



THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 405930
SCH No. N/A

SUBJECT: SAN DIEGO MUSEUM OF CONTEMPORARY ART: A Coastal Development Permit (CDP) and La Jolla Planned District Special Use Permit (CUP) to demolish an existing single family dwelling and construct an addition/remodel of the existing San Diego Museum of Contemporary Art. The existing museum is 55,388 square feet in size, and includes 35,157 square feet of gallery space, 2,103 square feet for a café, 8,746 square feet of accessory use, and a 9,564 square-foot auditorium. A Planned Development Permit (PDP) is requested for deviations to the setback and height regulations of the Land Development Code. The proposed project involves expansion of the existing museum to 105,014 square feet including repurposing the auditorium by retaining the structure and renovation and alternation of the interior of the existing auditorium structure to expanded gallery space, and construction of underground parking for 41 parking spaces. The project site is located at 700 Prospect Street within the La Jolla Community Plan Area and City Council District 1.

UPDATE: The Mitigated Negative Declaration (MND) and Initial Study have been revised to address new information presented by a Climate Action Plan Consistency Checklist and Parking Management Plan for the project; however, these revisions are clarifications and amplifications to the analysis and conclusions of the draft MND. The physical scope of the project, project environmental impacts, proposed mitigation measures, and conclusions of the draft Mitigated Negative Declaration are not affected by the revisions. Therefore, recirculation of the draft MND is not required pursuant to Section 15073.5 of CEQA Guidelines. Double underline has been used to denote additions to the MND and Initial Study and strikethrough has been used to denote deletions from the MND and initial study.

- 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): **Archaeological and Paleontological Resources**. 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:

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

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

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

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

1. 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 Archaeologist

Qualified Native American Monitor

Qualified Paleontologist

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) #405930 and /or Environmental Document # 405930, 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:

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Apv l</i>	<i>Notes</i>
Pre Con Meeting	Request letter	MMC approval	3 days prior to pre con
Paleontology	Paleontology Reports	Paleontology site observation	
Archaeology	Archaeology Reports	Archaeology/Historic site observation	
Final approval	Request for Final	Final inspection	1 week after request
Bond Release	Request letter	LEMA verification	2 week minimum LEMA

B. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for 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 CSV 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.

ARCHAEOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

II. Prior to Start of Construction

- A. Verification of Records Search
 1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction

- documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

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

IV. Discovery of Human Remains

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

- A. Notification
1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

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

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources

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

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:

City of San Diego
Councilmember Lightner - District 1

City Attorney's Office (MS 59)
Development Services (501)
Mark Brunette, EAS
Glenn Gargas, Project Management
Rudy Jaurequi, Transportation Development
Planning Department
Camille Pekarek, Historic Review
Facilities Financing, Tom Tomlinson (93B)
Water Review, Medhi Rastakhiz (86A)
Library Dept. – Government Documents (81)
San Diego Central Library (81A)
La Jolla Branch Library (81L)

State of California
Coastal Commission (48)

Archaeology
Historical Resources Board (87)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown – Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-S) (Public Notice & Location Map Only)

Paleontology
San Diego Natural History Museum (213)

Others
La Jolla Community Planning Association (275)

Owner
Charles Castle, San Diego Museum of Contemporary Art

Agent
Paul Benton, Alcorn & Benton Architects

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.



Mark Brunette, Senior Planner
Development Services Department

July 14, 2016

Date of Draft Report

December 8, 2016

Date of Final Report

Analyst: Mark Brunette

Attachments: Figure 1 - Location Map
Figure 2 - Site Plan
Initial Study Checklist



August 17, 2016

VIA E-MAIL: MBrunette@sandiego.gov

Mark Brunette
Planner
City of San Diego
Development Services
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Mitigated Negative Declaration Comment Letter for San Diego Museum of Contemporary Art (Project No. 405930)

Dear Mark:

On behalf of our client, Tony Khodapanah and Mary Afzali, owner of the Eden Apartments located at 600 Prospect Street, we submit this comment letter on the Initial Study and Draft Mitigated Negative Declaration dated July 14, 2016 ("MND") for the San Diego Museum of Contemporary Art Planned Development Permit ("PDP"), Coastal Development Permit ("CDP") and La Jolla Planned District Special Use Permit ("CUP") Process Four to demolish an existing single family dwelling and construct an addition/remodel of the existing San Diego Museum of Contemporary Art ("Project").

The MND fails to fully comply with the California Environmental Quality Act of 1970 ("CEQA"), because it fails to discuss and adequately analyze: i) aesthetic concerns including bulk and scale and view corridors; ii) traffic and parking impacts; and iii) consistency with the La Jolla Community Plan and Local Coastal Program Land Use Plan, La Jolla Planned District Ordinance, the City General Plan and the Program Environmental Impact Report.

I. Mitigated Negative Declarations under CEQA

CEQA empowers state and local governmental agencies to thoroughly consider the environmental implications of their discretionary actions.¹ The California Supreme Court has repeatedly affirmed that CEQA must be interpreted liberally "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."² CEQA requires an agency evaluate the environmental effects of the whole of an action that may result in a direct or reasonably foreseeable indirect change in the physical environment.³

¹ 14 C.C.R. §§ 15000 et seq. (the "Guidelines"); Selmi, *The Judicial Development of the California Environmental Quality Act*, 18 U.C.D. L. Rev. 197, 202 (1984).

² *Laurel Heights Improvement Ass'n. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 390 (quoting *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259).

³ Guidelines § 15378.

Two of CEQA's main purposes are to inform governmental decision makers and the public about the potential significant environmental effects of a proposed project and to identify ways that environmental damage can be avoided or significantly reduced.⁴ The burden is on the City to demonstrate that the City adequately evaluated the Project's direct or reasonably foreseeable indirect change in the environment. The City has failed to so demonstrate in the MND.

The La Jolla Community Plan and Local Coastal Program Land Use Plan ("LJCP"); the La Jolla Planned District Ordinance ("LJPDO"); and the City's General Plan and Program Environmental Impact Report ("PEIR") are the regulatory documents the Project must conform to in order to be approved ("Documents"). The Project's obstruction of public views, and traffic and parking impacts violate the Documents. The City has failed to adequately analyze if these issues create potentially significant impacts that necessitate an Environmental Impact Report ("EIR"). The Project cannot be approved as currently proposed.

II. The City Must Prepare an EIR and Analyze the Project's Significant Impacts to the Environment

a. There are Potentially Significant Environmental Impacts to Aesthetics

The City cannot support the determination that the Project causes "no impact" under MND Aesthetics sections (a) and (c) because the Project will "have a substantial adverse effect on a scenic vista" and will "substantially degrade the existing visual character or quality of the site and its surroundings" because the Project blocks existing coast, whitewater, and ocean views. Despite the City's statement to the contrary under sections (a) and (c), the Project is not consistent with the Documents.

i. The City Did Not Analyze Public Views

The LJCP defines a view corridor as "an unobstructed framed view down a public right-of-way."⁵ A view cone is "defined by a 90-degree angle radiating lines from public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each corner property closest to the ocean or shoreline."⁶ A scenic roadway is "partially obstructed views over private properties and down public right-of-ways".⁷

Prospect Street is to the east of the Project, Cuvier Street is to the south, and Coast Boulevard is to the west. Under the LJCP's above definitions, a view corridor exists from the top of Cuvier at Prospect that provides coast, whitewater, and ocean views ("View Corridor").⁸ A view cone exists from the middle of Cuvier Street near La Jolla Community Center Park down Cuvier Street and over part of Applicant's property providing views of the coast, whitewater and ocean

⁴ Guidelines §§ 15002(a), (b).

⁵ See LJCP Figure 9 Identified Public Vantage Points.

⁶ *Id.*

⁷ See LJCP Appendix G – Subarea E Figure E.

⁸ See LJCP Figure 9 Identified Public Vantage Points.

a. There are Potentially Significant Environmental Impacts to Aesthetics.

i. The City Did Not Analyze Public Views.

The City of San Diego CEQA Significance Thresholds for Views state that to meet the significance threshold for blocking a public view "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."

City Thresholds also state "The project would cause substantial view blockage from a public resource (such as the ocean) that is considered significant by the applicable community plan."

Figure 9 and Appendix G of the La Jolla Community Plan and Local Coastal Program Land Use Plan identify three public viewing areas that are near the project site.

