1. The PI shall evaluate the significance of the resource.
      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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
      b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) 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.
      c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
      d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
   1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
   2. The following procedures shall be followed.
      a. No Discoveries
         In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
      b. Discoveries
         All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
      c. Potentially Significant Discoveries
         If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
      d. The PI shall immediately contact MMC, or by 8AM on 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 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.

V. 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 Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
      a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
      b. Recording Sites with the San Diego Natural History Museum
         The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum 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 Fossil Remains
   1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
   2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification
   1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
   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.

D. Final Monitoring Report(s)
   1. The PI shall submit two copies of the Final Monitoring Report 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 until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

STATE OF CALIFORNIA
State Clearinghouse (46)

CITY OF SAN DIEGO
Development Project Manager: Glenn Gargas
Mayor's Office
Councilman Barbara Bry, Councilmember District 1
EAS – Jeff Szymanski
Plan-Long Range Planning – Naomi Siodmok
Plan-Long Range Planning- Alyssa Muto
LDR Planning – Conan Murphy
LDR Transportation – Leo Alo
Fire- Brenda Sylvester
LDR Engineering – Hoss Florezabihi
LDR-Landscaping Daniel Neri
LDR Geology - Jacobe Wasburn
ESD- Lisa Wood
Facilities Financing-Megan Sheffield
San Diego Central Library (81A)
Carmel Valley Branch Library (81f)

OTHER ORGANIZATIONS AND INTERESTED PARTIES
San Diego Natural History Museum (166)
Carmel Valley Community Planning Board (350)
Noel Heller
Leslie Gaunt
Sam Prawer

VII. RESULTS OF PUBLIC REVIEW:

( ) No comments were received during the public input period.

( ) Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.

(X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.

Jeff Szymanski
Senior Planner
Development Services Department

June 12, 2018
Date of Draft Report

September 21, 2018
Date of Final Report

Analyst: Jeff Szymanski

Attachments: Initial Study Checklist
Figure 1 – Location Map
Figure 2 – Project Vicinity Map
Figure 3- Site Plan

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

July 16, 2018

Jeff Szymanski
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Carmel Valley Hotel
SCH#: 2018061037

Dear Jeff Szymanski:

A-1

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 13, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

Governor's Office of Planning and Research – State Clearinghouse

A-1 This is a letter from the State Clearinghouse acknowledging circulation of the Carmel Valley Hotel Project Mitigated Negative Declaration to selected state agencies for review and the dates of the state review period (June 14, 2018 through July 16, 2018). No agency letters were received by the State Clearinghouse and no response is necessary.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

July 24, 2018

11-SD-5
PM R33.078
Carmel Valley Hotel
MND/SCH#2018061037

Mr. Jeff Szymanski
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Dear Mr. Szymanski:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Mitigated Negative Declaration (MND) for the Carmel Valley Hotel located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

B-1

A Temporary Construction Easement (TCE) of 30 feet is needed from the bridges for the proposed Interstate-5 (I-5) and State Route 56 (SR-56) connectors. Attached are the proposed design plans for the I-5/SR-56 connectors.

A Final Environmental Impact Report/Environmental Impact Statement for the Interstate 5/State Route 56 Interchange Project has been approved. A copy is available upon request.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to kimberly.dodson@dot.ca.gov.

Sincerely,

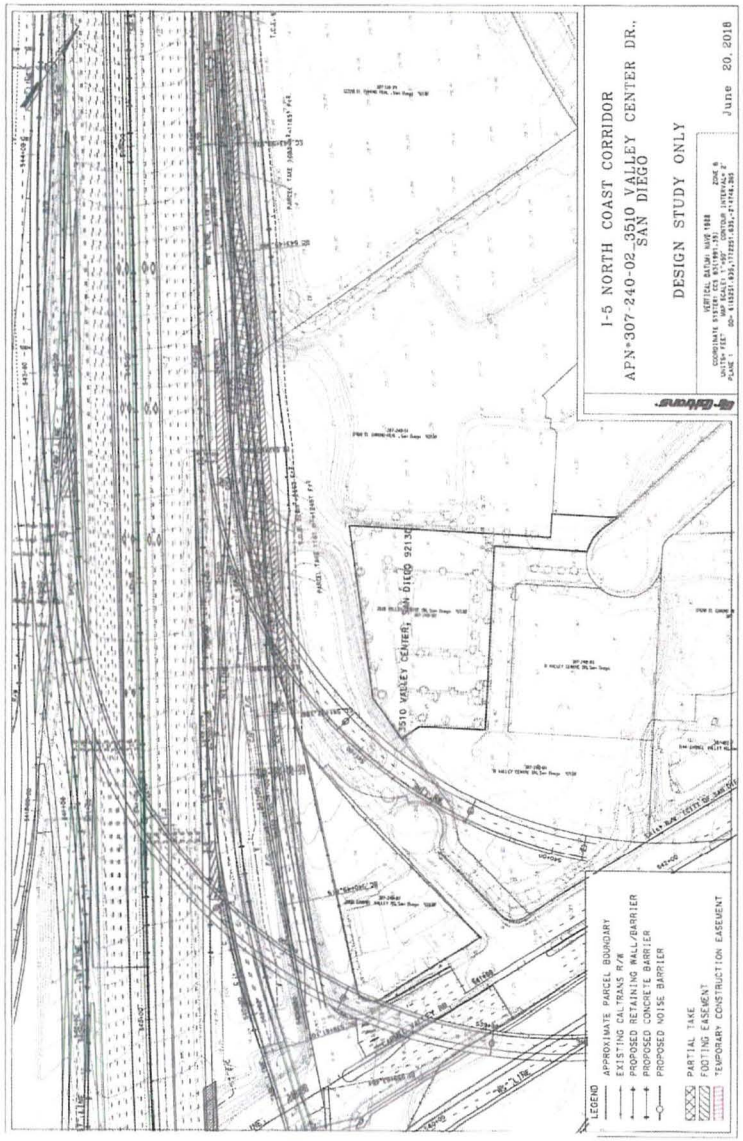
JACOB ARMSTRONG, Branch Chief
Local Development and Intergovernmental Review Branch

Attachments:
North Coast Corridor Design Study
Project Features for the Direct Connector

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

California Department of Transportation (Caltrans) District 11

B-1 This is a letter notifying the City of a Temporary Construction Easement located west and north of the project site for the construction of the Interstate 5 and State Route 56 connectors. No response is necessary.


I-5 NORTH COAST CORRIDOR
APN*307-240-02 3510 VALLEY CENTER DR.,
SAN DIEGO
DESIGN STUDY ONLY
June 20, 2018
3510 VALLEY CENTER, SAN DIEGO 92130
LEGEND
APPROXIMATE PARCEL BOUNDARY
EXISTING CALTRANS R/W
PROPOSED RETAINING WALL/BARRIER
PROPOSED CONCRETE BARRIER
PROPOSED NOISE BARRIER
PARTIAL TAKE
FOOTING EASEMENT
TEMPORARY CONSTRUCTION EASEMENT

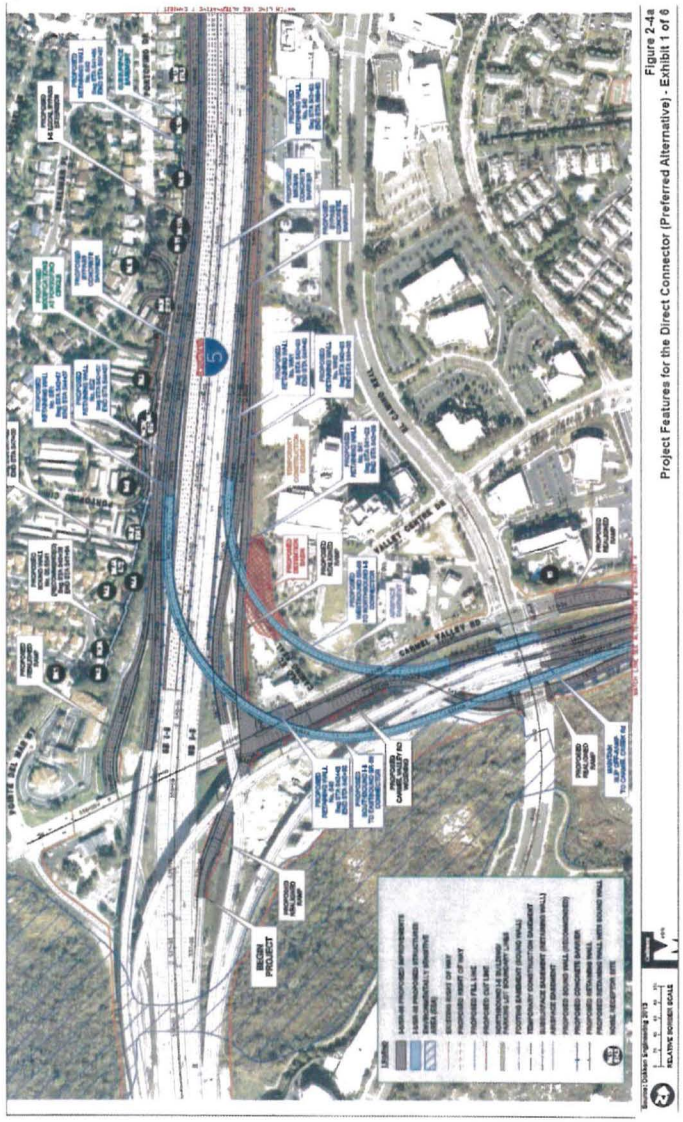


Figure 2-4a
Project Features for the Direct Connector (Preferred Alternative) - Exhibit 1 of 6
CARMEL VALLEY RD
BEGIN PROJECT

STATE OF CALIFORNIA — Edmund G. Brown Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471

Clear 7-13-18 E

June 22, 2018

Governor's Office of Planning & Research
JUL 02 2018
STATE CLEARINGHOUSE

Jeff Szymanski
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Also sent via e-mail: jszymanski@sandiego.gov

Re: SCH# 2018061037, Carmel Valley Hotel Project, Community of Carmel Valley, City of San Diego; San Diego County, California

Dear Mr. Szymanski:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above. The review included the Project Description; and the Initial Study Checklist, section V, Cultural Resources and section XVII, Tribal Cultural Resources prepared by the City of San Diego. We have the following concerns:

C-1

1. Mitigation for inadvertent finds of Cultural Resources or human remains is missing. If groundbreaking activities are included in the project, these measures should be included and the finding of significance should be categorized as "less than significant with mitigation".

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3714 if you have any questions.

Sincerely,

Gayle Totton

Gayle Totton, B.S., M.A., Ph.D.
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

Native American Heritage Commission

C-1 Please refer to Sections V(a) and XVII(b) of the Initial Study Checklist. As noted therein, a record search of the California Historic Resources Information System (CHRIS) digital database did not identify archaeological resources within or adjacent to the project site. The preliminary soil investigation report and soil engineering addendum/geologic report prepared for the project (Soil Exploration Company, Inc. 2016 and 2017, respectively) indicated that the subsurface soil characteristics of the project site, undocumented/man-made fill and bedrock, are unlikely to support undisturbed cultural deposits. During Assembly Bill (AB) 52 coordination conducted with the Iipay Nation of Santa Ysabel and the Jamul Indian Village, it was determined that there are no sites, features, places, or cultural landscapes that would be substantially adversely impacted by the proposed project and no further evaluation requirements were identified. Based upon the negative CHIRS search and previously disturbed nature of the site, as well as the results of the AB 52 consultation with the Native American Tribes traditionally and culturally affiliated with the project area, qualified archaeological City staff determined that archaeological resources would not be impacted as part of the project. Because no significant impacts would occur mitigation would not be required to address inadvertent finds of cultural resources or human remains. In the extremely unlikely event that inadvertent finds are made, the project would be required to comply with applicable law, including Health and Safety Code Section 7050.2 and Public Resources Code Section 5097.98.

No comments on the IS/MND are provided in the following attachment to the letter; no further response is required.

ADDITIONAL INFORMATION

The California Environmental Quality Act (CEQA)[1], specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.[2] If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.[3] In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).[4] **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"[5], that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.[6] Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.[7] Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966[8] may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.[9] and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).[10]

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.
b. Recommended mitigation measures.
c. Significant effects.[11]

1. The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.

[1] Pub. Resources Code § 21000 et seq.
[2] Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
[3] Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
[4] Government Code 65352.3
[5] Pub. Resources Code § 21074
[6] Pub. Resources Code § 21084.2
[7] Pub. Resources Code § 21084.3 (a)
[8] 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.
[9] Pub. Resources Code § 21080.3.1, subds. (d) and (e)
[10] Pub. Resources Code § 21080.3.1 (b)
[11] Pub. Resources Code § 21080.3.2 (a)

2

c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. [12]

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. [13]

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. [14]

Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. [15]

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. [16]

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b). [17]

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. [18]

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** [19]
- There is no Statutory Time Limit on Tribal Consultation under the law.

[12] Pub. Resources Code § 21080.3.2 (a)
[13] Pub. Resources Code § 21082.3 (c)(1)
[14] Pub. Resources Code § 21082.3 (b)
[15] Pub. Resources Code § 21080.3.2 (b)
[16] Pub. Resources Code § 21082.3 (a)
[17] Pub. Resources Code § 21082.3 (e)
[18] Pub. Resources Code § 21082.3 (d)
[19] (Gov. Code § 65352.3 (a)(2)).

- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,[20] the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.[21]
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.[22]

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at http://nahc.ca.gov/resources/forms/.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.[23]
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.[24]

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.[25] In areas of identified

[20] pursuant to Gov. Code section 65040.2.
[21] (Gov. Code § 65352.3 (b)).
[22] (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).
[23] (Civ. Code § 815.3 (c)).
[24] (Pub. Resources Code § 5097.991).
[25] per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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The Law Office of
Julie M. Hamilton

July 16, 2018

Via E-Mail and U.S. Mail

Jeff Szymanski
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Carmel Valley Hotel Project No. 454123

Dear Mr. Szymanski:

I represent HBF Holdings, LLC; I am submitting these comments on the Mitigated Negative Declaration (MND) for the Carmel Valley Hotel located at 3510 Valley Centre Drive on behalf of my client.