1. The public View Corridor along Cuvier Street toward the Pacific Ocean (Figure 9: No. 50).
2. The public View Cone graphically depicted on Figure 9 as a view toward the ocean from Prospect Street between Cuvier Street and Draper Street (Figure 9: No. 49)
3. The Prospect Street Scenic Roadway (Appendix G: Figure E).

1. Cuvier Street View Corridor

A View Corridor is defined by the community plan as an "Unobstructed framed view down a public right-of-way." The proposed Project Development Plans demonstrate that not only does the proposed museum expansion not encroach into the framed view down a public right-of-way, but it also maintains a minimum setback from the right-of-way line on the east side of Cuvier Street of 15 feet. Therefore, the project could not affect a public view framed by the public right-of-way. Public views across private property from the public right of way are not part of the designated public View Corridor because they include area outside the public right-of-way.

MCASD Responses to Comments – Morgan-Reed Letter

("View Cone").⁹ Prospect Street, a scenic roadway, provides coast, whitewater and ocean views down Cuvier and over Applicant's property to views of La Jolla Shores ("Scenic Roadway") (collectively "View").¹⁰ However, the City failed to evaluate the Project's visual and aesthetic impact on the View.

The City's Cycle Issue Review 2, March 18, 2015 LDR- Planning Comments 24 and 25 only identified scenic vistas (on the Project's north end) and a view corridor (on the Project's south end). Furthermore, both comments state "Info Only – No Response Required" which means the City did not require the Applicant to give any additional information or provide any reports about the scenic vistas or view corridor. The City did not analyze what effect the Project will have on the existing scenic vistas or view corridor.

Furthermore, the City should have listed and analyzed all Views the Project impacted and determined if there were potentially significant impacts to the environment that would occur from the Project blocking such Views. The City makes no mention of the View Cone or Scenic Roadway; both of which are vital views that must be protected and enhanced pursuant to the Documents.

It is clear the City did not evaluate the potentially significant environmental effects to the View because the Initial Study and Site Plan attached to the draft Mitigated Negative Declaration does not contain any reference to protecting the View. There are no City Cycle Issue review comments that mention all components of the View or require analysis of it. The City never required Applicant to perform a view easement analysis, a photographic view easement study or raise story poles reflecting where the current view is and how and where the Project would impact the view ("View Studies"). At a minimum, the City must request Applicant provide View Studies for City's analysis. Story poles will allow the City, and the public, to visually comprehend how the Project blocks the View. Furthermore, the City's Initial Study Reference Checklist only lists reliance on the General Plan and LUP for the City's aesthetics determination.¹¹ In addition to requiring Applicant provide View Studies, the City also should have reviewed the LUPDO and PEIR, both of which require protection and enhancement of the View.

The City's PEIR and General Plan requires the City to review and determine if a project will impact public views like the View. The Program EIR states:

As future growth occurs in the City, any development that is incompatible in shape, form, or intensity such that public views are impacted, will be analyzed and addressed in project-specific environmental reviews pursuant to the California Environmental Quality Act (CEQA). Identification of appropriate project level mitigation measures would be determined at that time.¹²

The community planning group requested that an existing pine tree, which currently overhangs the Cuvier Street public right-of-way, be moved further north on the subject property to enhance the public View Corridor down Cuvier Street. The applicant has agreed to relocate the tree as part of this project to enhance the view of the ocean.

2. Prospect Street View Cone

A public View Cone is "Defined by 90 degree angle radiating lines from public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each corner property closest to the ocean or shoreline." The View Cone graphically depicted on Figure 9 of the community plan is located on Prospect Street directed across the southerly end of the museum property, and the properties at 636, 616, and 600 Prospect Street, which are immediately south of the museum. The CEQA baseline condition for determining the significance of visual impacts is that there is no existing actual public View Cone from this location, except for a small 10-foot wide gap between the buildings at 600 and 616 Prospect Avenue. This is due to the fact that views toward the ocean are entirely blocked by existing structures and vegetation at the above referenced locations on the west side of Prospect Street. Thus, there is no existing public view to be "maintained" except the previously mentioned 10-foot wide building gap on an adjacent property.

The proposed project would not affect the existing 10-foot wide view between the existing buildings at 600 and 616 Prospect Street since they are not part of the project site and located south of the museum. There is, therefore, no existing View Cone to maintain and, thus, there would be no impact to an existing public view.

The proposed project would enhance the public view from Prospect Street by providing 5-foot wide view easement along the project site's southerly property line where no public view presently exists. Therefore, the project is consistent with the community plan policy to maintain and enhance public views.

3. Prospect Scenic Roadway

A Scenic Roadway is defined by Appendix G as "Partially obstructed views over private properties and down public R.O.W.s." This view can be seen briefly by vehicles or pedestrians travelling along Prospect Street at its intersection with Cuvier Street. This Scenic Roadway view duplicates the view that is designated by the View Corridor in Number 1 above. As stated for Number 1 above, no structure is proposed within the public right-of-way or required setbacks, and, therefore, the project would maintain this View Corridor on Cuvier Street, thereby maintaining the Scenic Roadway view from Prospect Street. In addition, an existing mature pine tree would be relocated to the north to enhance the view of the ocean from Cuvier Street and Prospect Street.

The above referenced responses are supported by simulated photographs of the proposed project and a site plan showing the applicable public views.

⁹ *Id.*

¹⁰ See LUPC Appendix G – Subarea E Figure E.

¹¹ Initial Study Checklist References p. 38.

¹² March 10, 2008 General Plan Update Final Program EIR p. 3.16-10.

The City failed to analyze the Project's shape, form and intensity as it relates to the View to determine if there were potentially significant impacts to the View and the environment. In fact, the City's Cycle Issue Review 7, October 2, 2015 LDR- Planning Comments 24 and 25 were checked off for scenic vistas and view corridor. This means the City was satisfied with the Applicant's treatment of them and no further information or analysis was needed. The City did this despite the fact that the City had no information or analysis about the View and the Project's environmental impacts to the View.

The City also failed to analyze the Project's environmental impact to the View under the LJCP. The LJCP is adamant and explicit about the importance of protecting public views. The LJCP's Policies states that public views must be preserved and enhanced.

Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons shall be retained and enhanced for public use (see Figure 9 and Appendix G).¹³

If the City had analyzed the Project's impact on the View, the City would have found that the Project does not support LJCP's visual resource policies. The Project does not preserve or enhance the current View. The Project creates a wall that significantly impacts and blocks the public's View of the beautiful coast and ocean. The current View is decimated because the Project severely blocks the View. The Project creates a significant impact on the environment.

The LJCP also states that new development proposed adjacent to a park or open space must reduce the perceived bulk and scale of the proposed structure through articulation of the facades facing the park or open space land.¹⁴ Since the Project is adjacent to the ocean, it must comply with this requirement. Coastal Commission staff's comments echo this concern. The Coastal Commission comments identified the Project's bulk and scale would detrimentally affect the View. City Cycle Issue Review 4 May, 2015 Coastal Commission Comment 6:

This expansion represents a substantial "walling off" of the adjacent shore line area. Commission staff recommended to the applicant that a view corridor be incorporated into the expanded southern section of the museum (such as with an outdoor courtyard separating the existing museum from the expansion). It would seem the applicant did not address this point. They should (it is unclear if there would be a view corridor along the very southern side of the structure).¹⁵

On August 13, 2015 Applicant responded to Coastal Commission stating "We have not proposed an additional view corridor to the South."¹⁶ It wasn't until April 13, 2016 that Applicant finally provided the Coastal Commission with a site map reflecting a five-foot view corridor

¹³ LJCP Natural Resources and Open Space Policies Visual Resources 2(a) p. 39.

¹⁴ Id. Plan Recommendations Open Space Preservation and Natural Resource Protection at 2(i) p. 46

¹⁵ COSD Cycle Issue 4 May 2015 Coastal Commission Issue No. 6.

¹⁶ Applicant 8/13/15 response to City Cycle Issue CC-6 p. 4

THIS PAGE INTENTIONALLY LEFT BLANK

along the southern edge of the Project's building.¹⁷ However, there is no evidence the City analyzed if a five-foot view corridor at this location protected and enhanced the View or complied with the Documents. If the City analyzed the view corridor, the City would find that there is a potentially significant impact on the environment.

LJCP's Plan Recommendations also states that development shall not infringe on public views and public views must be preserved and enhanced.

Where existing streets serve as public vantage points, as identified in Figure 9 and Appendix G including, but not limited to, view corridors and scenic overlooks and their associated viewsheds, set back and terrace development on corner lots and/or away from the street in order to preserve and enhance the public view provided from the public vantage point to and along the ocean. In review of variances or other requests for reduced setbacks within the viewshed public vantage points, adjacent to identified view corridors or on property between the ocean and first coastal roadway, do not allow any reduction in the public view provided to and along the ocean. Figure 9 and Appendix G list streets that provide identified public views to and along the ocean to be protected from visual obstruction.¹⁸

Applicant's proposed five-foot view corridor along the south end of the building is inadequate and its placement is inappropriate. The view corridor allegedly proposed does not protect and enhance the View. It is not sufficiently wide to even include most of the View. The City's failure to protect the View will set a dangerous precedent for future projects that disregard the Documents and intentionally block views. The City must require all projects in coastal areas to respect, preserve, and enhance the views identified and protected in the community plans and municipal code.

The view corridor is further diminished by the requested variance to allow an outdoor egress stairwell in the view corridor. Allowing such a variance will impact the small ocean view provided by the view corridor. The outdoor stairwell also does not comply with the LJCP's design guidelines as it will attract vagrants and graffiti. The City must uphold the LJCP's visual resource plan recommendation and not allow an outdoor stairwell to encroach in the view corridor.

The City's failure to analyze the View prohibits the City from adopting the MND. Courts have held that the lead agency cannot adopt a negative declaration if it can be "fairly argued" that the project may cause significant environmental impacts.

¹⁷ April 13, 2016 electronic correspondence from Lindsay King to Coastal Commission staff Alexander Llerandi (attached).

¹⁸ LJCP Natural Resources and Open Space Plan Recommendations Visual Resources 2(e) p. 45

CEQA places the burden of environmental investigation on government rather than the public. If the local agency has failed 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 fair argument by lending a logical plausibility to a wider range of inferences.¹⁹

The City must evaluate the potentially significant impacts the Project has to the View. The City must require Applicant to enter into a recorded view easement that will forever protect and enhance the View. The City's failure to assess the Project's impacts to the View will prohibit the City from issuing the Coastal Development Permit and Conditional Use Permit since the City will not be able to make the findings that the Project is in conformance with the underlying land use Documents.

b. There are Potentially Significant Environmental Impacts to Land Use and Planning.

The LJPDO enforces the LJP and recognizes that Subarea 5A, which includes the Project, has "unique orientation to the ocean. The LJPDO standards are intended to protect and enhance public ocean views."²⁰ As stated above, the City's failure to ensure the Project protects and enhances the View violates the Documents. However, the Project specifically violates the LJPDO. This is a conflict with the City's applicable land use plan. The city cannot make a finding of "No Impact" under Land Use and Planning X(b)

i. The Project violates the LJPDO.

City Cycle Issues Review 2 March 18, 2015 Planning Review Comment 16 states that the Project does not comply with LJPDO section 159.0402(b) because no fence, wall or other structure shall exceed three feet in height once the visibility triangle of 25 feet from Coast Boulevard and 25 feet from Cuvier is imposed.²¹ Section 159.0402(b) requires visibility areas be established adjacent to every street corner intersection, driveway or alley in Zones 5 and 6. These visibility triangles are important to protect the many ocean views that exist in these two zones.

The visibility triangle would require the Project's building to sit back 25 feet along Coast Boulevard and 25 feet along Cuvier Street. The Project does not appear to meet these requirements. The City appears to have not required the Project comply with section 159.0402(b) or any mitigation to address it. City Cycle Review 4 June 12, 2015 Planning Comments removed Comment 16 without noting if the issue had specifically been resolved.

Because the City has failed to analyze and require Applicant to comply with the LJPDO, the City cannot find that the Project has "No Impact" under the Initial Studies Land Use and

b. There are Potentially Significant Environmental Impacts to Land Use and Planning.
i. The Project violates the LJPDO

The intent of Visibility Areas is not to protect public views of the ocean. By City of San Diego Land Development Code definition they are "the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a public right-of-way." The required 25-foot visibility area at the intersection of Cuvier and Coast Boulevard is not affected by the proposed project since the proposed building footprint is located entirely outside the Visibility Area. The development plans have been revised to show this Visibility Area which demonstrates that the project is not in violation of the LJPDO.

¹⁹ *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 311(1988).

²⁰ San Diego Municipal Code section 159.0301(g)(2).

²¹ San Diego Municipal Code Section 159.0402(b) and Appendix F.

Planning.”²² Failure to implement visibility triangles on the Project clearly conflicts with the LUPDO, and the policies and regulations of the LUP, General Plan and PEIR. The City must analyze the environmental effect if the Project’s building is in the visibility triangle and require Applicant to comply with the Documents.

c. The MND Insufficiently Analyzes Traffic and Parking Impacts.

Page three of the MND checked the boxes for both “Cultural Resources” and “Transportation/Traffic” as having at least one impact that is a “Potentially Significant Impact”. However, the Transportation/Traffic incorrectly fails to identify what is the Potentially Significant Impact.

i. The Parking Shortage Creates a Potentially Significant Impact.

The Project’s traffic and parking both have the potential to significantly impact the environment because they conflict with the Documents and applicable traffic regulations. Applicant provided two traffic reports: a June 1, 2015 and a July 14, 2015 traffic report from Fehr and Peers. The reports conflict each other and the data is inconsistent. For instance, there is a difference in the reports regarding the number of parking spaces the museum currently has and the number of parking spaces the Project is deficient. This analysis will focus on the July 15, 2015 report (“Transportation Assessment”) since it is the most recent report and appears to be a revision of the June 1, 2015 report.

It is not clear if the Transportation Assessment measured the parking deficiencies at the same time that it evaluated the potentially significant traffic impacts. Although two of the traffic evaluation days (Sunday May 17, 2015 and Tuesday May 19, 2015) were the same days as when parking counts were taken, it does not state the time when Applicant assessed the traffic. It appears the parking demand was evaluated based on Applicant’s estimates of museum attendance and employee parking needs rather than actual observation at the time the traffic was evaluated. If the times were not the same, the courts have held that the data cannot support the conclusion that there is no parking shortage.²³

Clearly there is a parking shortage. The Project is only providing 41 spaces on-site. The City’s municipal code requires 283 parking spaces on-site based on the Project’s square footage.²⁴ The Transportation Assessment identifies an on-site parking shortage of 25-310 spaces, depending on the type of event and the time of day.²⁵ Even a shortage of 25 parking spaces is significant, especially in coastal zones.

Applicant argues it need not comply with the City’s municipal codes because the museum allegedly does not have the amount of visitors the City’s municipal codes assumes, based on the museum’s square footage. This argument is like a hotel developer protesting it need not

c. The MND Insufficiently Analyzes Traffic and Parking Impacts.

- i. The parking Shortage Creates a Potentially Significant Impact**
- ii. The MND does not assess Parking Shortages as an Impact.**

Increases in parking demand were estimated separately for typical weekday conditions, small events (10 to 100 attendees), medium events (150 to 320 attendees), and large events (320 to 500 attendees). Existing parking demand for these conditions was estimated based on museum attendance data, number of museum employees, and an average vehicle occupancy of 1.4 persons per vehicle for evening events. Existing estimated parking demand was then compared to actual parking availability on site and on the nearby street blocks to evaluate expected “surplus” or “deficit” of parking for the four different conditions evaluated.

The Traffic Assessment concluded that there would be a surplus of available on-street parking in all instances except with the largest special events. (Traffic Assessment, Table 3) With all medium or large events, however, the Project will be conditioned to arrange for valet parking services that will park the cars of patrons in off-street parking garages. According to the museum, these medium and large evening events would be expected approximately 15 days per year.

The applicant acknowledges that the project does not currently meet municipal code minimum parking requirements based on its square footage. The most recent permit that the museum currently operates under, CDP 96-0257, requires 24 on-site parking spaces, and 25 are provided today. Currently, it is estimated that museum staff and visitors occupy approximately 58 on-street spaces near the museum on a typical Thursday, and up to 185 on-street spaces for a medium-sized evening event (with up to 320 attendees). The parking occupancy surveys were done to survey availability of these on-street spaces in order to estimate whether the additional demand generated by the proposed project would be able to be accommodated. As discussed on pages 10-15 of the Traffic Assessment and summarized in Table 3 of the Traffic Assessment, the consultant estimated the additional demand could be accommodated for all but the largest events (320-500 attendees), which would occur 3 times per year. As shown in Table 3, the project would not be expected to increase parking demand for the evening events, and would be expected to increase parking demand by approximately 29 spaces during typical weekday operations, which would be partially offset by the additional 16 spaces to be provided on-site. However, in order to ensure that the project would not substantially affect the availability of public parking during evening events, the Project will be conditioned to arrange for valet parking services that will park the cars of patrons in off-street parking garages for all events where over 150 attendees are expected.