D-1

As the lead agency, the City's reliance upon a Mitigated Negative Declaration for this project does not comply with the requirements of the California Environmental Quality Act (CEQA). The City must prepare an environmental impact report (EIR) because the record before the City contains substantial evidence to support a fair argument the proposed project may have a significant effect on the environment. If there is any substantial evidence the project may have a significant impact, an environmental impact report must be prepared, despite evidence to the contrary.[1] The City Council may not weigh the evidence and make a determination as to which evidence is more credible.

The burden of environmental investigation is on the government. If the lead agency, the City of San Diego, fails to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. "Deficiencies in the record may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences."[2] Further, relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence for a fair argument.

As an initial matter, the Notice and the MND fail to account for the visual impact on the scenic ridge located south of the project site. The proposed 60-foot project would obstruct the views of areas zoned as Open Space Conservation zones, however, the MND states that there

[1] *Friends of "B" St. v. City of Hayward* (1980) 106 Cal.App.3d 988.
[2] *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 311.

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D-1 The California Environmental Quality Act (CEQA) requires the preparation of an EIR when a lead agency determines that a project may result in a significant effect on the environment (CEQA Guidelines Section 15064(a)). The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. Evidence supporting a fair argument may consist of facts, reasonable assumptions based on fact, or expert opinions supported by fact but not "argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment" (CEQA Guidelines Section 15064(f)(5)). As described in detail for each issue area presented in this letter, including aesthetics, biological resources, geology and soils, land use, cumulative impacts, and Climate Action Plan (CAP) compliance, there is no substantial evidence to support a fair argument that the project would result in significant, unmitigable impacts, resulting in the need for an EIR to be prepared. The IS/MND demonstrates that the project would reduce potential impacts to below a level of significance through project design, compliance with applicable policies and regulations, and implementation of project-specific mitigation measures. Please also refer to the responses to the individual comments that follow.

D-1 cont.

would be no impact from the project. Similarly, the MND fails to properly consider the potential for significant impacts to biological resources, geology and soils, land use impacts and cumulative impacts.

I. AESTHETIC IMPACTS

D-2

The MND finds there is "no impact" that would "substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway." The MND asserts there are no scenic resources such as "rock outcroppings or historic building within the project boundaries." However, the MND fails to take into consideration scenic views from southbound Interstate 5 that would be obstructed by the 60-foot tall project. Under the City's CEQA significance determination thresholds regarding views, "projects that would block public views from designated open space areas, roads, or parks…may result in significant impacts [if] the project would cause substantial view blockage from a public viewing area of a public resource that is considered significant by the applicable plan."

The Carmel Valley Precise plan for Neighborhood 8 contains Design Objectives that "Maximize opportunities for views" and "Maintain the sense of an open visual corridor that is presently enjoyed along SR-56 and the CVREP trails." This includes the north facing hillsides along the northern stretch of Neighborhood 8 which would be obstructed by the project. Under the Neighborhood 8 Specific Plan the hillsides "provide the valley with a significant visual element." These scenic hillsides designated as the "Martian Mountains" would be directly obstructed by southbound travelers on the Interstate 5. The project application provides previous visual simulations of the project, but none of the simulations consider the view from north of the project site towards the south rim of Carmel Valley. Under the Significant Determinations Thresholds, the MND should find a Potentially Significant Impact because these significant visual elements would be obstructed by the project. A "No Impact" analysis is not warranted.

D-3

The MND also finds a "Less than Significant Impact" when evaluating whether the project would "substantially degrade the existing visual character or quality of the site and its surroundings." The MND states that it is located immediately south of an existing Marriott hotel and parking structure. However, the Marriott Hotel is then noted to be 250 feet east of the project site. Because of the more eastward location of both the Hampton Inn and Marriott Hotel buildings, their visual impact is far less than the proposed project. The referenced parking garage to the south is only three stories high and mostly level with the adjacent I-5 highway whereas the proposed project would reach a height of 60 feet and obstruct the scenic view of the adjacent southern hillside. This is vastly more impactful than the current restaurant which is only one story high and mostly hidden behind a crop of trees. This impact is potentially significant and should be addressed by the MND. Notably, the project does acknowledge the impact of temporary construction equipment and materials but fails to properly acknowledge the impact of the permanent 60-foot-tall structure.

D-4

The breadth of the fair argument standard is substantially broadened by a lack of information and detail in the file. The CEQA standard for comparison is the proposed project to

D-2 This comment addresses two primary issues: (1) consideration of scenic views from southbound Interstate 5 (I-5) and (2) consistency with the Design Objectives of the Carmel Valley Precise Plan for Neighborhood 8 relative to potential scenic resources. The comment references the Carmel Valley Neighborhood 8 Precise Plan and states that the MND fails to take into consideration scenic views from I-5 that would be obstructed by the 60-foot tall project. The City's significance thresholds pertaining to visual effects and neighborhood character state the following regarding impacts to scenic views:

Projects that would block public views from designated open space areas, roads, or parks or to significant visual landmarks or scenic vistas (Pacific Ocean, downtown skyline, mountains, canyons, waterways). In order for a project to result in a significant impact, one or more of the following conditions must apply:

- The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program. Minor view blockages would not be considered to meet this condition. In order to determine whether this condition has been met, consider the level of effort required by the viewer to retain the view.

- The project would cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community plan.

- The project exceeds the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area.

D-2 (cont.) I-5 is not designated as a scenic public view corridor within the vicinity of the project site in the General Plan, Carmel Valley Community Plan, or Neighborhood 8 Precise Plan. The proposed building (5 stories high) would be reduced in height compared to the adjacent Marriott Hotel buildings (7 and 10 stories high), but similar in height and scale to other nearby buildings, including those located to the north of the project site adjacent to I-5. The proposed project would be consistent with all applicable zoning regulations and height restrictions, and would be consistent with the scale of development in the area. The project would not introduce a dominant visual element within the larger viewshed that would adversely affect views to scenic resources. Motorists traveling southbound on I-5 would still experience views to the scenic hillsides addressed in this comment, which are more clearly visible south of the project near where the I-5 corridor meets SR-56. Based on these considerations, implementation of the Project would not result in a substantial view blockage from southbound I-5 and no impacts would occur.

Regarding consistency with the Design Objectives of the Carmel Valley Precise Plan for Neighborhood 8, the full context of the information cited in the comment from the Design Element of the Precise Plan, under Section C, Design Concept, states:

"...several visually significant hillsides occur on the valley's north facing slopes. These hillsides provide the valley with a significant visual element. [...] To preserve views to these hillsides from public vantage points, such as State Route 56 and the Carmel Valley Restoration and Enhancement Project multi-use trails, permitted structures shall not exceed 35 feet in height. Where no public vantage views of the natural hillsides and sandstone bluffs would be adversely affected, higher buildings may be allowed."

The comment states that the project would "reach a height of 60 feet and obstruct the scenic view of the adjacent southern hillside."

D-2 (cont.) While the hillside may be considered scenic as described in the Neighborhood 8 Precise Plan, public views from designated local roadways and trails, including SR-56 and the Carmel Valley Restoration and Enhancement Project multi-use trails, toward the hillside would not be adversely affected by implementation of the project. As noted in the IS/MND, public views from the project vicinity and surrounding roadways toward scenic resources are limited due to the existing built environment, topography, and distance to the nearest scenic vistas. Motorists traveling on SR-56 and recreationalists using the abovementioned multi-use trails would continue to have open views toward the scenic hillsides, since the project would not obstruct these views based on its location north of SR-56 and the trails. No impact to scenic resources would occur.

It should be noted that the simulation referenced in the comment was prepared during preliminary project design to present a visual representation of how the previously proposed 70-foot-tall building would appear. A building height of 70 feet would exceed the 60-foot maximum height requirement of the CV-1-1 zone within which the project is located and would have required a deviation. Therefore, the City requested that a photosimulation be prepared to determine if the height deviation was acceptable. Subsequent to preparation of the photosimulation, the project was redesigned to reduce the maximum building height to 60 feet, in compliance with the development regulations of the CV-1-1 zone. No additional simulations were prepared or presented with the publicly circulated IS/MND.

D-3 The statement in the IS/MND referenced in this comment states that "the proposed building would be similar in height and scale to nearby hotel buildings, including the adjacent Marriott hotel buildings (7 and 10 stories high), Hampton Inn located 250 feet east of the project (5 stories high), and Residence Inn located 300 feet east of the project site (6 stories high)." To further clarify, the

D-3 (cont.) Marriott Hotel buildings are located on the parcel immediately north of the project site, not 250 feet east of the site as the comment states. The Hampton Inn and Residence Inn buildings, although further and less visible from I-5, are similar in height and scale to the proposed building, which would be 5 stories high with a subterranean parking garage. From certain vantage points (e.g., northbound I-5 from south of the project site, westbound SR-56 from east of the project site), the proposed building would appear similar in height and scale to the Marriott Hotel, although the Marriot Hotel buildings are several stories taller. As stated in the IS/MND, the proposed hotel would be constructed to comply with applicable City height and design regulations. It would be consistent with the building envelope regulations imposed on the property, which preserve public views through the height, setback, landscaping, and fence transparency parameters of the Land Development Code.

Specifically regarding degradation of the existing visual character and quality of the site and surroundings, the project site and surrounding area has no unifying architectural theme that the project would contrast with, nor would the proposed building exceed the allowable height or bulk regulations. As described in further detail in response D-2, the project is not located in a highly visible area and it would not result in the degradation of community landmarks or scenic resources. Since the project would be consistent with the surrounding development relative to the height, bulk, and architectural design of the building, no impacts to neighborhood character would occur.

D-4 Refer to response D-2 regarding potential project impacts on public views to the scenic ridge south of the project site and response D-3 regarding visual simulations. While the project would add a built element to views from I-5 and SR-56 that is larger than the existing one-story restaurant building, the proposed building would appear similar in bulk and scale and would not be out of

D-4 cont.

the existing condition. Regardless of whether the project complies with the current height limit, the impact of the project on views to the scenic ridge to the south must be evaluated. The failure to evaluate this impact lends plausibility to the argument the project will have a substantial impact on visual resources. Similarly, the failure to consider any visual simulations of the proposed project as viewed from southbound I-5 is a significant gap in the information needed to fully consider the visual impact of the project.

II. BIOLOGICAL RESOURCES

D-5

The record before the City contains substantial evidence to support a fair argument the project will have a significant effect on biological resources. The project site is located adjacent to an identified wetland along the western property line between the freeway and the project site. San Diego Municipal ("SDMC") section 143.0141(b)(5) requires a 100-foot buffer around all wetlands in the Coastal Overlay Zone unless a lesser or greater buffer is warranted as determined through the process outlined in this section. The process described in this section requires input and recommendations from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife on buffer requirements. The file contains no evidence these agencies were consulted. Rather the analysis in the MND relates strictly to a letter opinion from the biological consultant hired by the applicant.

The biology letter is internally inconsistent; the conclusions are not supported by the analysis within the letter. The letter states the wetland is a man-made retention basin created when the neighborhood was mass-graded in the 1980's. The historical imagery also shows the area was a natural drainage-course prior to 1964 when substantial modifications were made to the drainage course and upstream watershed. The City's Biology Guidelines state "it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas." This artificial wetland is in a historic wetland area and should be treated as a wetland.

At a minimum, the City and/or the applicant must consult with the agencies stated above in conformance with SDMC §143.0141(b)(2) to determine "impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat." Failure to utilize the required procedure again expands the scope of potential impacts in keeping with the *Sundstrom* court decision and violates the requirements of the municipal code.

III. GEOLOGY AND SOILS

D-6

The geotechnical section fails to fully analyze the impact of drilling for support piers and the potential for the loss of sub-adjacent lateral support during the construction of the basement. The geotechnical investigation included in the Appendices states no groundwater or seepage was encountered during their subsurface investigation. This statement is belied by the Log of Exploratory Boring performed by Dave's Drilling on October 12, 2017 wherein the log shows water seepage was found at 23' in Boring BA-1. The structural design of the proposed basement has not been defined in the MND. If the proposed basement will depend on piers as depicted in the cross sections attached to the geotechnical investigation – will dewatering be necessary for

D-4 (cont.) character with other surrounding buildings, such as the Marriott Hotel, that are equally if not more visible from these vantage points. Therefore, impacts related to degradation of the existing visual character and quality of the site and surrounding area are correctly assessed as less than significant and no additional information or analysis is necessary.

D-5 This comment suggests that the man-made stormwater retention facility located approximately 50 feet west of the project site is an "identified wetland" that would require a 100-foot buffer, per Section 143.0141(b)(5) of the San Diego Municipal Code (SDMC); however, no evidence is presented to support this claim. The comment suggests that input and recommendations be solicited from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and/or California Department of Fish and Wildlife on buffer requirements for the project. These agencies were not consulted for this project since there will be no direct or indirect effects on the man-made facility and it was determined that the facility would not meet the regulatory definition of a wetland. The biological resources technical memorandum prepared to assess the wetland conditions of this off-site area was conducted by a qualified biologist, in accordance with the applicable Biology Guidelines in the Land Development Manual. A general biological survey and jurisdictional assessment of the project site and immediate area was conducted, with an emphasis on existing vegetation, soils, hydrology, disturbance, and land uses. Based on review of information collected in the field and historical imagery and other data, the technical memorandum concluded that (1) the retention basin does not meet the definition of a wetland, and (2) there would not be naturally-occurring wetlands at the location of the present-day storm water facility had it not been for the creation of the retention basin feature and impoundment and manipulation of the watershed from surrounding developments. As noted in the biological resources technical memorandum, the historic drainage that trended north-south in the general location

D-5 (cont.) of the present-day facility had been filled and substantially modified prior to 1964, before the storm water facility was constructed. The entire valley, including the drainage features apparent within the imagery, had been subject to intensive development as a result of the construction of I-5 and other transportation developments prior to 1964. The existing basin does not support naturally occurring wetlands and was artificially created in a historically non-wetland area for the sole purpose of collecting, retaining, and treating storm water runoff from the adjacent developments. The off-site storm water facility is maintained by the Retention Basin Area Association, which regularly conducts vegetation and sediment removal within the facility. Wetland conditions that are present do not constitute regulated waters and wetlands, including wetlands defined by the City, that typically require avoidance and setbacks.