²² Initial Study Checklist Land Use and Planning X(b) p. 26.

²³ See *Taxpayers for Accountable Sch. Bond Spending v San Diego Unified Sch. Dist.* (2013) 215 CA4th 1013, 1050 in which Court stated traffic study had no basis to determine there was not a parking shortage since it did not evaluate at same time as traffic study.

²⁴ Transportation Assessment p. 15.

²⁵ Transportation Assessment p. 14.

provide a parking space on-site for each room in its hotel since it is unlikely all rooms will be filled at the same time. City parking calculations take into account visitation and occupancy rates. For the Applicant to claim they need not comply with City parking calculations because the museum is not regularly well attended is illogical. The City cannot allow the Project to be built with such a severe parking shortage because of the potentially significant impacts to the environment.

ii. The MND does not assess Parking Shortages as an Impact.

The MND does not consider parking space shortages and their resulting impacts. All physical environmental impacts that could result from a parking shortage must be evaluated.

Vehicles, whether driven or parked, in effect constitute man-made conditions and therefore may constitute physical conditions in an area that may be affected by a proposed project, thereby requiring a lead agency to study whether a project's impact on parking may cause significant effect on parking and thus the environment. Furthermore, to the extent the lack of parking affects humans, that factor may be considered in determining whether the project's effect on parking is significant under CEQA.²⁶

Parking shortages do have potentially significant impacts on the environment that must be studied. This is especially true in coastal areas like La Jolla which are already severely impacted by parking deficiencies due to high visitor and tourist use.

iii. The Transportation Assessment is Not Accurate.

The Transportation Assessment does not take in to account previous Coastal Development permit approvals that conditioned and required certain parking. For instance, November 24, 1986 Coastal Commission Staff Report 6-86-638, for conversion of the courtyard into a café, required Applicant to maintain at least five parking spaces for the café use and a total of 27 parking spaces on the site. The Transportation Assessment does not address parking allocations for café use nor why the Project currently only has 25 parking spaces.²⁷ It also does not require that at least five of the 41 spaces be limited to café use. The Project violates the Coastal Act because it is not in conformance with previous Coastal Development permits; it is not compatible with existing development and protection of coastal area; and, it will not provide adequate parking.²⁸

Furthermore, the Project's June 6, 2016 Greenhouse Gas Evaluation regarding traffic relies on different numbers than what was included and studied in the Transportation Assessment. The Applicant submitted a February 1, 2016 letter which, among other inconsistencies with the Transportation Assessment, included a higher number of special events and calculations of employees attending the special event. In addition, the Transportation Assessment did not appear to calculate or include the amount of special event trips and how that impacted the

iii. The Transportation Assessment is Not Accurate.

The Traffic Assessment evaluated potential increases in vehicular trip generation and parking demand based on attendance data from the museum from 2014 and conservative assumptions. Conversion of the auditorium to gallery and exhibit space was assumed to increase typical weekday trips by 80 daily trips and 12 PM peak hour trips (22 PM peak hour trips on Thursdays). As stated on Page 32 of the Draft MND Initial Study Checklist, the proposed expansion of the museum will have a negligible impact to traffic operations on streets in the La Jolla Village area.

The 1986 Coastal Development Permit that authorized the construction of the Museum's café has been superseded by the most recent permit that the museum currently operates under, CDP 96-0257. This permit requires 24 on-site parking spaces and 25 are provided today.

The Project's June 6, 2016 Greenhouse Gas Evaluation has been replaced by the City of San Diego Climate Action Plan Consistency Checklist to demonstrate compliance with GHG emissions reductions required by the State of California and the recently adopted City of San Diego Climate Action Plan and associated CEQA Significance Thresholds. The Final MND has been revised to reflect this change, however there is no change to mitigation measures or significant impacts. This revision has been made as a clarification and amplification of the analysis and conclusions of the MND. Therefore, there is no conflict between the Traffic Assessment and the GHG Evaluation in terms of traffic or parking impacts because the MND no longer relies on the GHG Evaluation in its analysis of environmental impacts.

The July 14, 2015 Traffic Assessment has been supplemented by the November 11, 2016 Parking Management Plan to clarify the assumptions of the Traffic Assessment and the Final MND has been modified accordingly. These changes amplified and clarified the analysis and conclusions of the draft MND, but did not identify any new or increased project related traffic or parking impacts or new mitigation measures.

²⁶ *Supra.* at 1053 citing Guidelines § 15064(e).

²⁷ November 24, 1986 Coastal Commission staff report 6-86-638 p. 4

²⁸ CA Public Resource Code § 30251 and 30252.

potentially significant amount of traffic. Therefore, the Transportation Assessment's study scenarios and traffic volumes are not accurate since they relied on lower, inaccurate numbers. The Greenhouse Gas Evaluation should also be suspect to the City since it relied on numbers provided by Applicant rather than numbers provided and analyzed by professionals in the Traffic Assessment.

iv. A Joint Use Parking Agreement is Required.

The LJCP identifies the Project area location already has limited public parking.²⁹ The City must evaluate the potentially significant impacts the parking shortage will have on the area and require the Project to comply with the City's municipal code parking requirements to provide adequate parking. The Project would be in compliance with the City's municipal code, and the LJCP, by entering into a joint use parking agreement with Bishop's School, or another facility, to compensate for the Project's parking deficiencies. The LJPDO permits joint use parking facilities with a Special Use Permit.³⁰ The City is currently only requiring the Project keep the Bishop's School informed when MCASD has a large event and potentially provide valet parking. However, the Project's high amount of deficient parking on-site has a significant effect on the quality of the neighborhood and impact to the Project's neighbors. A joint use parking agreement may solve some of the parking deficiency issues and add to the overall quality of the neighborhood.

III. Conclusion

The MND fails to fully comply with the CEQA, because it does not discuss and adequately analyze: i) aesthetic concerns including bulk and scale and view corridors; ii) traffic and parking impacts; and iii) consistency with the Documents. The City must require Applicant to prepare an EIR that addresses the Project's potentially significant environmental impacts.

Thank you for your consideration of this letter. Please contact me with any questions or concerns.

Sincerely,



CYNTHIA MORGAN-REED
of
MORGAN REED LAW, P.C.

Cc: Glenn Gargas (via email)

iv. A Joint Use Parking Agreement is Required.

As stated under the response to section c.i., in order to ensure that the project would not substantially affect the availability of public parking during evening events, in addition to providing 16 additional on-site parking spaces, the project will be conditioned to arrange for valet parking services that will park the cars of patrons in off-street parking garages for all events where over 150 attendees are expected. Therefore, the project would result in a less than significant impact relative to existing baseline parking conditions in the vicinity of the museum, and a requirement for a shared parking agreement is not necessary.

²⁹ LJCP Coastal Access Subarea E - Coast Blvd. p. 26
³⁰ LJPDO § 159.0211(h)

Brunette, Mark

From: Gargas, Glenn
Sent: Monday, August 15, 2016 1:05 PM
To: 'Lindsay King'; 'Paul Benton'
Cc: Brunette, Mark
Subject: FW: DRAFT NMD - MCASD PROJ. # 405930

Lindsay and Paul,

Here is an e-mail that just came in on the draft MND from Tony Ciani (please see e-mail below). Mark Brunette has a copy as well. Mark maybe in touch with either of you if he needs assistance preparing responses to any of the issues raised. Take Care!

Glenn R. Gargas, AICP
Development Project Manager
City of San Diego
Development Services Department
(619) 446-5142

CONFIDENTIAL COMMUNICATION

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

From: Anthony Ciani [mailto:aciani@cianilarchitecture.com]
Sent: Monday, August 15, 2016 12:53 PM
To: Gargas, Glenn
Subject: DRAFT NMD - MCASD PROJ. # 405930

Hi Glenn,

Thank you for considering my letter and request by sending me the hard copy of the Mitigated Negative Declaration. I read it and disagree with some of the findings especially regarding the significance of the cumulative adverse impacts resulting from development over time. A 1983 traffic study of the La Jolla traffic and circulation determined that traffic congestion to and from La Jolla, and within La Jolla's existing street system had been substantially degraded and at a critical level by development at the (then) present land uses, and would be "exacerbated" by future development.

Traffic and parking on Prospect Street, Coast Blvd. and South Coast Blvd. have increased in the last 30 years to greatly diminish public access to the shoreline, contrary to the provisions in the LCP and Coastal Act.

The Initial Study Checklist did not "check" the LCP when evaluating the Aesthetics and Neighborhood Character. Therefore, the analysis did not assess Coastal Act Sections 30251 and 30253(e) to protect the scenic quality and special community and public views and viewshed, including consideration to enhance views from the public vantage points along the shore and from the sea. For example, Is the project designed to reduce the

1. The Traffic Assessment evaluated potential increases in vehicular trip generation and parking demand based on attendance data from the museum from 2014 and conservative assumptions. Conversion of the auditorium to gallery and exhibit space was assumed to increase typical weekday trips by 80 daily trips and 12 PM peak hour trips (22 PM peak hour trips on Thursdays). As stated on Page 32 of the Draft MND Initial Study Checklist, the proposed expansion of the museum will have a negligible impact to traffic operations on streets in the La Jolla Village area.
2. Comment acknowledged. It does not address the MND specifically.
3. The project was reviewed by qualified City of San Diego Permit Planning, Long Range Planning, and Environmental Analysis staff, and the project was determined to be consistent with the La Jolla Community Plan and LCP. This plan was approved by the City of San Diego and California Coastal Commission in accordance with the Coastal Act. Therefore the Initial Study Checklist analysis did consider the LCP when evaluating Aesthetics and Neighborhood Character.

The project has been designed with high architectural quality so that it will enhance views from the sea. The amount of glass that is proposed for the project is consistent with the community plan, the Planned District requirements, and the City of San Diego adopted building code. Therefore, the project does not propose large expanses of glass and will not create highly reflective glare.

The project meets the height limits defined in the La Jolla PDO and the City of San Diego Land Development Code (LDC)

MCASD Responses to Comments - Ciani Email

4. The project was reviewed by qualified Development Services Department engineering staff who determined that the project would be designed to comply with the most recent San Diego Regional Water Quality Control Board (MS-4) Municipal Storm Water Permit requirements as well as City of San Diego Storm Water Runoff Best Management Practices, drainage and storm water runoff pollution treatment requirements. Therefore, the project includes improvements to the surface drainage systems to retain, capture and properly dispose of pollutants before entering the City's storm drainage system and streets which are immediately adjacent to the ocean.
5. The Mitigated Negative Declaration includes an analysis of all potential cumulative impacts and the project was determined to result in less than significant cumulative impacts.
6. The project was reviewed by qualified Development Services Department engineering staff, including the project's Drainage Study and Water Quality Technical Report. DSD Engineering staff determined that the project, including any proposed drainage or storm water pollution treatment improvements, would be designed to comply with the most recent San Diego Regional Water Quality Control Board (MS-4) Municipal Storm Water Permit requirements as well as City of San Diego Storm Water Runoff Best Management Practices, drainage and storm water runoff pollution treatment requirements.

3 [highly reflective glare from large expanses of glass? The study states the project meets the Prop "D" height limits; but does it meet the height limits defined in the LJ PDO and LDC?]

4 [Does the project propose improvements to the surface drainage system to retain, capture and properly dispose debris, pesticides, grease, and other harmful chemicals before entering the City's storm drainage system and streets which are immediately adjacent to the ocean?]

5 [For all of these issues, the environmental review must evaluate all of the adverse impacts past, present and potential future projects, on and offsite to address the cumulative impacts.]

6 [I suggest that the project be conditioned to study the nearby surface urban runoff hydrology and renovate the adjacent city storm drain surface and subsurface system to install capture and diversion of all harmful debris and chemicals that currently discharge into the sea directly adjacent to the subject site (Cuvier St. and Coast Blvd. Outfalls.) If not, then the project should consider all reasonable alternatives to improve and restore the system commencing with an in lieu of fee development impact program for all commercial and quasi-commercial uses in La Jolla.]

Thank you for the opportunity to comment.

Respectfully,

Tony Ciani
220 Walnut Street
Pacific Grove, CA 93950
(property owner in La Jolla)