The existing condition at the project site is a restaurant and associated parking and appurtenances. The proposed project would occur within the existing development footprint and would not encroach closer toward the facility compared to the existing approved condition. The proposed project is not required to retreat from the boundaries of a man-made facility where the existing condition within the setback area is already characterized by developed land.

Based on these considerations, the man-made stormwater retention facility would not constitute wetlands and no additional avoidance or setback is required for the project. Furthermore, the proposed project would not deviate from the existing development buffer for the site or encroach into the stormwater retention facility. Accordingly, no substantial adverse impacts on riparian habitats, other sensitive natural communities, or federally-protected wetlands would occur.

the installation of the piers? If so, will that dewatering have an impact on the soil structure of the area within the cone of depression for that dewatering?

D-6 cont.

These questions must be answered to properly analyze the impact of the proposed project on geology and soils. As in the previous sections, deficiencies in the record enlarges the scope of the fair argument standard.

IV. LAND USE

D-7

The City and the applicant have failed to comply with the requirements of SDMC §143.0141(b)(5) by observing the required 100-foot setback from the adjacent wetland, nor has the City or the applicant gone through the consultation process required to reduce this buffer. This failure to observe the 100-foot setback conflicts with the San Diego Municipal Code and the City's certified Local Coastal Program. The project has proceeded without the necessary setback that was adopted specifically to mitigate environmental impacts on environmentally sensitive lands. Therefore, the project will result in a significant land use impact.

V. CUMULATIVE IMPACT

D-8

The MND states the Project's cumulative impacts are less than significant with mitigation incorporated. However, it fails to analyze or even reference the currently proposed 102,582 square foot mixed use development project proposed at 3501 Valley Centre Drive or the One Paseo project. CEQA requires an agency to consider how a project's impacts will accumulate with the impacts of past, present, and probable future projects. Given that the future mixed-use development has taken significant steps towards completion (site development permit has been applied for, several review cycles have taken place), the adjacent project is reasonably foreseeable and must be considered as a cumulative impact.

In addition, the MND also fails to account for the nearby One Paseo project. The One Paseo project is a massive 1.4 million square foot project that includes 600 multi-family residential units, retail and office space and is currently under construction. Given the One Paseo project is also in Neighborhood 2, and is a massive project currently under construction, the MND should at least reference the One Paseo project and any potential cumulative impacts.

VI. CLIMATE ACTION PLAN (CAP) COMPLIANCE

D-9

The project purports not to have more than 10 employees and is therefore not required to include shower facilities or any long-term bicycle parking. The MND does not support this assertion with any indication of how many employees it does plan on hiring. Given the amenities provided by the 127-room hotel including outdoor pool and spa, food and beverage services, having less than 10 employees seems unlikely. The project should include both shower facilities for employees and long-term bicycle amenities in compliance with the City's CAP or at the very least an outline the types of employees it foresees hiring for the operation of the hotel and accompanying amenities.

D-6 Geologic site conditions are documented in two technical reports prepared by Soil Exploration Company: A Preliminary Soil Investigation Report dated May 25, 2016, and the Soil Engineering Addendum/Geologic Report dated October 31, 2017 (Appendix B). The preliminary recommended that the use of shallow spread footings or a structural mat foundation supported on compacted fill would be feasible for the proposed structure. Based on additional field work (October 2017), the project's geotechnical consultant recommended that the mat foundation in the southwestern portion of the site be supported by structural slab, grade beam, and cast-in-place deep foundations that extend at least 15 feet into underlying bedrock. The additional recommendations were updated due to the depth of undocumented/man-made fill underlying this portion of the site, as well as the groundwater/seepage encountered at 23 feet below ground surface (bgs) in the borings.

As described in the geotechnical reports and in Section VI(a)(ii) of the Final IS/MND, groundwater was not encountered in the four exploratory borings conducted to a depth of 21.5 feet bgs in May 2016. An additional investigation was conducted in October 2017 to further delineate subsurface materials within the proposed project footprint. Three additional borings were excavated at the site, ranging from 26 to 51 feet bgs. The boring logs indicate that seepage occurred at depths ranging from 23 to 31.5 feet bgs. Section VI(a)(ii) of the Final IS/MND has been updated to state that "Additional subsurface investigations documented in the soil engineering addendum/geologic report encountered groundwater at 23 feet below the surface for the boring within the northern portion of the site, 25 feet below the surface for the boring within the southwestern portion of the site, and 31.5 feet below the surface for the boring within the southern portion of the project site (Soil Exploration 2017)."

D-6 (cont.) The subterranean parking garage and the building foundation would be designed by a qualified structural engineer in accordance with the latest applicable building codes and structural considerations during the ministerial process. Geologic cross-sections included in the addendum report are based on the geotechnical consultant's interpretation of subsurface conditions and potential/anticipated foundation designs. The geotechnical consultant has indicated that additional exploratory borings are recommended after demolition of the existing restaurant building to confirm existing geologic conditions within the building footprint, prior to construction. In a memorandum dated August 9, 2018 (included in Appendix B of this Final IS/MND), the project's geotechnical consultant indicates that drilling for support piers (caissons) is not anticipated to require dewatering. The parking garage would be approximately 11 feet below grade; based on the groundwater levels recorded during exploratory borings conducted at the project site, groundwater is not expected to be encountered and no dewatering would be required.

D-7 Refer to response to comment D-5 regarding compliance with the SDMC Section 143.0141(b)(5) setback requirements. No significant land use impacts would occur because a setback is not required from the man-made stormwater retention facility.

D-8 Pursuant to CEQA Guidelines Section 15130, a discussion of cumulative impacts may be based on either (A) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or (B) a summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then the discussion of cumulative impacts presented in the EIR may be incorporated by reference and cumulative impacts

D-8 (cont.) need not be discussed in further detail.

The analysis presented in Section XIX(b) of the IS/MND is based on the summary of projections approach to analyzing cumulative impacts; a discussion of specific cumulative projects is not required. As discussed, the proposed project is consistent with the commercial, retail, and services development land use designation by the General Plan, and is consistent with the existing underlying zoning. Therefore, incremental increases in impacts to the environment would be within the thresholds set by the General Plan and supporting planning and regulatory documents. When considering all potential environmental impacts of the proposed project, together with the impacts of other present, past, and reasonably foreseeable future projects, the project would not result in a cumulatively considerable impact on the environment.

D-9 A total of 10 employees would be on staff at the hotel, including one general manager, four front desk staff, four housekeeping staff, and one laundry/housekeeping staff. Other positions staffed from local corporate offices may include management, sales, and maintenance employees that would visit the hotel occasionally. The number of employees on site per shift would vary from two to 10 depending on the season and time of day. As described in Section VII(a) of the IS/MND, the project is consistent with the assumptions for the relevant CAP strategies aimed toward achieving the identified GHG reduction targets. No additional information is required.

CONCLUSION

D-10 There is substantial evidence in the record to support a fair argument the proposed project may result in significant environmental impacts. These impacts require preparation of an Environmental Impact Report to address significant impacts to aesthetics, biology, geology and soils, land use and cumulative impacts.

Thank you for the opportunity to comment on this Mitigated Negative Declaration. I remain available if you have any questions or need additional information.

Very truly yours,

Julie M. Hamilton

Julie M. Hamilton
Attorney for
HBF Holdings, LLC

D-10 As specified in response D-1, substantial evidence supporting a fair argument consists of facts, reasonable assumptions based on fact, or expert opinions supported by fact. The issues raised by this letter were considered by City Staff during the review of the project; the above responses support the analysis presented in the Final IS/MND. No substantial evidence is presented to support a fair argument that the project would result in significant, unmitigable impacts, resulting in the need for an EIR to be prepared. The IS/MND thoroughly analyzes the environmental effects of the proposed project and demonstrates that the project would reduce potential impacts to below a level of significance through project design; compliance with applicable policies, regulations, and development codes; and implementation of project-specific mitigation measures. Therefore, no EIR is required and a MND is the appropriate environmental document for this project.

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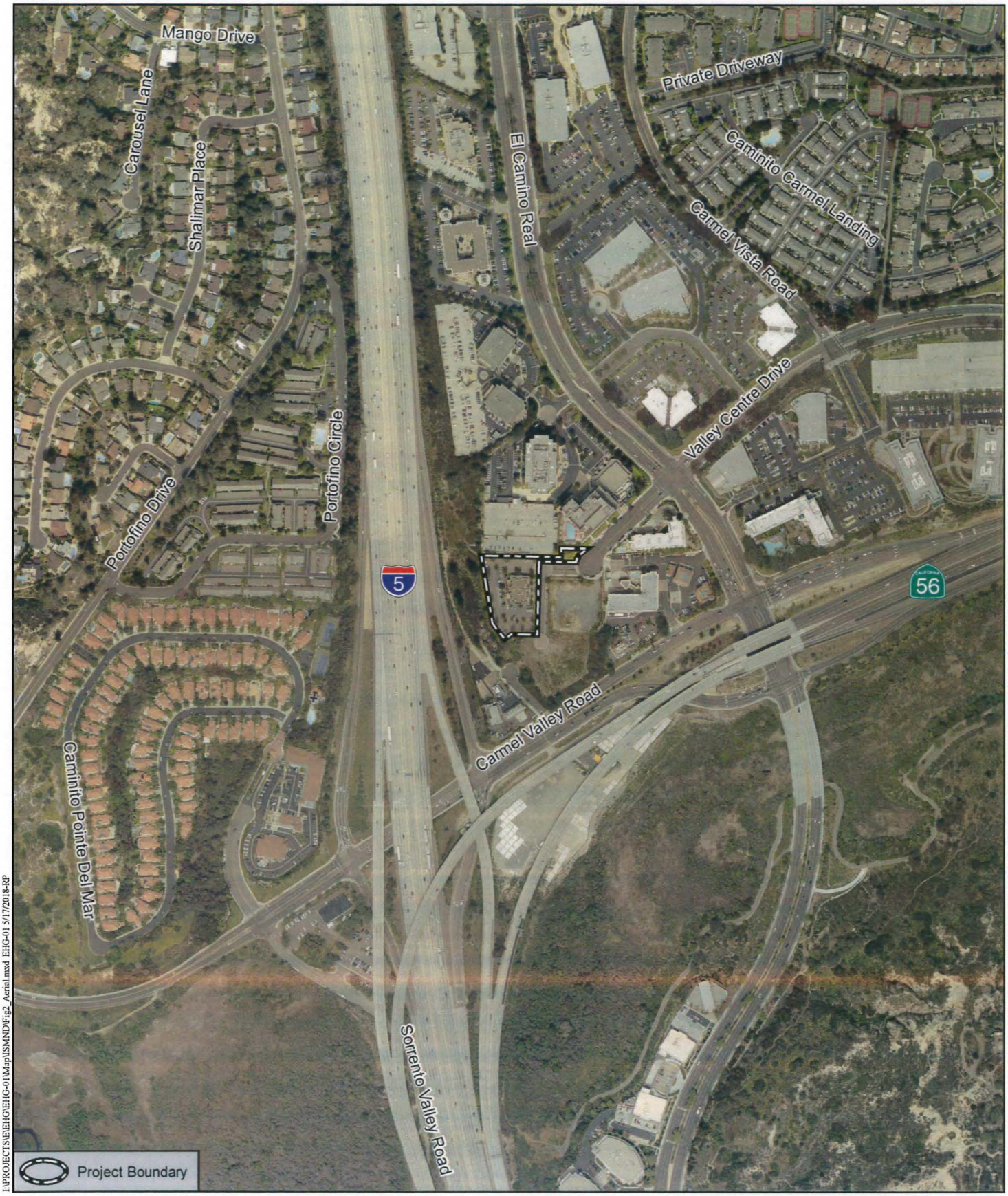
CITY OF SAN DIEGO – DEVELOPMENT SERVICES DEPARTMENT