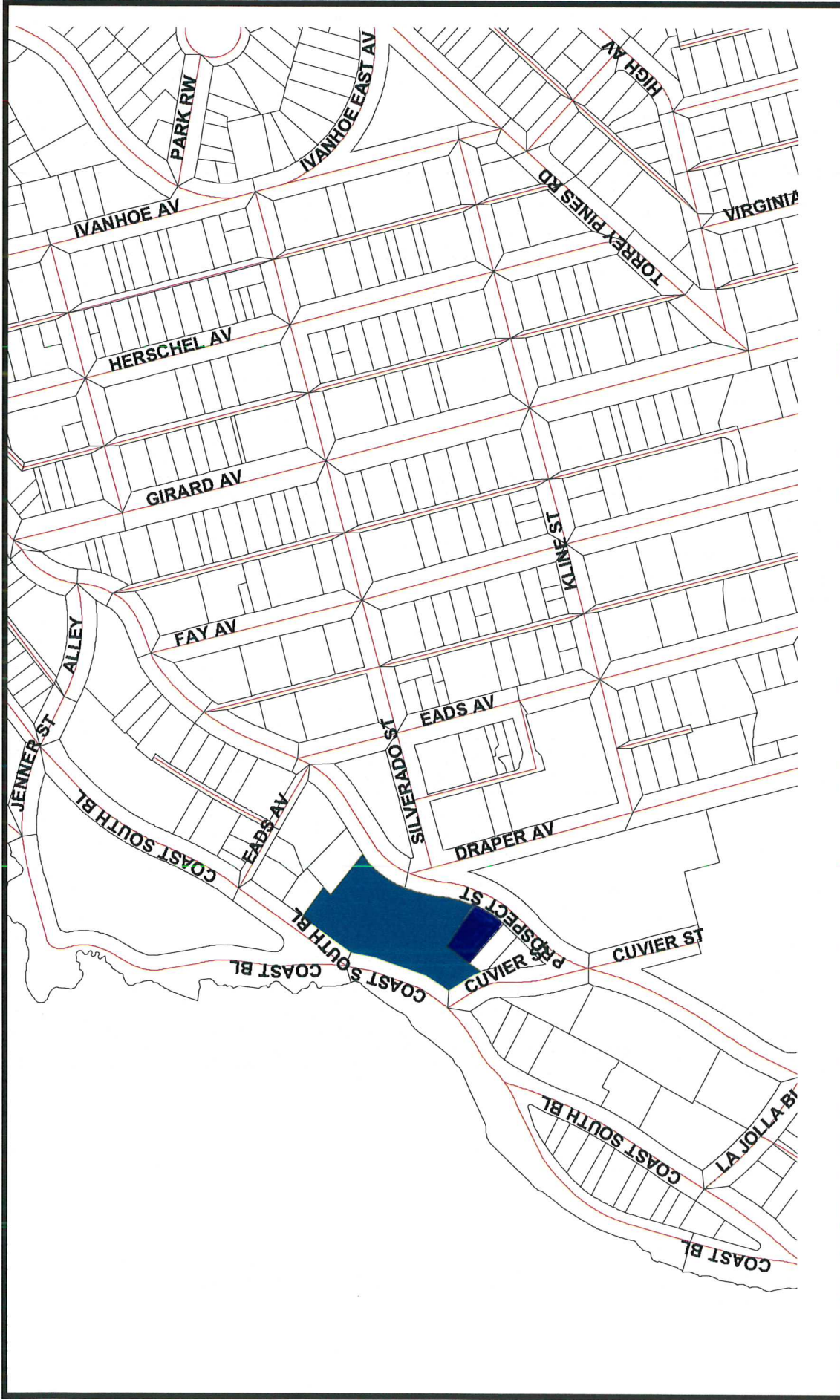
Location Map

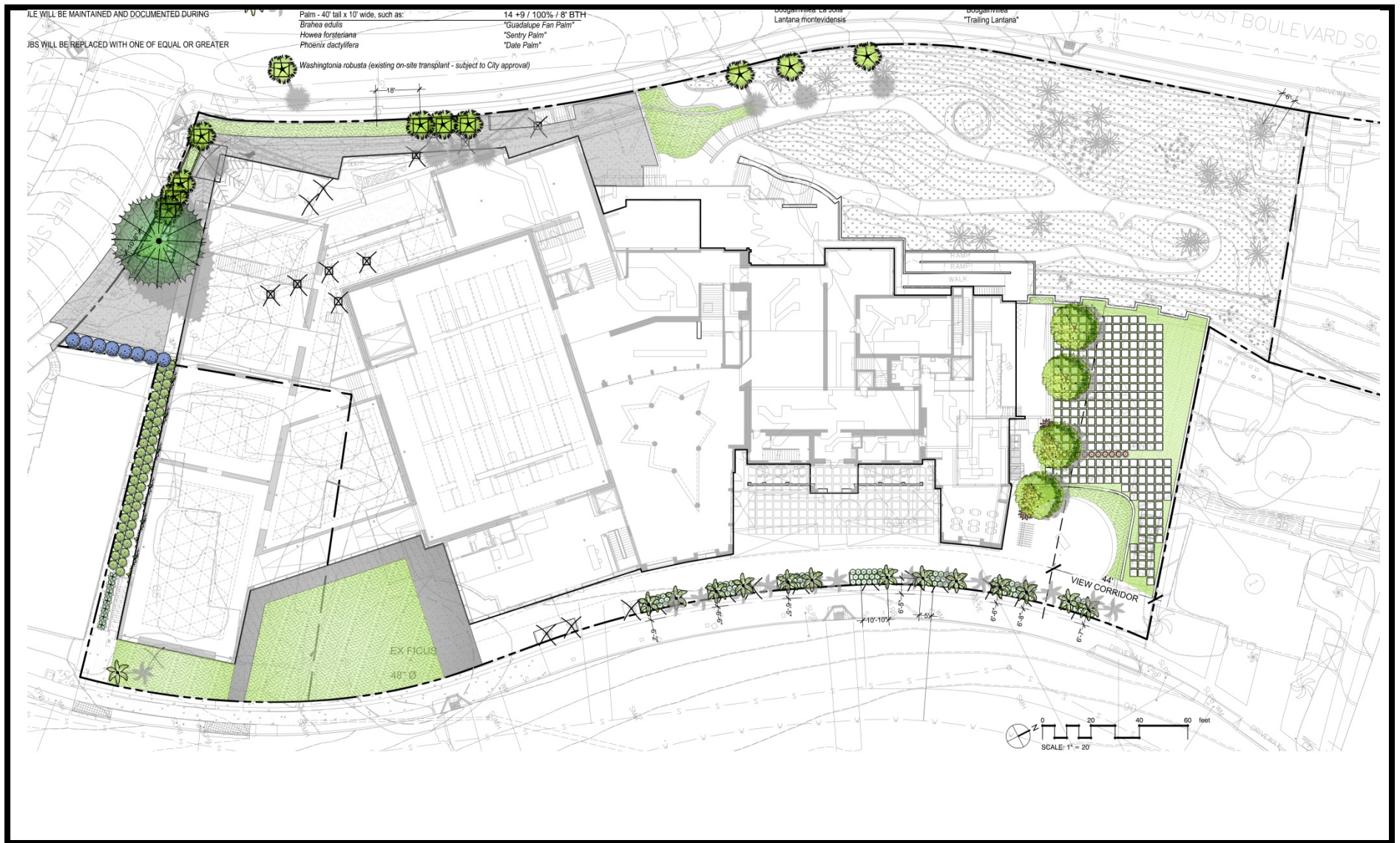
San Diego Museum of Contemporary Art/Project No. 405930

City of San Diego – Development Services Department

FIGURE

No. 1





Site Plan

San Diego Museum of Contemporary Art/Project No. 405930

City of San Diego – Development Services Department

FIGURE

No. 2

INITIAL STUDY CHECKLIST

1. Project Title/Project number: **SAN DIEGO MUSEUM OF CONTEMPORARY ART / 405930**
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS501, San Diego, CA 92101
3. Contact person and phone number: Mark Brunette, (619) 446-5379
4. Project location: 700 Prospect Street, La Jolla CA 92037
5. Project Applicant/Sponsor's name and address: Paul Benton, Alcorn & Benton Architects, 7757 Girard Avenue, La Jolla, CA 92037, (858) 459-0805 on behalf of the San Diego Museum of Contemporary Art.
6. General Plan designation: Cultural Zone of La Jolla Community Plan / Certified Local Coastal Program Land Use Plan.
7. Zoning: La Jolla Planned District (LJPD)-5A & 6A
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 Coastal Development Permit (CDP) and La Jolla Planned District Special Use Permit (CUP) to demolish an existing single family dwelling and construct an addition/remodel of the existing San Diego Museum of Contemporary Art. The existing museum is 55,388 square feet in size, and includes 35,157 square feet of gallery space, 2,103 square feet for a café, 8,746 square feet of accessory use, and a 9,564 square-foot auditorium. A Planned Development Permit (PDP) is requested for deviations to the setback and height regulations of the Land Development Code. The proposed project involves expansion of the existing museum to 105,014 square feet including repurposing the auditorium by retaining the structure and renovation and alternation of the interior of the existing auditorium structure to expanded gallery space, and construction of underground parking for 41 parking spaces. In addition, the project would construct associated site improvements (i.e. hardscape, site walls, and landscaping). The structure would not exceed 30 feet in height from grade per Proposition D.

The project landscaping has been reviewed by City Landscape, Engineering, and Geology staff and would comply with all applicable City of San Diego ordinances and standards for site improvements. Drainage would be directed into appropriate storm drain systems designed to conform to Low-Impact Development (LID) with Best Management Practices (BMP) to carry and manage surface runoff onsite, which has been reviewed and accepted by City Engineering staff. Ingress to the project site would be the pedestrian entrance

fronting Prospect Street, and the vehicle, service and delivery entrance at Cuvier Street. All parking would be provided on site.

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

The 110,983 square foot project site is located at 700 Prospect Street. The topography of the site is gently sloping from Prospect Street to Coast Boulevard. Vegetation onsite is varied and consists of landscaping flora, including grass lawn, shrub, succulents, and trees, including an established sculpture garden in a flatter area to the northwest.

The premises are designated Medium Density Residential (15-30 dwelling units per acre) & Medium High Density Residential (30-45 dwelling units per acre) and zoned La Jolla Planned District - 5A & 6A within the La Jolla Community Plan and Local Coastal Program. Additionally, the project site is within the Coastal Overlay Zone (appealable area), the Coastal Height Limitation Overlay Zone, the Parking Impact Overlay Zone (Beach Impact Area), and a portion is in the Transit Area Overlay Zone. The parcel is situated in a neighborhood setting of varied uses (residential development, churches and the La Jolla Woman's Club). Residential development of varied density surrounds the property on all sides: multifamily to the south and north, with other single-family residential to the northeast. In addition, the project site is located in a developed area currently served by existing public services and utilities.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): Not Applicable

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.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service System |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project is maintaining all required setbacks. The project would be required to be consistent with applicable design regulations of the City's LJPD-5A & 6A Zones and the Coastal Zone requirements, as well as the policies of the General Plan and Community Plan, and would be subject to review and approval by the City for consistency. A 53' – 8" wide Visual Access Corridor is proposed along the north property line of the project site, which exceeds the 10% lot width view corridor required by the La Jolla Planned District and is consistent with the La Jolla Community Plan. No Impacts would result and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. No such scenic resources or state highway are located on, near or adjacent to the project site. No Impacts would result and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The construction of the proposed Museum structure with parking garage would be compatible with the surrounding development in this area identified as a Cultural Zone and is permitted by the community plan and zoning designation. No Impacts would result and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. The construction of the proposed Museum structure with parking garage would not be expected to create new and/or cause substantial light or glare. No substantial sources of light would be generated during project construction, as construction activities would occur during daylight hours. All permanent exterior lighting would be required to comply with City regulations to reduce potential adverse effects on neighboring properties. Impacts are considered less than significant, and no mitigation measures are required.

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?

☐☐☐☒

No Impact. The *La Jolla Community Plan and Local Coastal Program Land Use Plan* designates the project site as the Cultural Zone, with which the project is consistent. The project site is located within an urban area in the City of San Diego and is surrounded by residential uses and other uses in the Cultural Zone. As such, the site does not contain, and is not adjacent to, any lands identified as 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. Therefore, the project would not result in the conversion of such lands to non-agricultural use. No significant impacts would occur, and no mitigation measures are required.

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

☐☐☐☒

No Impact. Refer to Response to II(a), above. There are no Williamson Act Contract lands on or within the vicinity of the site. The construction of the proposed Museum structure with parking garage would be consistent with the existing land use and LJPD-5A & 6A zoning designation and would not conflict with any agricultural use. The project would not affect any properties

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

zoned for agricultural use, nor affected by a Williamson Act Contract. No significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. Refer to II(a) and (b), above. No designated forest land or timberland occur onsite; therefore, no significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. There is no forest land onsite, and the project would not contribute to the conversion of any forested land to non-forest use, as surrounding lands are built-out with various residential and Cultural Zone uses. No significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. Refer to Response to II(a) and II(d), above. The project site does not contain any farmland or forest land. No changes to any such lands would result from Project implementation. No significant impacts would occur, and no mitigation measures are required.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. The project site is located in the San Diego Air Basin (SDAB) and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD) and the California Air Resources Board (CARB). Both the State of California and the Federal government have established health-based Ambient Air Quality Standards (AAQS) for the following six criteria air pollutants: carbon monoxide (CO); ozone (O₃); nitrogen oxides (NO_x);

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

sulfur oxides (SO_x); particulate matter up to 10 microns in diameter (PM₁₀); and lead (Pb). O₃ (smog) is formed by a photochemical reaction between NO_x and reactive organic compounds (ROCs). Thus, impacts from O₃ are assessed by evaluating impacts from NO_x and ROCs. The net increase in pollutant emissions determines the impact on regional air quality as a result of a proposed project. The results also allow the local government to determine whether a proposed project would deter the region from achieving the goal of reducing pollutants in accordance with the air quality management plan (AQMP) in order to comply with Federal and State AAQS.

Construction Emission Thresholds

To determine whether a significant impact would occur during construction, the SDAPCD informally recommends quantifying construction emissions and comparing them to significance thresholds (pounds/day) found in the SDAPCD regulations for stationary sources (pursuant to Rule 20.1, et seq.) and shown in Table III-1, Air Quality Significance Thresholds – Per SDAPCD. If emissions during construction will exceed the thresholds that apply to stationary sources, then construction activities will have the potential to violate air quality standards or contribute substantially to existing violations.

Table III-1
Air Quality Significance Thresholds – Per SDAPCD

Pollutant	SDAPCD Thresholds (lbs/day) ¹	SDAPCD Thresholds (tons/year)
Carbon Monoxide (CO)	550	100
Oxides of Sulfur (SO _x)	250	40
Volatile Organic Compounds (VOCs) ²	751	40
Oxides of Nitrogen (NO _x)	250	40
Particulate Matter (PM ₁₀)	100	15

Notes:

County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, 2007.

Alternatively referred to as Reactive Organic Compounds

Source: SDAPCD Rule 1501, 20.2(d)(2), 1995.

The project would result in the construction of the proposed Museum structure with parking garage. The project would be compatible with the surrounding residential and Cultural Zone development and is permitted by the community plan and zoning designation.

Construction activities required for the project would generate minor pollutant emissions.

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

Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and, construction-related power consumption. It is assumed that the project would require demolition; site preparation (including utility installation); paving and slab laying; and, construction of the proposed Museum structure with parking garage (including architectural finishes and coatings); however, construction activities will be temporary and will cease upon completion.

Total projected construction maximum daily emission levels for each criteria pollutant are anticipated to be below the established significance thresholds for all construction stages of the proposed development for the associated pollutants. In addition, all architectural coatings used for construction of the structures will be compliant with the SDAPCD Rule 67.0, which limits volatile organic compound (VOC) content. Thus, emissions associated with project construction would not result in a significant impact on ambient air quality. Additionally, because emissions are anticipated to be less than the significance levels, the project would not conflict with or obstruct the implementation of the San Diego Regional Air Quality Standards (RAQS) or applicable portions of the State Implementation Plan (SIP).

As applicable, standard design and operational measures (such as minimize the idling of construction vehicles onsite; proper maintenance of mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces twice daily; cover stock piles with tarps, etc.) would be implemented, as appropriate, during the construction phase to reduce potential emissions (e.g. fugitive dust). Additionally, the project would be consistent with applicable City requirements aimed at protecting air quality.

Operational activities associated with the project would be typical of Museum uses and would not produce substantial quantities of emissions, due to the nature of such uses. For the above reasons, project impacts are considered less than significant, and no mitigation measures are required.

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

☐☐☒☐

Less than Significant Impact.

Short-Term (Construction) Emissions. Project construction activities would potentially generate combustion emissions from onsite heavy-duty construction vehicles and motor vehicles transporting the construction crew and necessary construction materials. Exhaust emissions generated by construction activities will generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or

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

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 offsite. It is anticipated that construction equipment would be used onsite 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 and demolition. Construction operations would include standard measures as required by City of San Diego grading permit to reduce potential air quality impacts to less than significant. 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. No mitigation measures are required.

Long-Term (Operational) Emissions. Long-term air 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 Museum and parking garage 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 the Museum uses. The construction of a Museum is compatible with the surrounding development and is permitted by the community plan and zoning designation. Based on the project's conformance to the Cultural Zone zoning designation, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The County is non-attainment under federal standards for ozone (8-hour standard). The project is the construction of a Museum in the region and therefore no considerable ozone or PM10 would be generated from construction and operation.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Expose sensitive receptors to substantial | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
pollutant concentrations?				

Less than Significant Impact. Refer to Responses III(a) and III(b) above. The project site is located in an established residential and Cultural Zone area. However, due to the nature of the project (Museum with parking garage), it is not anticipated to result in the exposure of sensitive receptors to substantial pollutant concentrations either during construction or over the long-term. Therefore, impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less Than Significant Impact. Some objectionable odors may emanate from the operation of diesel-powered construction equipment during site grading activities, removal of the existing onsite structures, and construction of the new Museum and parking garage. These odors, however, will be limited to the short-term construction period and generally confined to the project area. Due to the limited scope of the project and type of activity expected during construction, a minimal amount of diesel emissions would be generated that are not expected to have the potential to create objectionable odors affecting a substantial number of people. Typical long-term operational characteristics of a Museum with parking garage are not associated with the creation of such odors nor anticipated to generate odors affecting a substantial number of people. Therefore, impacts are considered to be less than significant, and no mitigation measures are required.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. Onsite landscaping is non-native, ornamental vegetation and the project site does not contain any sensitive biological resources on site nor does it contain any candidate, sensitive, or special status species. Therefore, no impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

No Impact. Refer also to Response to IV(a), above. The project site does not contain any riparian habitat or other identified community, as the site currently supports a single-dwelling residential unit, the existing museum, and associated non-native landscaping. Therefore, no impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Have a substantial adverse effect on federally protected 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The site currently is developed with a multistory Museum structure and a one-story residence to be removed and does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, no impacts would occur, and no mitigation measures are required. Refer also to Response to IV(a), above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. No wildlife corridors are on or near the project site, as the site is located within an established residential neighborhood within the City of San Diego. Therefore, no impacts would occur, and no mitigation measures are required. Refer also to Response to IV(a), above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is designated for residential uses and identified uses in the Cultural Zone, and there is no sensitive habitat or MHPA designated lands within the vicinity of the property. The project would not conflict with any local policies and/or ordinances protecting biological resources, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. Refer also to Response to IV(a), above. The project site is not within the City's MHPA, and no other adopted conservation plans affect the subject site. Therefore, no impacts

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

would occur, and no mitigation measures are required.

V. CULTURAL RESOURCES – Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Less Than Significant With Mitigation Incorporated. 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 of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must 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.

Archaeological Resources

Less Than Significant With Mitigation Incorporated. Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. In addition, several previously recorded historic and prehistoric sites have been identified in the project vicinity. Based on this information, further review by City staff of archaeological maps in the Entitlements Division indicated that archaeological resources have been identified within close proximity of the project site. Based on this information, there is a potential for buried cultural resources to be impacted through implementation of the project.

Approximately 80 percent of the entire building area is covered by existing development. Within the landscape planters of the parcel surface, much of these areas reflected disturbance around wall footings and a raised planter. Furthermore, grading associated with the existing development of the single-family residence appears to have been limited. In addition, the area contains colluvial deposits that could potentially be covering or obscuring buried cultural features. Therefore, monitoring during grading activities is required.

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

Therefore, a Mitigation, Monitoring and Reporting Program (MMRP), as detailed within Section V of the MND, would be implemented. With implementation of the archaeological resources monitoring program, potential impacts on historical resources would be reduced to less than significant.