Regional Location Map

CARMEL VALLEY HOTEL PROJECT NO. 454123

N 0 8 Miles

Figure 1



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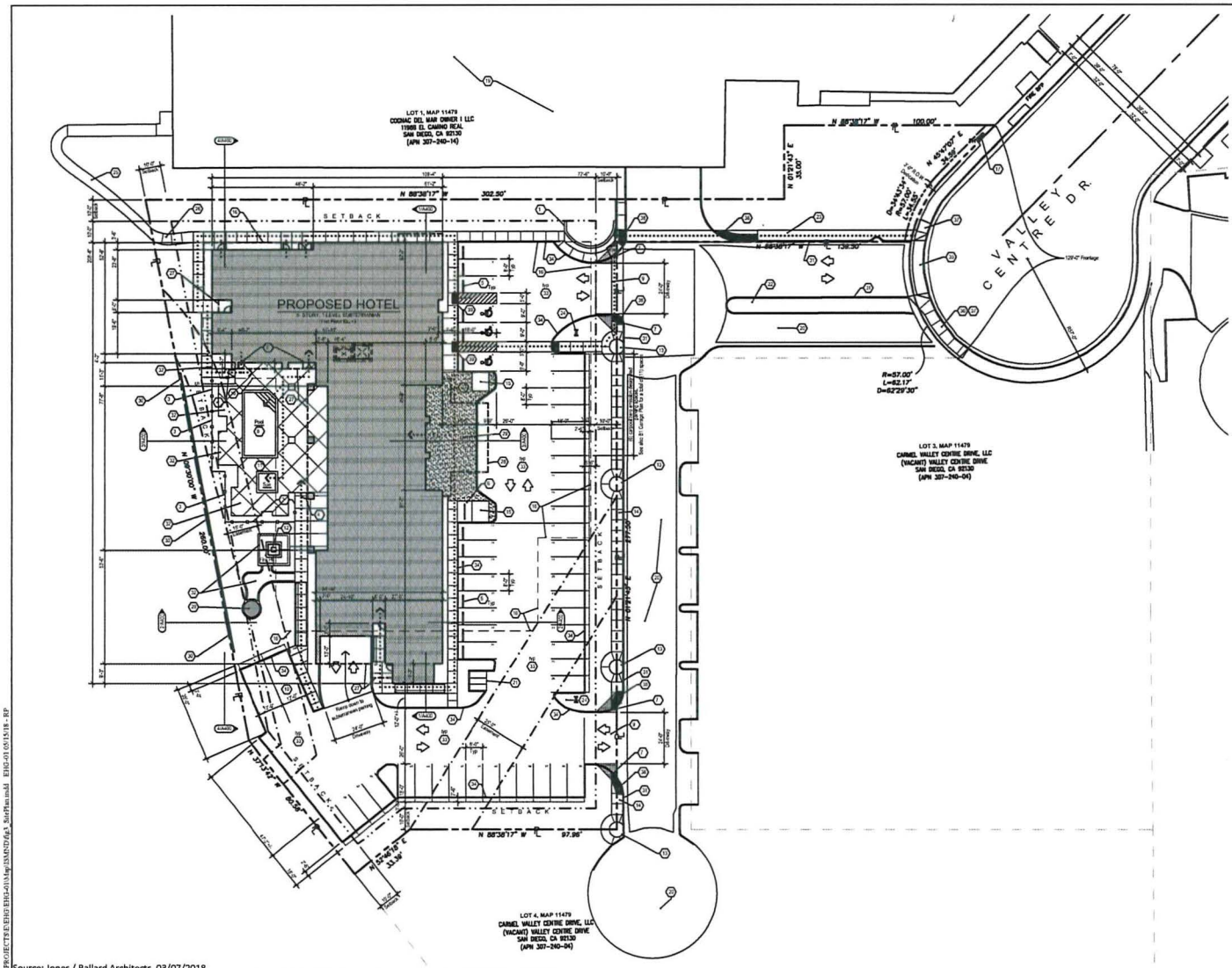
CITY OF SAN DIEGO – DEVELOPMENT SERVICES DEPARTMENT

Project Vicinity Map

CARMEL VALLEY HOTEL PROJECT PROJECT NO. 454123

N 0 500 Feet

Figure 2



KEY NOTES:

1. SITE WALL. SEE CIVIL & LANDSCAPE DRAWINGS.
2. KEYED SECURE DOOR TO POOL ENCLOSURE AREA.
3. 5'-0" HIGH SWIMMING POOL ENCLOSURE. SEE LANDSCAPE DRAWINGS.
4. KEYED SECURE GATE. PROVIDE FIRE DEPT. KNOX BOX W/ CARD READER.
5. PREFAB. CONCRETE PARKING WHEEL STOP (TYPICAL).
6. PERMANENTLY ANCHORED BIKE RACK (9-BIKE CAPACITY) PER S.D.M.C., SEC. 142.0530(e). 8-BIKE MIN. REQUIRED. SEE LANDSCAPE DRAWINGS.
7. VISIBILITY TRIANGLE PER S.D.M.C. AT THE INTERSECTION OF THE STREET & DRIVEWAY, ONE SIDE OF THE TRIANGLE EXTENDS FROM THE INTERSECTION OF THE STREET & THE DRIVEWAY FOR 10'-0" ALONG THE PROPERTY LINE. THE SECOND SIDE EXTENDS FROM THE INTERSECTION OF THE STREET & DRIVEWAY FOR 10'-0" INWARD FROM THE PROPERTY LINE ALONG THE DRIVEWAY EDGE. THE THIRD SIDE OF THE TRIANGLE CONNECTS THE TWO. NO STRUCTURES, TREES OR SHRUBS TALLER THAN 3'-0" IN HT. SHALL BE LOCATED W/IN THESE TRIANGLES.
8. ACCESSIBLE POOL. SEE LANDSCAPE DRAWINGS.
9. NEW DRIVEWAY CURB CUT. SEE CIVIL DRAWINGS.
10. (2) 12' x 35' OFF-STREET LOADING SPACE PER S.D.M.C., SEC. 142.1010. MAINTAIN MIN. 14'-0" OVERHEAD CLEARANCE.
11. ACCESSIBLE SPA. SEE LANDSCAPE DRAWINGS.
12. FIRE PIT. SEE LANDSCAPE DRAWINGS.
13. PROPOSED INTERCONNECTIVITY NODES. SEE LANDSCAPE DRAWINGS.
14. PROPOSED TREE-LINED PEDESTRIAN WALKWAY. SEE LANDSCAPE DRAWINGS.
15. PLANTER. SEE LANDSCAPE DRAWINGS.
16. LINE OF BUILDING BELOW. SEE PLANS / ELEVATIONS.
17. EXISTING FIRE HYDRANT LOCATION.
18. LINE OF SUBTERRANEAN PARKING GARAGE BELOW.
19. EXISTING BUILDING AT ADJACENT PROPERTY. NOT PART OF THIS PROJECT.
20. EXISTING ACCESS ROAD AT ADJACENT PROPERTY. NOT PART OF THIS PROJECT. SEE CIVIL DRAWINGS.
21. (3) 3'-0" x 8'-0" MOTORCYCLE PARKING SPACES PER S.D.M.C., SEC. 142.0530(g).
22. EXISTING RAISED MEDIAN TO REMAIN. NOT PART OF THIS PROJECT. SEE CIVIL DRAWINGS.
23. EXISTING CONCRETE SIDEWALK. SEE CIVIL DRAWINGS.
24. PROPOSED NEW FIRE HYDRANT LOCATION. COORDINATE EXACT LOCATION WITH AGENCY FIRE DEPARTMENT PRIOR TO INSTALLATION.
25. EXISTING PATHWAY FROM ADJACENT PROPERTY. FIELD VERIFY EXACT LOCATION.
26. PROPOSED CONCRETE SIDEWALK TO CONNECT WITH EXISTING PATHWAY FROM ADJACENT PROPERTY.
27. LINE OF BUILDING ABOVE. SEE PLANS / ELEVATIONS.
28. LINE OF ENTRY CANOPY ABOVE. SEE PLANS / ELEVATIONS.
29. DECORATIVE PAVING. SEE LANDSCAPE DRAWINGS.
30. 8'-0" HIGH, GLASS SOUND WALL (PER ACOUSTICAL ANALYSIS REPORT - HELIX ENVIRONMENTAL, INC., DATED JUNE 2017)
31. EXISTING CURB TO REMAIN.
32. NEW PAVING. SEE LANDSCAPE & CIVIL DWGS, ALSO.
33. ASPHALT PARKING LOT PAVING. SEE LANDSCAPE & CIVIL DWGS. ALSO.
34. NEW CONCRETE CURB. SEE CIVIL DWGS.
35. NEW 25'-0" WIDE CONCRETE DRIVEWAY PER CIVIL DWGS.
36. REMOVE EXISTING CONCRETE DRIVEWAY.
37. PROVIDE NEW 6" CONCRETE CURB, CONCRETE GUTTER, AND CONCRETE SIDEWALK AS REQUIRED. SEE CIVIL DWGS.
38. NEW CONCRETE CURB RAMP PER CBC, SEC. 11B-406. SEE CIVIL DWGS.
39. DETECTABLE WARNING (TRUNCATED DOMES) PER CBC, SEC. 11B-705.

Source: Jones / Ballard Architects, 03/07/2018

CITY OF SAN DIEGO – DEVELOPMENT SERVICES DEPARTMENT

0 10' 20' 50' 100'

Architectural Site Plan

CARMEL VALLEY HOTEL PROJECT NO. 454123

Figure 3

INITIAL STUDY CHECKLIST

1. Project title/Project number: Carmel Valley Hotel / 454123

2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California 92101

3. Contact person and phone number: Jeff Szymanski / (619) 446-5324

4. Project location: 3510 Valley Centre Drive, San Diego, CA 92130

5. Project Applicant/Sponsor's name and address: Excel Hotel Group, 10660 Scripps Ranch Boulevard, Suite 100, San Diego, CA 92131

6. General/Community Plan designation: Commercial Employment, Retail, & Services

7. Zoning: Carmel Valley Planned District – Visitor Commercial (CVPD-VC)

8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

   A SITE DEVELOPMENT PERMIT (SDP), COASTAL DEVELOPMENT PERMIT (CDP), and NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) to demolish an existing restaurant and construct a five-story, single-structure hotel at 3510 Valley Centre Drive in the Carmel Valley Community Plan area (Figure 1, Regional Location Map, and Figure 2, Project Vicinity Map). The project site consists of one 1.46-acre parcel and is assigned assessor parcel number (APN) 307-240-02-00.

   <u>Project Characteristics and Design</u>

   The project proposes to construct a five-story, 127-guestroom hotel with a pool and spa, outdoor amenity area, fitness room, meeting space, surface parking, and one level of subterranean parking (Figure 3, Architectural Site Plan). The total gross building area including the subterranean parking would be 106,675 square feet (SF). This includes approximately 1,400 SF of meeting space, 2,500 SF of food and beverage services (e.g., dining space, kitchen, etc.), and a 2,500-SF lobby within the main floor (Level 1) of the building. Levels 2 through 5 would feature suite-style guest rooms. All hotel functions (e.g., dining, fitness area, meeting space, outdoor amenities) would serve hotel patrons and their guests only; the hotel would not have a restaurant, café, or store that would serve the general public.

   The project proposes Type 1-A construction (concrete and steel) for the first level of the building and subterranean parking garage. Type V-A construction (protected wood frame) is

proposed for Levels 2 through 5 of the building. The L-shaped building would be constructed to a height of 60 feet, consistent with the maximum structural height allowed for Commercial Visitor (CV-1-1) zoned areas identified in San Diego Municipal Code (SDMC) Section 131.0531. The architectural details and materials for the building have been designed and selected to be aesthetically appealing and consistent with other nearby development. The building would feature an articulated façade utilizing a variety of exterior architectural materials, including prefinished aluminum windows and louvers, cement plaster, "stone-look" fiber-cement tile panels, wood and "wood-look" fiber cement panels, green-screen metal wire supports, and concrete block (Figure 6, Building Elevations). The overall color palette includes shades of gray and bronze.

Outdoor amenities, including a pool and spa, seating areas, and fire pit, would be situated between the building and the western property boundary. An eight-foot-high glass soundwall would be constructed along the western property boundary adjacent to the outdoor use areas to reduce the effects of traffic noise from nearby roadways. Lighting also is proposed on site to provide security and safety and accentuate architectural features and signage. All lighting would be required to be directed away from adjacent properties and shielded, as necessary, consistent with the City's Outdoor Lighting Regulations (SDMC Section 142.0740).

Access and Parking

The project would be accessed off Valley Centre Drive via a proposed 25-foot-wide driveway. Existing sidewalks would remain; curb ramps would be constructed to provide an accessible path from the project to Valley Centre Drive. A 26-foot-wide access and fire lane would be provided on the eastern and southern sides of the building, with adjacent surface parking. The entrance ramp to the subterranean parking garage would be located on the southern side of the building.

A total of 127 parking spaces are proposed (49 within surface parking and 78 within the subterranean parking garage), including 5 accessible spaces and 11 carpool/zero emission spaces. Two of the parking spaces within the parking garage would have electric vehicle charging stations. Five single mechanical lifts would be provided within the parking garage to accommodate 10 of the parking spaces; these spaces would be used for employee parking. Three additional parking spaces would be provided for motorcycles and 9 would be provided for short-term bicycle parking.

Utilities and Services

The project would include on-site infrastructure improvements, as well as connections to existing off-site public utilities located within Valley Centre Drive, including sewer, water, and fire mains. Natural gas and electrical line extensions are proposed from existing utilities provided by San Diego Gas & Electric (SDG&E). A total of 384 SF would be provided for refuse and recycling within the parking garage, per SDMC Table 142.08C.

Drainage

The project site drainage would generally follow the existing topography, with runoff continuing to flow to the existing 42-inch storm drain in the southwest corner of the site. The project would decrease the overall impervious surfaces within the site by approximately four percent. Runoff from the impervious areas would ultimately be conveyed to an off-site biofiltration/detention basin.

Landscaping

The landscape concept for the proposed project has been designed to be consistent with the Carmel Valley (North City West) Community Plan and nearby development, and would complement the architectural style of the building. Landscaping would be provided in conformance with the City's landscape regulations (SDMC Section 142.04). The arrangement of hardscape and planting would facilitate movement through the project site. Proposed plant material would include a mix of large conifers, medium- to small-scale accent trees, border and accent shrubs, and groundcover and vines (refer to Figure 7b for a detailed list of potential plant material). Existing mature pine trees located along the northern and western property boundary would remain, where possible. The use of low maintenance, drought-tolerant plant material and an efficient irrigation system would help achieve conservation and efficiency in water use. Planters would be located within the outdoor amenity area, along the perimeter of the building, along the property boundary, and adjacent to parking areas.

Demolition and Grading

To prepare the site for construction, the project would demolish the existing 8,669-SF restaurant building, parking lot, curbs, and sidewalks; remove existing vegetation and planter boxes; and conduct site grading. The existing curbs, sidewalks, landscaping, and paving along the northeastern boundary of the property would remain and would be maintained by the property to the north. Existing ornamental landscaping adjacent to the restaurant building would be removed; existing trees located on the northern and western sides of property would be saved, where possible. Approximately four truckloads of vegetation from existing planter boxes and landscaping are anticipated to be removed.

Grading for the subterranean parking garage would include approximately 12,000 cubic yards (CY) of cut to a maximum depth of 11 feet and 500 CY of fill (Figure 8, Conceptual Grading Plan). Grading would require export of approximately 11,500 CY (14,950 tons) of soil material. A Storm Water Pollution Prevention Program (SWPPP) containing appropriate construction site erosion and sedimentation control best management practices (BMPs) would be prepared and implemented at the beginning of demolition and grading through construction of the project.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The project site consists of one 1.46-acre parcel that is relatively flat in topography, with elevations ranging from approximately 58.6 feet above mean sea level (AMSL) in the northeast corner of the site near the Valley Center Drive cul-de-sac, to approximately 53.4 feet AMSL in the southwest corner of the site. The surrounding area is developed primarily with a mix of commercial and office uses, hotels, and open space. The site is currently developed with a one-story, approximately 8,669-SF restaurant that is surrounded by paved parking areas and associated driveways, sidewalks, and landscaping. The project site is currently served by existing public services and utilities. The site is located immediately south of an existing Marriott hotel and parking structure; north of Carmel Valley Road, Ted Williams Parkway, and an existing gas station; east of Interstate 5 (I-5); and west of a vacant site proposed for mixed-use development.

The property is located within the Visitor Commercial (VC) zone of the Carmel Valley Planned District, within Neighborhood 2 of the Carmel Valley Community Plan Area Precise Plan. The Visitor Commercial designation is intended to provide motel, restaurant, and related services for the adjacent industrial/office park in the Carmel Valley Employment Center as well as for nearby industrial uses in Sorrento Valley. The use and development regulations of Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) for the CV-1-1 zone apply to CVPD-VC designated areas.

The project is also located within the Coastal Overlay Zone (Appealable and Non-Appealable Areas) and the Parking Impact Overlay Zone (Coastal Impact Area). A Process Three Coastal Development Permit (CDP) is required prior to obtaining building permits for projects located within the Coastal Overlay Zone.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

None required.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

In accordance with the requirements of Assembly Bill (AB) 52, the City of San Diego sent notification to two Native American Tribes traditionally and culturally affiliated with the project area on August 14, 2017. Both the Iipay Nation of Santa Ysabel and the Jamul Indian Village responded within the 30-day period requesting consultation and additional information. Consultation concluded on August 27, 2017 with Iipay Nation of Santa Ysabel and Jamul Indian Village on January 10, 2018. Please see Section XVII of the Initial Study for more detail.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Population/Housing
☐	Agriculture and Forestry Resources	☐	Hazards & Hazardous Materials	☐	Public Services
☐	Air Quality	☐	Hydrology/Water Quality	☐	Recreation
☐	Biological Resources	☐	Land Use/Planning	☐	Transportation/Traffic
☒	Cultural Resources	☐	Mineral Resources	☐	Tribal Cultural Resources
☐	Geology/Soils	☐	Noise	☐	Utilities/Service System
				☒	Mandatory Findings Significance

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or

(MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D).* In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

    a. The significance criteria or threshold, if any, used to evaluate each question; and

    b. The mitigation measure identified, if any, to reduce the impact to less than significant.

	Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I)	AESTHETICS – Would the project:				
	a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

There are no scenic vistas or view corridors identified in the Carmel Valley Community Plan. The project site is surrounded by existing development and is not located within an area that is considered sensitive regarding viewsheds. Public views from the project vicinity and surrounding roadways toward scenic resources are limited due to the existing built environment, topography, and distance to the nearest scenic vistas. Moreover, the proposed project would be consistent with all applicable zoning regulations and land use plans, including the Carmel Valley Community Plan. Therefore, the project would not have a substantial effect on a scenic vista and no impacts would occur.

	b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

The project site is developed with an existing restaurant that is surrounded by paved parking areas and associated driveways, sidewalks, and landscaping. Existing landscaping includes several mature pine trees (Torrey pine [*Pinus torrreyana*] and Canary Island pine [*Pinus canariensis*]), located along the northern property boundary and within surface parking planter boxes along the western property boundary. These trees are not considered scenic, given their location within an existing developed area. Existing mature trees would be retained and incorporated into the project landscape design, to the extent practicable. There are no other scenic resources such as rock outcroppings or historic buildings within the project boundaries, nor is the project site located within the vicinity of a state scenic highway. Moreover, as mentioned above, the project would comply with all applicable height and setback regulations. No impacts to scenic resources would occur.

	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐

The project proposes to replace an existing one-story, 8,669-SF restaurant with a five-story hotel. The project site is located within an area that is characterized by a mix of commercial and office uses and hotels with structures of varying height and scale, expansive roadways (including Ted Williams Parkway and I-5), and open space. As noted above, the site is located immediately south

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

of an existing Marriott hotel and parking structure; north of Carmel Valley Road, Ted Williams Parkway, and an existing gas station; east of I-5; and west of a vacant site proposed for mixed-use development.

The presence of construction equipment and materials would temporarily affect the surrounding visual environment during demolition, grading, and construction. Although views may be altered, construction would be relatively short term (14 months) and temporary. Temporary visual impacts would include views of large construction equipment, storage areas, and signage. All construction equipment would vacate the project site upon completion of the proposed project. The hotel would be constructed to comply with applicable City height and design regulations. The proposed building height is consistent with the building envelope regulations imposed on the property, which preserve public views through the height, setback, landscaping, and fence transparency parameters of the Land Development Code. These parameters limit the building profile and maximize view opportunities. Moreover, the proposed building would be similar in height and scale to nearby hotel buildings, including the adjacent Marriott hotel buildings (7 and 10 stories high), Hampton Inn located 250 feet east of the project (5 stories high), and Residence Inn located 300 feet east of the project site (6 stories high). No contrasting architectural features or visual elements are proposed and the project would be visually compatible with surrounding development. Therefore, the project would not substantially degrade the existing visual character or the quality of the site and its surroundings, and impacts would be less than significant.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

The most prominent light sources from the proposed project would be interior lighting for the hotel rooms and common areas, parking lot lighting, and exterior and landscaping lighting. All new lighting would be compatible with existing lighting in the project vicinity. The project would be subject to the City's Outdoor Lighting Regulations per SDMC Section 142.0740, which are intended to minimize negative impacts from light pollution, including light trespass, glare, and urban sky glow, in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. Light fixtures would be required to be directed away from adjacent properties and shielded, as necessary. Outdoor lighting would be located and arranged in a manner consistent with City requirements, to promote public safety, and also minimize unnecessary light and glare effects to the surrounding community.

No large surface areas of reflective building materials or finishes are proposed that could create glare effects on surrounding properties. Additional light or glare from the proposed project would be consistent with the other development in the area and therefore would not substantially affect day or nighttime views. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

The project site is not classified as farmland by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance occurs on site or within the area immediately surrounding the project site. Therefore, the project would not result in impacts related to the conversion of farmland to a non-agricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒

Refer to response II (a) above. There are no Williamson Act Contract lands on or within the vicinity of the project. The project would not affect properties zoned for agricultural use or conflict with a Williamson Act Contract. No impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				

The project site is zoned for commercial use; no designated forest land or timberland occurs within the boundaries of the project. No impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

Refer to response II (c) above. The project would not convert forest land to non-forest use. No impact would occur.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Refer to responses II (a) and II (c) above. No existing farmland or forest land are located in the proximity of the project site. No changes to any such lands would result from project implementation. No impact would occur.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

The San Diego Air Pollution Control District (SDAPCD) and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the San Diego Air Basin (SDAB). The County Regional Air Quality Strategy (RAQS) was initially adopted in 1991, and is updated on a triennial basis (most recently in 2016). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (0_3). The RAQS relies on information from the California Air Resources Board (CARB) and SANDAG, including mobile and area source

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

As such, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The project would construct a new 127-guestroom hotel adjacent to a developed area of similar commercial uses. The project is consistent with the General Plan, community plan, and the underlying zoning for visitor commercial development. Therefore, the project would be consistent at a sub-regional level with the underlying growth forecasts in the RAQS, and would not obstruct implementation of the RAQS. As such, no impacts would occur.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

Short-term Emissions (Construction)

Project construction activities would potentially generate combustion emissions from on-site heavy-duty construction vehicles and motor vehicles transporting the construction crew and necessary construction materials. Exhaust emissions generated by construction activities would generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or dump truck. Variables that factor into the total construction emissions potentially generated include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on or off site. It is anticipated that construction equipment would be used on site for four to eight hours a day; however, construction would be short-term and impacts to neighboring uses would be minimal and temporary.

Fugitive dust emissions are generally associated with land clearing and grading operations. Due to the nature and location of the project, construction activities are expected to create minimal fugitive dust, as a result of the disturbance associated with grading. Construction operations are subject to the requirements established in Regulation 4, Rules 52, 54, and 55 of the SDAPCD rules and regulations. The project would include standard measures as required by the City grading

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

permit to minimize fugitive dust and air pollutant emissions during the temporary construction period. Therefore, impacts associated with fugitive dust are considered less than significant, and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. Impacts related to short-term emissions would be less than significant.

Long-term Emissions (Operational)

Long-term air pollutant emission impacts are those associated with stationary sources and mobile sources related to any change caused by a project. The project would produce minimal stationary source emissions. Once construction of the project is complete, long-term air emissions would potentially result from such sources as heating, ventilation, and cooling (HVAC) systems and other motorized equipment typically associated with hotel uses. Operational emissions generated by the project would mainly be attributed to project-generated traffic. The 127-guestroom hotel is calculated to generate 1,143 average weekday trips (ADT) based on the driveway vehicle trip rate of 9 trips/guest room from the City's Trip Generation Manual (City 2003). The project would result in a small net increase of trips over the existing 8,669-SF restaurant, which is calculated to generate approximately 1,127 ADT based on a rate of 130 trips per 1,000 SF. The additional 16 ADT would not result in a substantial increase in pollutant emissions from vehicular trips or result in a significant impact on ambient air quality. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Project emissions over the long term are not anticipated to violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Overall, the project is not expected to generate substantial short- or long-term emissions that would violate any air quality standard or contribute to an existing or projected air quality violation; therefore, impacts would be less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

As described above in response lll (b), construction operations may temporarily increase the emissions of dust and other pollutants; however, construction emissions would be temporary and short-term in duration, occurring over a period of approximately 14 months. Implementation of BMPs would reduce potential impacts related to construction activities to less than significant. Operational air pollutant emissions resulting from such sources as HVAC systems, motorized

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

equipment, and project traffic would not be generated in quantities that would result in exceedances of regulatory thresholds for criteria pollutants. Projects that propose development consistent with the growth anticipated by applicable general plans were considered in, and therefore are consistent with, the RAQS. The proposed project is consistent with the applicable land use plans (General Plan and Carmel Valley Community Plan), and therefore, buildout of the project site has been accounted for in region-wide air quality plans. The project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

d) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Short-term (Construction)

Odors would be generated from vehicles and/or equipment exhaust emissions during construction of the project. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts related to construction-generated odors would be less than significant.

Long-term (Operational)

Typical long-term operational characteristics of hotels are not anticipated to generate odors which would affect a substantial number of people. Therefore, impacts related to odors generated from project operations would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The proposed project site is entirely developed. The site does not contain or support Environmentally Sensitive Lands (ESL) as defined by the Biology Guidelines of the City's Land Development Manual. The site does not contain native or sensitive plant species, wildlife species, or vegetation communities; wetlands that would be expected to support special status wildlife species; or lands classified as Tier I, Tier II, Tier IIIA, or Tier IIIB Habitats. West of the project site there is a man-made storm water retention facility that contains vegetation dominated by cattail (*Typha* sp.), which is commonly found in storm water facilities throughout the City. The project would not directly impact this storm water retention facility, which is maintained by the City and does not support sensitive species. No impact would occur.

b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Refer to response IV (a) above. The project site is entirely developed. A man-made storm water retention facility that was constructed in the 1980's when previous mass grading activities occurred for the existing commercial, medical office, transportation, and other developments in the general area is located west of the project site. The facility is maintained to promote the primary function and service of the facility, which is to provide retention and treatment of artificial runoff and storm water from the surrounding developed lands. A biological resources technical memorandum was prepared to assess the wetland conditions of this off-site area (HELIX Environmental Planning, Inc. [HELIX] 2016; Appendix A). Data from the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) identify Freshwater Emergent Wetland (Code PEMCh) over the approximate location of the basin within the storm water facility. It is not uncommon for USFWS NWI data to include man-made features such as storm water basins, artificially created ponds, and others. Despite the USFWS NWI overlay, the off-site storm water facility is a maintained facility and any wetland conditions that are present are artificially created and would not constitute regulated waters and wetlands, including wetlands defined by the City that typically require avoidance and setbacks. Review of information collected in the field and from historical imagery and other data indicates that the basin does not support naturally occurring wetlands and was artificially created in historically non-wetland areas for the sole purpose of collecting, retaining, and treating storm water runoff from the adjacent developments. Therefore, the project would not have a substantial adverse impact on riparian habitats or other sensitive natural community and no impact would occur.

c) Have a substantial adverse effect on federally protected	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				

Refer to response IV (b) above. Construction activities would not cause an impact to wetlands as defined by Section 404 of the Clean Water Act. There would be no impacts to federally protected wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒

The project is surrounded by existing development, is not located adjacent to an established wildlife corridor, and would not impede the movement of wildlife or the use of wildlife nursery sites. Therefore, no impact related to wildlife movement would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

The project would be consistent with all relevant goals and policies of the City's General Plan, Carmel Valley Community Plan, and Local Coastal Program Land Use Plan regarding the preservation and protection of biological resources. The project site is not located within, nor is it adjacent to, the City's Multi-habitat Planning Area (MHPA) as defined by the Multiple Species Conservation Program (MSCP). The project is located approximately 0.15 mile north of areas designated as MHPA conserved lands associated with Los Peñasquitos Lagoon. Although the project is not within the City's MHPA, the project would be consistent with all relevant goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP. No impact would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Refer to Response IV (e) above. The project site is not located within, nor is it adjacent to, the City's MHPA, and no other adopted conservation plans affect the site. No impact would occur.

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The City reviews projects requiring the demolition of structures 45 years or older for historic significance in compliance with CEQA. Historic property (built environment) surveys are required for properties which are 45 years of age or older and which have integrity of setting, location, design, materials, workmanship, feeling, and association. The existing restaurant building was constructed in the 1980's and is not considered to be of historic age. No other historic structures or features are present on site. Therefore, no impacts to the historical resources built environment would occur.

b) Cause a substantial adverse change in the significance of	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
an archaeological resource pursuant to §15064.5?				

The project site is located in an area known to contain sensitive archaeological resources and is located on the City's Historical Sensitivity map. Therefore a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City staff to determine presence or absence of potential resources within the project site. The CHRIS search did not identify any archaeological resources within or adjacent to the site.

The project site has been previously disturbed and is developed with a restaurant building and surface parking lot that were constructed in the 1980's. The preliminary soil investigation report and soil engineering addendum/geologic report prepared for the project (Soil Exploration Company, Inc. [Soil Exploration] 2016 and 2017, respectively; Appendix B) indicated that the project site is underlain by undocumented/man-made fill and bedrock. Therefore, the subsurface soil characteristics located within the project footprint would be unlikely to support undisturbed cultural deposits. Based upon the negative CHIRS search and previously disturbed nature of the site, impacts to archaeological resources would not be significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

The proposed project site is underlain by Torrey sandstone, Delmar, and Bay Point/ marine terrace formations. In Carmel Valley, these formations are considered to have high sensitivity rating for potential paleontological resources.

According to the City's CEQA Significance Threshold Guidelines, grading greater than 1,000 CY and excavation deeper than 10 feet in depth in a high potential formation may constitute a significant impact to paleontological resources. The project would exceed this threshold by grading 12,000 CY cubic yards at a maximum depth of 11 feet. Paleontological monitoring would be required to mitigate impacts below a level of CEQA significance. See Section V of the MND for further details. Impacts would be less than significant with mitigation measures incorporated.

d) Disturb and human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

Refer to response V (b) above. It is not anticipated that human remains would be encountered on the project site during construction-related activities, as the project site is underlain by undocumented/man-made fill. Thus, no impacts to human remains would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

The project is not located on known active, potentially active, or inactive faults, nor is the project located within an Alquist-Priolo Fault Zone. The preliminary soil investigation report prepared for the project (Soil Exploration 2016; Appendix B) indicated that the potential for surface fault rupture is considered low. The project would utilize proper engineering design and standard construction practices in order to ensure that potential impacts in this category would remain less than significant. Therefore, risks from rupture of a known earthquake fault would be less than significant.

ii) Strong seismic ground shaking?	☐	☐	☒	☐

The project site is primarily located within Geologic Hazards Zone 52, as shown on the City's Seismic Safety Study Geologic Hazards Maps; a small portion at the southern end of the site is located within Zone 31. Zone 52 is characterized by level areas, gently sloping to steep terrain, favorable geologic structure, and low geologic hazard risk. Zone 31 is characterized by shallow groundwater/major drainages, with high potential for geologic hazards such as liquefaction.

The site could be affected by seismic shaking as a result of earthquakes on major local and regional active faults located throughout the southern California area. The preliminary soil investigation report noted that the project site is expected to experience moderate to strong ground motions from earthquakes on local and/or regional faults (Soil Exploration 2016). Seismic design of the building, in accordance with the California Building Code, would ensure that the potential for impacts from regional geologic hazards would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

Liquefaction is the phenomenon that occurs during severe ground shaking whereby soils reduce greatly in strength and temporarily behave similarly to a fluid. Severe or extended liquefaction can result in adverse effects to surface and subsurface facilities through the loss of support and/or foundation integrity. Liquefaction is associated primarily with loose (low density), saturated, fine- to medium-grained, cohesionless soils. Liquefaction potential is greatest when the water table is less than 30 feet below the ground surface.

As described in response IV (a)(ii), the majority of the project is located within Geologic Hazards Zone 52, which is not considered a zone of potential liquefaction. The southern edge of the site falls within Zone 31, which has a high potential for liquefaction due to shallow groundwater associated with Los Peñasquitos Creek. No groundwater was encountered during exploratory soil borings conducted as part of the preliminary soil investigation, which were drilled to a maximum depth of 21.5 feet (Soil Exploration 2016). Additional subsurface investigations documented in the soil engineering addendum/geologic report encountered groundwater at 23 feet below the surface for the boring within the northern portion of the site, 25 feet below the surface for the boring within the southwestern portion of the site, and 31.5 feet below the surface for the boring within the southern portion of the project site (Soil Exploration 2017). Given that the project is underlain by bedrock and compacted man-made fill material, with groundwater at depths greater than ~~30~~ 23 feet, there is low potential for seismically induced ground failure or liquefaction. Moreover, proper engineering design and utilization of standard construction practices would ensure that impacts resulting from liquefaction would be less than significant.

iv) Landslides?	☐	☐	☐	☒

The topography of the project site is relatively flat, with no significant slopes within the project site or vicinity. The project site is not mapped within a landslide zone and no landslides have been identified within the site or in the immediate vicinity. No impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

The project includes a landscape plan that has been reviewed and approved by City staff that precludes erosion of topsoil. In addition, standard construction BMPs necessary to comply with SDMC Grading Regulations (Chapter 14, Article 2, Division 1) would be in place to ensure that the project would not result in a substantial amount of topsoil erosion. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒

Refer to response V (a). Proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

The project site is underlain by man-made fill soils and bedrock, which are not expansive. Furthermore, the design of the project would utilize proper engineering design and standard construction practices to ensure that impacts in this category would not occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

The project does not propose the use of septic tanks or alternative wastewater disposal systems. Therefore, no impact with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would occur.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

On July 12, 2016, the City adopted the Climate Action Plan (CAP) Consistency Checklist, which requires all projects subject to discretionary review to demonstrate consistency with the Climate Action Plan. For project-level environmental documents, significance of greenhouse gas (GHG) emissions is determined through the CAP Consistency Checklist.

The City's CAP outlines the actions that the City will undertake to achieve its proportional share of State GHG emission reductions. A CAP Consistency Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emission targets identified in the CAP are achieved. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts analysis of GHG emissions.

The project would be consistent with the site's Carmel Valley Community Plan land use and zoning designations, Visitor Commercial and Carmel Valley Planned District: Visitor Commercial (CVPD-VC), and the site's General Plan land use designation, Commercial Employment, Retail, & Services. As detailed in CAP Consistency Checklist for the project (Appendix C), the project would be consistent with the applicable strategies and actions of the CAP. Of the eight CAP strategies on the Checklist, the project would be consistent with five and the remaining three would not be applicable.

Under Strategy 1: Energy & Water Efficient Buildings, the project would be consistent with the cool/green roofs and the plumbing fixtures and fittings strategies. For cool/green roofs, through thermoplastic polyolefin (TPO) roofing the project would include 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 the California Green Building Standards Code (CalGreen). For plumbing fixtures and fittings, the project's fixtures and fittings would not exceed the maximum flow rate specified in CalGreen, and the appliance and fixtures for commercial applicants would meet the provisions of Section A5.303.3 of CalGreen.

The project would be consistent with the energy performance standard / renewable energy measures under Strategy 2: Clean & Renewable Energy. The project would achieve this through an energy budget that meets a 10 percent improvement over the performance standards under Title 24, Part 6: Energy Budget for the Proposed Design Building.

Electrical vehicle charging requirements under Strategy 3: Bicycling, Walking, Transit & Land Use would not be applicable to the proposed project, as the project does not meet the 500 or more room threshold for these requirements. As project operation would have up to 10 employees, shower facilities provisions would not be applicable as the project would not meet the greater than 10 employee threshold for providing such facilities. The Checklist's Transportation Demand Management Program measures would also not be applicable, since the project does not meet the threshold of over 50 employee for the program.

Under Strategy 3, the project would be consistent with the number of bicycle parking spaces required with nine provided spaces, which is greater than the eight spaces required by the City's

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Municipal Code. In addition, in accordance with designated parking space requirements in a Transit Priority Area (TPA), the project would provide 11 carpool/zero emission spaces.

Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets, and impacts from GHG emissions would be less than significant.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of GHGs. The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project would be consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Construction of the project may require the use of hazardous materials (e.g., fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal; however, the project would not routinely transport, use, or dispose of hazardous materials. Once the hotel is operational, the routine transport, use, or disposal of hazardous materials is not anticipated. Although small amounts of hazardous materials may be used for cleaning and maintenance, standard BMPs would be applied to ensure that all hazardous materials are handled and disposed of properly, and that no hazards would result during long-term operation of the project. Hazardous materials and waste would be managed and used in accordance with all applicable federal, state, and local laws and regulations; therefore, the project would not create a significant hazard to the public or environment. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				

Refer to response VIII (a). The project would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No impact would occur.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

Refer to response VIII (a). The project site is not located within one-quarter mile of an existing or proposed school, nor would the project emit hazardous emissions or handle hazardous materials, substances, or waste. No impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐

The State Water Resources Control Board (SWRCB) GeoTracker database, California Department of Toxic Substances Control (DTSC) Envirostor database, and California Environmental Protection Agency (CalEPA) Cortese List provide information on hazardous materials sites. GeoTracker is a database and geographic information system (GIS) that provides online access to environmental data. It tracks regulatory data about leaking underground storage tanks (LUST), Department of Defense, Spills-Leaks-Investigations-Cleanups, and landfill sites. Envirostor is an online database search and GIS tool for identifying sites that have known contamination or sites where there may be reasons to investigate further. It also identifies facilities that are authorized to treat, store, dispose or transfer hazardous waste. The Cortese List is a Hazardous Waste and Substance Sites List, which is a planning resource use by state and local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

sites. Government Code section 65962.5 requires CalEPA to develop, at least annually, an updated Cortese List. DTSC is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List.

The project site is not listed on any hazardous waste site lists; however, the GeoTracker database identified three areas of concern due to historical unauthorized releases of hazardous materials into soil or groundwater within 0.25 mile of the project site. Two of the three cases have been closed and are no longer considered a hazard to the public or the environment; the open case is a LUST site that involves groundwater contamination from a former gas station located at 3063 Carmel Valley Drive, approximately 225 feet south of the project site within the Ted Williams Parkway alignment. Groundwater contaminated by gasoline constituents in the vicinity of underground storage tanks was identified in 1992. The underground storage tanks were removed in 1993 and the property was acquired by the California Department of Transportation (Caltrans) to construct the overpass that connects Ted Williams Parkway to I-5. Three permanent monitoring wells were installed in December 2008 and are monitored semi-annually. While this case is still open and undergoing site assessment, significant hazards to the public or the environment related to this site are not anticipated to occur as a result of project construction. Impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Activities associated with the proposed grading, demolition, and construction would not increase the potential to result in a safety hazard for people residing or working in areas surrounding the project site. Long-term operation of the hotel would not interfere with the operations of an airport. The project site is not located within an airport land use plan, the airport environs overlay zone, or airport approach overlay zone. The project site is also not located within two miles of an airport. No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Refer to response VIII (e) above. The project site is not in proximity to a private airstrip. No impact would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

The project would not impair the implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan. No roadway improvements are proposed that would interfere with circulation or access, and all construction would take place on site. No impact would occur.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

The project site is located in a developed area surrounded on three sides by development. Open space exists immediately west of the site; however, this area is not part of a large open space area, nor is it considered wildland. The project would be required to comply with City fire standards and regulations with respect to setbacks, access, building material and design, building occupancy, adequate fire flows, hydrants, and fire sprinklers. No impact would occur.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

A Hydrology Report was prepared for the proposed project to analyze existing and proposed drainage conditions for the site (Omega Engineering Consultants [Omega], 2016; Appendix D). Additionally, a Storm Water Quality Management Plan was prepared to identify post-construction storm water BMP requirements for the project (Omega Engineering Consultants [Omega], 2017; Appendix E).

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Potential impacts to existing water quality standards associated with the proposed project would include short-term construction-related erosion/sedimentation and long-term storm water conveyance. Conformance with the City's Storm Water Standards and preparation of a SWPPP would effectively minimize short-term water quality impacts.

Long-term operational storm water discharge would be reduced over existing conditions, and directed through on-site landscaping and storm drains prior to discharging into an existing off-site detention basin. As described in the Hydrology Report, runoff currently discharges off site to two discharge points: to the southeast of the project site, where it enters a curb inlet and confluences in the City's public conveyance system; and to the southwest, where it drains via an existing 42-inch storm drain to an off-site bioretention/detention basin. The project site drainage would generally follow the existing topography. Storm water would exit the site via the discharge point that currently conveys flows to the southwest. Runoff from the project site would ultimately be conveyed to the off-site biofiltration/detention basin, which would be an improvement over existing conditions. Hydromodification control and pollutant treatment would be provided in the basin per the project's SWQMP, which identifies post-construction BMPs to address storm water quality.

Based on the above considerations, the proposed project would not cause adverse effects to downstream facilities or receiving waters or violate existing water quality standards or discharge requirements. Impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒

The project would be connected to the public water supply via existing connections within Valley Centre Drive. It would not rely directly on groundwater in the area and would not significantly deplete water resources. The project would slightly decrease the amount of impervious surface on site; therefore, it would not adversely affect groundwater recharge. No impacts would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐

Refer to response IX (a). As documented in the project Hydrology Report, the project would redevelop the entire project site and reduce impervious surface area from 78.3 percent to 74.1 percent compared to existing conditions, which would decrease peak runoff volumes and flow rates for all storm events, including the 100-year storm event (Omega 2016). The second discharge point to the southeast that currently conveys flows to the City's public conveyance system would be eliminated, allowing for all of the developed discharge to be treated in the existing off-site biofiltration/detention basin. This drainage alteration would allow for increased capture of sediment, rather than exacerbating erosion or siltation. The project would not alter the course of a stream or river, as none are located on or adjacent to the site. Impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒

Refer to response IX (c). No impacts associated with flooding would occur.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒

Refer to responses IX (a) and (c). Compared to existing conditions, the project would reduce impervious surface area and decrease peak runoff volumes and flow rates for all storm events

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

(Omega 2016). All storm water would be conveyed through the existing 42-inch storm drain in the southwest corner of the site and treated in the existing off-site biofiltration/detention basin. Since runoff volumes and flow rates would be reduced compared to existing conditions, the project would be adequately served by existing municipal storm water drainage facilities that currently serve the project site. Potential release of sediment or other pollutants into surface water drainages downstream from the site would be precluded by implementation of BMPs required by City regulations, in compliance with San Diego Regional Water Quality Control Board requirements to implement the federal Clean Water Act. Therefore, no significant surface water quality impacts are expected to result from the proposed activity. Proper irrigation and landscaping would ensure that runoff would be controlled and unpolluted. No impacts would occur.

f) Otherwise substantially degrade water quality?	☐	☐	☐	☒

Refer to response IX (e).

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

The project does not propose construction of new housing in a 100-year flood hazard area. No impacts related to flood hazards would occur.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?	☐	☐	☐	☒

The project does not propose construction of new structures in a 100-year flood hazard area. No impacts related to impeding or redirecting flood flows would occur.

X. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?	☐	☐	☐	☒

The project involves the construction of a five-story hotel, which is consistent with and would complement the established surrounding community. The project is proposed to meet the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

growing demand for quality accommodations in the Carmel Valley Community Plan area, and is consistent with the General Plan and Carmel Valley Community Plan land use designations. The project would not physically divide an established community. No impacts would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

The proposed project hotel is compatible with the area designated for commercial, retail, and services development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses. Construction of the project would occur within an urban area with similar existing development. As indicated in the Acoustical Analysis Report prepared for the project (HELIX 2017a; Appendix F), exterior noise levels from traffic noise would exceed the exterior usable space noise compatibility guideline of 65 community noise equivalent level (CNEL) included in the General Plan Noise Element for hotel uses at the proposed project exterior use areas (e.g., pool, spa, and open area/fire pit). An 8-foot-high sound wall would be installed, as a project feature, along the pool, spa, and open area/fire pit to ensure that exterior noise levels would be in compliance with City standards.

The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, zoning ordinance, and Local Coastal Program) adopted for the purpose of avoiding or mitigating an environmental effect. No impacts would occur.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

As previously discussed in Section IV, although the project is not within the MHPA, the project would be consistent with all relevant goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP. The project does not have the potential to conflict with habitat conservation plans. In addition, implementation of the project would be consistent with all biological resources policies outlined in the General Plan, Carmel Valley Community Plan, and Local Coastal Program. Implementation of the project would not conflict with applicable plans, and no impact would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES – Would the project?				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

The project site is located in a developed area that is not suitable for mineral extraction and is not identified in the General Plan as a mineral resource locality. Therefore, the project would not result in the loss of availability of a known mineral resource. No impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Refer to response XI (a).

XII. NOISE – Would the project result in:				
a) Generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

An Acoustical Analysis Report was prepared for the project to assess construction and operational noise impacts resulting from the project, as summarized below (HELIX 2017a; Appendix F).

Short Term (Construction)

The project would result in potential short-term noise impacts associated with demolition, grading, and construction. Noise-sensitive land uses (NSLUs) are land uses that may be subject to stress and/or interference from excessive noise, such as residential dwellings, schools, transient lodging (hotels), hospitals, educational facilities, and libraries. Industrial and commercial land uses are generally not considered sensitive to noise. NSLUs in the project area include three nearby

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

hotels: San Diego Marriot Del Mar, Hampton Inn San Diego/Del Mar, and Residence Inn San Diego/Del Mar.

The most substantial noise increases from construction activities that may affect off-site uses would occur during demolition and excavation. For demolition, a dozer is used to break down the building and, in conjunction with a loader, to load the debris into trucks for removal. Following demolition, the site would be excavated to the subgrade level for parking using an excavator and a loader. The acoustical analysis modeled the noise levels generated by these pieces of equipment operating at 100 feet from the nearest NSLU (the swimming pool at the San Diego Marriot Del Mar), averaged over a 12-hour work day. The modeled noise levels would be below City Municipal Code noise limits (75 A-weighted decibels [dBA], 12-hour average). It should be noted that the City Municipal Code noise limits for construction apply only to residentially-zoned properties. Therefore, as the project site and surrounding areas are commercial zones, the City construction noise limits do not apply and no construction noise control is required. Although noise levels generated during construction would be higher than existing ambient noise levels in the project area, they would be temporary in nature and cease once construction is completed. Impacts would be less than significant.

Long Term (Operational)

Known or anticipated operational noise sources include HVAC units and vehicular traffic. Roof-mounted HVAC units would be shielded with a seven-foot-high barrier, which would effectively reduce noise impacts to less than significant levels. A transportation noise analysis was conducted based on ADT volumes proposed to be generated by the project compared to ADT volumes on surrounding roadways. The noise level generated by increased traffic (net increase of 368 ADT) due to the project would be negligible given the existing traffic volumes on the project access road, Valley Centre Drive (7,900 ADT), and would not be noticeable by NSLUs in the project area. Impacts would be less than significant.

b) Generation of, excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐

Construction equipment that induces substantial vibration, such as a pile driver, is not proposed to be used. The project would potentially expose people to limited ground borne vibrations or noise during construction; however, these would be temporary impacts associated with heavy-duty construction equipment. This temporary impact would be considered less than significant because construction would be prohibited during evening hours (7:00 p.m. to 7:00 a.m.) when adjacent uses would be most sensitive to vibration, in accordance with SDMC §59.5.0404 Construction Noise. Therefore, impacts would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
above levels existing without the project?				

Refer to response XII (a). The project would not result in a significant permanent noise increase.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?	☐	☐	☒	☐

Refer to response XII (a). The project would not result in a significant temporary or periodic noise increase.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒

The project is not located within an airport land use plan or within airport noise contours. The project is located approximately 6 miles northwest of the closest airport, Marine Corps Air Station Miramar. Implementation of the project would not expose people residing or working in the area to excessive noise levels from a public airport. No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The project is not located within the vicinity of a private airstrip; therefore, people residing or working in the area of the project would not be exposed to excessive airport noise. No impact would occur.

XIII. POPULATION AND HOUSING – Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

The project would construct a 127-room hotel in an urbanized area. Construction of the hotel would not necessitate the extension of existing roads or other infrastructure. The project would not induce substantial indirect or direct population growth. No impact would occur.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The project proposes to demolish an existing restaurant and construct a hotel. No displacement of existing housing would occur as a result of the project. No impact would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Refer to XIII (b), above.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

i) Fire Protection	☐	☐	☒	☐

The City of San Diego Fire-Rescue Department (SDFD) encompasses all fire, emergency medical, lifeguard, and emergency management services for the City. SDFD serves 331 square miles, including the project site, and serves a population of 1,337,000. SDFD has 801 uniformed fire

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

personnel and 48 fire stations available to service the project site. The closest fire stations to the project site are Station 24, located at 13077 Hartfield Avenue (approximately 1.6 miles northeast), and Station 41, located at 4914 Carroll Canyon Road (approximately 3.7 miles southeast).

The project would construct a 127-room hotel with associated amenities and parking. The project would not result in a measurable adverse effect on fire response times due to the project's infill location, fire stations in proximity, and the minimal increase in demand for fire service that the hotel would generate. Because of these factors, the project would not adversely impact fire response times and would not represent a substantial change in demand such that alteration/addition of fire protection facilities or new or altered fire protection services would be required. Impacts would be less than significant.

ii) Police Protection	☐	☐	☒	☐

The City of San Diego Police Department (SDPD) would serve the proposed project. The project site is located within the SDPD's Northwestern Division, which serves a population of 70,822 people and encompasses 41.6 square miles. The Northwestern Division police station is located at 12592 El Camino Real, approximately 0.8 mile north of the project site.

Similar to response XIV (i), the project would not result in a measurable adverse effect on police response times due to the project's infill location, the proximity of the existing police station, and the minimal increase in demand for police service that the hotel would generate. The project would not adversely affect existing levels of police protection services, create a significant new demand for police services, or require the construction of a new facility or expansion of an existing facility. Impacts would be less than significant.

iii) Schools	☐	☐	☐	☒

The project would not physically alter schools. Additionally, the project would not include construction of future housing or induce growth that could increase demand for schools in the area. No impact would occur.

v) Parks	☐	☐	☐	☒

The nearest parks to the project site include Carmel Del Mar Park and Carmel Grove Park, both located approximately 0.7 mile northeast of the project site. The Carmel Valley Recreation Center is located at 3777 Townsgate Drive, approximately 0.9 mile northeast of the project site. The project would not induce growth that would require substantial alteration to an existing park or the construction of a new park. The project is not subject to population-based park requirements. No impact would occur.

vi) Other public facilities	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The scope of the project would not substantially increase the demand for libraries, electricity, gas, or other public facilities. No impact would occur.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

The project proposes a 127-room hotel and would not require an expansion of existing recreational facilities. There would be a minimal increase in the use of existing facilities in the area including parks or other recreational areas by hotel patrons and their guests. This increase would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

The project does not include the construction of recreational facilities nor does it require the construction or expansion of recreational facilities. No impact would occur.

XVI. TRANSPORTATION/TRAFFIC – Would the project?

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				

The proposed project is consistent with the community plan designation and underlying zone. The project would not change the existing circulation patterns on area roadways or require the redesign of streets, traffic signals, stop signs, striping, or other changes to the existing roadways or existing public transportation routes. Based on the driveway vehicle trip rate of 9 trips/guest room identified in the City's Trip Generation Manual, the proposed hotel is calculated to generate approximately 1,143 ADT, with 91 AM and 103 PM peak hour trips (City 2003). The project would result in a net increase of 16 ADT over the existing restaurant use, which is calculated to generate approximately 1,127 ADT, with 91 AM and 91 PM peak hour trips. Based on the project's expected trip generation, a transportation impact analysis is not required. The project is not expected to cause a significant short- or long-term increase in traffic volumes, and therefore, would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐

Refer to response XVI (a).

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

The project is consistent with height and bulk regulations of the CV-1-1 zone and is not at the scale which would result in a change in air traffic patterns.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

The project would not include the construction of hazards (e.g., sharp curves or dangerous intersections), and would not result in incompatible uses with the surrounding developed area. No impact would occur.

e) Result in inadequate emergency access?	☐	☐	☐	☒

Refer to response XVI (a). Construction of the proposed project would not hinder access to the site or immediate area by emergency vehicles. Project design is subject to City review and approval for consistency with all design requirements for emergency access. The project was reviewed and approved by the City's Fire Plan staff. No impact would occur.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

The project site is accessed from Valley Centre Drive, which includes existing pedestrian facilities. No bus stops or public transportation stops are included or proposed as part of the project. Nine parking spaces would be provided on site for short-term bicycle parking. The proposed project would not conflict with transit, bicycle, or pedestrian facilities, nor would the project decrease the safety or performance of these facilities. No impact would occur.

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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒

The project site is not listed nor is it eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k). In addition, please see response V(a) above. No impact would result due to implementation of the project.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

In accordance with the requirements of Assembly Bill (AB) 52, the City of San Diego sent notification to two Native American Tribes traditionally and culturally affiliated with the project area on August 14, 2017. Both the Iipay Nation of Santa Ysabel and the Jamul Indian Village responded within the 30-day period requesting consultation and additional information. Consultation concluded on August 27, 2017 with Iipay Nation of Santa Ysabel and Jamul Indian Village on January 10, 2018. It was determined that there are no sites, features, places or cultural landscapes that would be substantially adversely impacted by the proposed project. The Iipay Nation of Santa Ysabel and the Jamul Indian Village both identified no further evaluation requirements and concluded consultation.

XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Exceed wastewater treatment requirements of	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the applicable Regional Water Quality Control Board?				

The proposed project is located in an urbanized and developed area and is consistent with the land use and zoning designations for the site. The project is not anticipated to generate significant amounts of wastewater, increase demand for wastewater disposal or treatment, or exceed wastewater treatment requirements. On-site wastewater treatment facilities would not be required. Implementation of the project would not interrupt existing sewer service to the project site or other surrounding uses, and adequate municipal sewer services are available to serve the project. Impacts would be less than significant.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

The project would construct a 127-guestroom hotel that would not represent a substantial increase in water demand over existing conditions that would require new water treatment facilities. Since the property is already developed, the project would connect to an existing water line located within Valley Centre Drive. On-site water use reduction/conservation measures and all public water facilities, including services and meters, must be designed and constructed in accordance with current City Water Facility Design Guidelines and City regulations.

For wastewater treatment, the project would connect to an existing public sewer line within Valley Centre Drive. The City Public Utilities Department maintains the sewer system in this area. The San Diego Metropolitan Sewerage System provides regional wastewater collection, treatment, and disposal services for the City. The Point Loma Wastewater Treatment Plant treats wastewater from residential, commercial, and industrial sources in the City. No existing capacity issues have been identified to meet the population forecast demands.

Based on the above considerations, the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities that would cause significant environmental effects. Existing water and sewer facilities are currently available to the existing development and would serve the proposed hotel. Sewer and water capacity fees would be collected at the issuance of building permits. Thus, impacts would be less than significant.

c) Require or result in the construction of new storm water drainage facilities or	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
expansion of existing facilities, the construction of which could cause significant environmental effects?				

The project would construct on-site storm water drainage facilities and would not change the existing off-site runoff pattern as discussed in Sections IX (a) and IX (c). The project would not exceed the capacity of the existing storm water drainage systems and therefore, would not require construction of new or expansion of existing storm water drainage facilities. All on-site storm water drainage facilities would be consistent with the City's Drainage Design Manual and City Engineering Standards. Impacts would be less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐

The project does not meet the CEQA significance threshold of 500 residential units, requiring the preparation of a water supply assessment. The existing project site currently receives water service from the City, and the project would not result in a substantial increase in water demand. Adequate services are available to serve the proposed project without required new or expanded entitlements. Impacts would be less than significant.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

Refer to response XVIII (b). Construction of the project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the project site without required new or expanded facilities. Impacts would be less than significant.

f) Be served by a landfill with sufficient permitted capacity to accommodate the	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
project's solid waste disposal needs?				

A Waste Management Plan (WMP) was prepared for the proposed project to identify the quantity of solid waste that would be generated during demolition, construction, and operation, and identify measures to reduce potential impacts associated with management of project-generated waste (HELIX 2016b).

During the pre-construction (demolition, clearing/grubbing, and grading) and construction phases, the project would produce 19,480.1 tons of solid waste (including excavated soils, green waste, asphalt/concrete, demolition waste, metal, concrete, asphalt, wood, drywall, carpet, carpet padding, mixed debris, and trash), and would divert 19,269.7 tons. The diverted material would consist of clean, source-separated (segregated) recyclable and/or reusable material, as well as mixed debris, to be deposited a City-approved recycling/reuse facility. The remaining 210.5 tons of non-recyclable/non-reusable waste would be disposed of at Miramar Landfill. This would be an overall diversion rate during construction of 99 percent.

During occupancy, it has been estimated that the project would generate 371.9 tons of waste per year, and would divert 148.8 tons per year to recycling/reuse facilities, resulting in an estimated 40 percent diversion of waste from the landfill. Approximately 223.2 tons per year (60 percent) are estimated to be disposed of at Miramar Landfill. In addition, the project would remove the existing restaurant use that is estimated to generate 105.8 tons of waste per year, with 42.3 tons diverted. Therefore, the net total of project waste generation during operation would be 266.2 tons, with 106.5 tons diverted and 159.7 tons disposed. The Miramar Landfill's maximum permitted capacity is 87,760,000 CY with a maximum throughput of 8,000 tons per day. The remaining capacity for Miramar Landfill is 15,527,878 CY.

The project would fall below the City's CEQA Significance Determination Threshold (generation of more than 1,500 tons of solid waste materials) for direct impacts to solid waste facilities during demolition and construction (182.2 + 28.3 = 210.5 tons of construction and demolition materials to Miramar Landfill). The project would exceed the 75 percent solid waste diversion rate for waste produced during construction by achieving an overall 99 percent diversion rate; however, the project would fail to meet the 75 percent waste reduction target annually once the buildings are occupied. In order to reduce the project's impact on the local landfill and increase diversion during occupancy, the developer/construction contractor would (1) incorporate mandatory waste reduction, recycling, and diversion measures identified in the WMP during pre-construction and construction to reduce solid waste impacts; (2) incorporate drought-tolerant landscaping, which would generate less green waste (landscaping debris) during occupancy than higher water demand landscaping; (3) divert organic waste; and (4) utilize 10 percent post-consumer recycled content in construction materials. Based on these considerations, construction and operation of the proposed project would be served by a landfill with adequate capacity and impacts would be less than significant.

g) Comply with federal, state, and local statutes and	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
regulation related to solid waste?				

In 2011, State legislature enacted Assembly Bill (AB) 341 (California Public Resource Code Section 42649.2), which stipulates a diversion target of 75 percent statewide. AB 341 also requires the provision of recycling service to commercial and residential facilities that generate four cubic yards or more of solid waste per week.

The City has enacted codes and policies directed at the achievement of State-required diversion levels, including the Refuse and Recyclable Materials Storage Regulations (SDMC Chapter 14, Article 2 Division 8), Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7), and the Construction and Demolition Debris Deposit Ordinance (SDMC Chapter 6, Article 6, Division 6). The City's Zero Waste Plan, a component of the City's CAP, was approved and adopted by City Council on July 13, 2015. The Zero Waste Plan identifies goals and strategies to achieve 75 percent diversion by 2020, 90 percent diversion by 2035, and "zero" waste by 2040.

The Construction and Demolition Debris Diversion Deposit Program applies to all applicants for building, demolition, and removal permits. This ordinance requires that the applicant post a deposit that is not returned until the applicant demonstrates that a minimum amount of the material generated has been diverted from disposal in landfills. Mixed construction debris recycling facilities in San Diego are evaluated quarterly to determine how much of the throughput is recycled, and how much is a "residual" material requiring disposal. Facilities that accept mixed debris typically achieve a 68 percent or less diversion rate. Single materials recyclers, such as metal recyclers, often achieve a nearly 100 percent diversion rate. When comingled materials are sent to a mixed facility, the 75 percent diversion goal established by AB 341 will not be met. Depending on the project, to ensure that the overall diversion goal is attained, some materials must be separated and trucked to facilities with higher diversion rates, such as aggregate and metal recyclers.

The City has established a threshold of 40,000 square feet of development as generating sufficient waste (60 tons) to have a potentially cumulatively significant impact on solid waste services. Projects that include the construction, demolition, or renovation of 1,000,000 SF or more of building space may generate approximately 1,500 tons of waste or more during construction and demolition, and are considered to have direct impacts on solid waste services. The proposed project would exceed the cumulative impact threshold, and a WMP was prepared to identify measures that would be implemented to reduce potential solid waste impacts such that significant impacts are avoided.

As discussed in the WMP, in order to comply with City waste reduction ordinances and the waste diversion goals established in AB 341, the project must achieve a 75 percent diversion rate during demolition and construction. As concluded in the WMP, the project proposes to divert 99 percent of construction and demolition debris. This would exceed the 75 percent solid waste diversion rate. Although the project would not meet the 75 percent waste reduction target annually once the building is occupied, the project would implement additional measures (refer to the list

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

provided in response XVIII (f) above) to improve operational waste management. The project would comply with applicable City requirements for diversion of both construction waste during the pre-construction and construction phases, and solid waste during long-term operations of the hotel. Additionally, the project would comply with all federal, state, and local statutes and regulations related to solid waste. Impacts would be less than significant.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE –

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

Based on evaluation and discussions contained in this Initial Study, the proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history. The project site is located in an urban area that has been previously developed with commercial uses. As described in Section IV, the project site is not located within or adjacent to ESL and would not significantly impact biological resources. As described in Section V, no historic structures or features are present on site that would be significantly impacted by the project. The project site has been previously disturbed/developed and is underlain by undocumented/man-made fill and bedrock that are unlikely to support undisturbed cultural deposits. Impacts would be less than significant.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively	☐	☒	☐	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable futures projects)?				

Cumulative impacts can result from individually minor but collectively significant actions taking place over time. As described in this Initial Study, project-related effects either would be avoided by incorporation of project design measures, or mitigated to levels below significance. The project would be consistent with the CAP (refer to Appendix C), and thus, would not result in cumulatively considerable environmental impacts relative to GHG emissions. For the purposes of this Initial Study, impacts associated with paleontological resources are individually significant and when taken into consideration with other past projects in the vicinity, may contribute to a cumulative impact; specifically with respect to non-renewable resources. However, with implementation of the mitigation identified in Section V of this MND, information associated with these resources would be collected, catalogued, and included in technical reports available to researchers for use on future projects, thereby reducing the cumulative impact to below a level of significance.

Regarding cumulative impacts associated with waste generation, the project would be below the City's 60-ton threshold for disposal of waste during construction and demolition, since approximately 28.3 tons are anticipated to be disposed of at the Miramar Landfill during these phases. During occupancy, the project would achieve an average 40 percent diversion of waste via source-separated recycling and would dispose of approximately 223.2 tons of waste per year once the buildings are occupied. With consideration of the existing restaurant's waste disposal, the project would generate a net total of 159.7 tons. This would exceed the City's CEQA Significance Determination Threshold for cumulative impacts to solid waste services. This exceedance would be overcome by the waste reduction achieved during construction, in addition to the waste reduction measures specified in the WMP, which would provide adequate waste management. Upon compliance with waste diversion measures included in the WMP, plus implementation of sustainability and efficiency features, the project's contribution to cumulative solid waste generation would be reduced to a level that is less than cumulatively considerable.

The proposed project is consistent with the commercial, retail, and services development land use designation by the General Plan, and is consistent with the existing underlying zoning. Therefore, incremental increases in impacts to the environment would be within the thresholds set by the General Plan and supporting planning and regulatory documents. When considering all potential environmental impacts of the proposed project, including impacts identified as less than significant in the Initial Study Checklist, together with the impacts of other present, past, and reasonably foreseeable future projects, there would not be a cumulatively considerable impact on the environment.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Construction and operation of the project would not cause environmental effects that would significantly directly or indirectly impact human beings. For project-related construction activities that have the potential to cause substantial adverse effects on human beings (sound, traffic, dust), the project is required to meet all SDMC grading and construction requirements and BMPs, which would be implemented during project construction to reduce these effects to below a level of significance.

As evidenced by the Initial Study Checklist, no other substantial adverse effects on human beings, either indirectly or directly, would occur as a result of project implementation.

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

_X_ City of San Diego General Plan.

_X_ Community Plans: Carmel Valley Community Plan

___ Local Coastal Plan

II. Agricultural Resources & Forest Resources

_X_ City of San Diego General Plan

_X_ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973

___ California Agricultural Land Evaluation and Site Assessment Model (1997)

___ Site Specific Report:

III. Air Quality

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990

_X_ Regional Air Quality Strategies (RAQS) - APCD

___ Site Specific Report:

IV. Biology

_X_ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

_X_ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996

_X_ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997

___ Community Plan - Resource Element

___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001

___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California, "January 2001

_X_ City of San Diego Land Development Code Biology Guidelines

_X_ Site Specific Report: Biological Resources Technical Memorandum for the Carmel Valley Hotel Project, HELIX Environmental Planning, Inc., October 13, 2016

V. Cultural Resources (includes Historical Resources)

_X_ City of San Diego Historical Resources Guidelines

___ City of San Diego Archaeology Library

___ Historical Resources Board List

___ Community Historical Survey:

___ Site Specific Report:

VI. Geology/Soils

_X_ City of San Diego Seismic Safety Study

___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975

_X_ Site Specific Report: Preliminary Soil Investigation Report, Soil Exploration Company, Inc., May 25, 2016

_X_ Site Specific Report: Soil Engineering Addendum/Geologic Report, City Review Comments Dated 8/3/2017, Soil Exploration Company, Inc., October 31, 2017

_X_ Site Specific Report: Previous Geotechnical Reports Review, Proposed Carmel Valley Hotel Project, Soil Exploration Company, Inc., August 9, 2018

VII. Greenhouse Gas Emissions

_X_ City of San Diego Climate Action Plan, Adopted 2015

_X_ Site Specific Report: Climate Action Plan Consistency Checklist, revised June 2017

VIII. Hazards and Hazardous Materials

_X_ San Diego County Hazardous Materials Environmental Assessment Listing

___ San Diego County Hazardous Materials Management Division

___ FAA Determination

_X_ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized

___ Airport Land Use Compatibility Plan

___ Site Specific Report:

IX. Hydrology/Water Quality

___ Flood Insurance Rate Map (FIRM)

_X_ Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map

___ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html

___ Site Specific Report: Hydrology Report, Omega Engineering Consultants, July 11, 2016

X. Land Use and Planning

_X_ City of San Diego General Plan

_X_ Community Plan

___ Airport Land Use Compatibility Plan

_X_ City of San Diego Zoning Maps

___ FAA Determination

___ Other Plans:

XI. Mineral Resources

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification

___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps

___ Site Specific Report:

XII. Noise

_X_ City of San Diego General Plan

___ Community Plan

___ San Diego International Airport - Lindbergh Field CNEL Maps

___ Brown Field Airport Master Plan CNEL Maps

___ Montgomery Field CNEL Maps

___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG

_X_ Site Specific Report: Acoustical Analysis Report, HELIX Environmental Planning, Inc., June 2017

XIII. Paleontological Resources

_X_ City of San Diego Paleontological Guidelines

___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996

_X_ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975

___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977

___ Site Specific Report:

XIV. Population / Housing

___ City of San Diego General Plan

___ Community Plan

___ Series 11/Series 12 Population Forecasts, SANDAG

___ Other:

XV. Public Services

___ City of San Diego General Plan

___ Community Plan

XVI. Recreational Resources

___ City of San Diego General Plan

___ Community Plan

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:

XVII. Transportation / Circulation

___ City of San Diego General Plan

___ Community Plan

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG

___ San Diego Region Weekday Traffic Volumes, SANDAG

___ Site Specific Report: Carmel Valley Hyatt Place Trip Generation Letter, Linscott, Law & Greenspan, Engineers, October 30, 2015.

XVIII. Utilities

___ Site Specific Report: Waste Management Plan, HELIX Environmental Planning, Inc., September 7, 2016

XIX. Water Conservation

___ City of San Diego General Plan

___ Community Plan

___ Sunset Magazine, New Western Garden Book, Rev. ed. Menlo Park, CA: Sunset Magazine

Created: REVISED - October 11, 2013