Built Environment

Less Than Significant Impact. A Historical Resources Technical Report for 700 Prospect Street, La Jolla, California prepared by The Office of Marie Burke Lia, Attorney at Law and Kathleen A. Crawford, M.A. Historical Consultant (Revised May 2016) concluded, through the historical research and evaluation process, the property is not historically and/or architecturally significant under local, state or national criteria. Furthermore, it concluded that the property is not listed in or eligible for listing in the San Diego, California or National Registers and it is not located in a historic district. Qualified City of San Diego Historic review staff reviewed the technical report and concurs with its conclusions. Since the property at 700 Prospect Street (existing museum) is not historically or architecturally significant under local, state, or national criteria, any changes or development on the project site would be less than significant and no mitigation measures would be required.

Qualified City of San Diego Historic review staff reviewed the property located at 636 Prospect Street (existing single family dwelling) and determined that it is not an individually designated resource and is not located within a designated historic district. Furthermore, A Historical Resources Technical Report for 636 Prospect Street, La Jolla, California prepared by The Office of Marie Burke Lia, Attorney at Law and Kathleen A. Crawford, M.A. Historical Consultant (dated August 2012) concluded, through the historical research and evaluation process, the property is not eligible for historical listing under any local or state criteria. Historic review staff reviewed the technical report and concurs with its conclusions. Since the property at 636 Prospect Street is not historically or architecturally significant under Historic Resources Board criteria, any changes or development on the project site would be less than significant and no mitigation measures would be required.

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Less Than Significant with Mitigation Incorporated. Refer to V)a.

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

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

Less Than Significant with Mitigation Incorporated. The project site is underlain by the Baypoint geological formation which is highly sensitive for the discovery of paleontological resources during ground disturbance. The proposed project would exceed the City's Significance Determination Thresholds in that grading in excess of 1000 cubic yards will be performed to a depth exceeding 10 feet is being proposed in a highly sensitive geological formation; therefore, paleontological monitoring will be required for all ground disturbing activities as described under Section V of the MND. With implementation of the paleontological resources monitoring program, potential impacts on paleontological resources would be reduced to a less than significant level.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb and human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact: No cemeteries, formal or informal, have been identified onsite or within the project vicinity. Refer to V(b) above. Therefore, no impacts would occur, and no mitigation measures are required.

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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Less than Significant Impact. The project site is assigned Geologic Hazard Zone 53 according to the *City of San Diego Safety Seismic Study Maps*. Hazard Category 53 is characterized by other level areas, gently sloping to steep terrain, favorable geologic structure, low risk. The project would be required to comply with the seismic requirements of the California Building Code, utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, which would ensure that the potential for impacts from regional geologic hazards would be less than significant.

Furthermore, a Report of Geotechnical Investigation and Geologic Reconnaissance, Museum of Contemporary Art San Diego, 700 Prospect Street, La Jolla, California, prepared by Geotechnical Exploration, Inc. dated June 2, 2015, analyzed the soil and geologic conditions affecting the proposed project and did not identify any geotechnical issues that could potentially result in a significant effect on the environment. The geotechnical report was

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

reviewed by qualified City of San Diego Geology review staff and they concurred with the conclusions of the report and determined that the report had adequately addressed the soil and geologic conditions potentially affecting the proposed project for the purposes of CEQA review.

Therefore, impacts resulting from implementation of the project related to rupture of a known fault are considered to be less than significant, and no mitigation measures are required.

ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
------------------------------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Less than Significant Impact. Refer to Section VI.a.i. The site will be affected by seismic activity as a result of earthquakes on other major active faults located throughout the southern California area. Proper engineering design, in accordance with the California Building Code, utilization of appropriate engineering design measures and standard construction practices, to be verified at the building permit stage, would ensure that potential for impacts from regional geologic hazards would be less than significant, and no mitigation measures are required.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Less than Significant Impact. Refer to Section VI.a.i. Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. Implementation of the project would not result in an increase in the potential for seismic-related ground failure, including liquefaction, to occur. Proper engineering design, in accordance with the California Building Code, utilization of appropriate engineering design measures and standard construction practices, to be verified at the building permit stage, would ensure that potential for impacts from regional geologic hazards would be less than significant, and no mitigation measures are required. Compliance with these standards is anticipated to limit hazards from seismic ground failure, including liquefaction, to less than significant levels. No mitigation measures are required.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-----------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Less than Significant Impact. Refer to Section VI.a.i. The Project would be required to comply with proper engineering design, in accordance with the California Building Code, utilization of appropriate engineering design measures and standard construction practices. These measures would to be verified at the building permit stage, to ensure that potential for impacts from geologic hazards would be less than significant. Compliance with these standards is anticipated to limit hazards from landslides to less than significant levels. No mitigation measures are required.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

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

Less than Significant Impact. Refer to Section VI.a.i. Construction of the project would temporarily disturb onsite soils during grading activities, thereby increasing the potential for soil erosion to occur; however, the use of standard erosion control measures during construction would reduce potential impacts to a less than a significant level. In addition, once construction is complete, the newly constructed residential structure would be landscaped in accordance with City landscaping requirements to reduce the potential for erosion to occur and all storm water requirements would be met. Therefore, impacts would be less than significant, and no mitigation measures are required.

- 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?
- ☐ ☐ ☒ ☐

Less than Significant Impact. Refer to Response VI(a), above. The project would be constructed consistent with proper engineering design, in accordance with the California Building Code. Utilization of appropriate engineering design measures and standard construction practices, to be verified at the building permit stage, would ensure that potential for impacts from geologic hazards would be less than significant. Therefore, impacts related to unstable soils are considered less than significant, and no mitigation measures are required.

- 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?
- ☐ ☐ ☒ ☐

Less than Significant Impact. Refer to Response VI(a), above. The project will be constructed consistent with proper engineering design, in accordance with the California Building Code, utilization of appropriate engineering design measures and standard construction practices. These measures would be verified at the building permit stage to ensure that the potential for impacts from geologic hazards would be less than significant. Therefore, impacts related to unstable soils are considered less than significant, and no mitigation measures are required.

- 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?
- ☐ ☐ ☐ ☒

No Impact. The project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines) and does not propose any septic system. In addition, the project as proposed does not require the construction of any new facilities as it relates to wastewater, as services are available to serve the proposed Museum and parking garage. No

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

impacts would occur, and no mitigation measures are required.

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? ☐ ☐ ☒ ☐

Less than Significant Impact. In December 2015, the City adopted a Climate Action Plan (CAP) that outlines the actions that City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. The purpose of the Climate Action Plan Consistency Checklist (Checklist) is to, in conjunction with the CAP, provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to the California Environmental Quality Act (CEQA).

Analysis of GHG emissions and potential climate change impacts from new development is required under CEQA. The CAP is a plan for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP.

This 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 emissions targets identified in the CAP are achieved. Implementation of these measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. 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. Projects that are not consistent with the CAP must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in this Checklist to the extent feasible. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP.

Under Step 1 of the CAP Checklist the proposed project is consistent with the existing General Plan and Community Plan land use designations, and zoning designations for the project site because these designations allow for modifications to the existing museum use. Therefore, the proposed project is consistent with the growth projections and land use assumptions used in the CAP.

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

Furthermore, completion of the Step 2 of the CAP Checklist for the project demonstrates that the CAP strategies for reduction in GHG emissions will be incorporated into the project design, and therefore, the proposed project is consistent with the applicable strategies and actions of the CAP.

Therefore, the project has been determined to be consistent with the City of San Diego Climate Action Plan, and as such, would result in a less than significant impact on the environment with respect to Greenhouse Gas Emissions; and further GHG emissions analysis and mitigation would not be required.

The City does not currently have adopted thresholds of significance for greenhouse gas (GHG) emissions. The City is therefore utilizing the California Air Pollution Control Officers Association (CAPCOA) report “CEQA & Climate Change” dated January 2008 as an interim screening threshold to determine whether a GHG analysis would be required. A 900 metric ton screening threshold for determining when an air quality analysis is required was chosen based on available guidance from the CAPCOA white paper. The CAPCOA report references the 900 metric ton guideline as a conservative threshold for requiring further analysis and mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects. CAPCOA identifies project types that are estimated to emit approximately 900 metric tons of GHG’s annually, refer to Table below.

Project Types* that require a GHG Analysis and Mitigation

PROJECT TYPE	PROJECT SIZE THAT GENERATES APPROXIMATELY 900 METRIC TONS OF GHGS PER YEAR
Single Family Residential	50 Units
Apartments/Condominiums	70 Units
General Commercial Office Space	35,000 square feet
Retail Space	11,000 square feet
Supermarket/Grocery Space	6,300 square feet

*For project types that do not fit the categories in this table, a determination on the need for a GHG analysis is made on a case by case basis, based on the whether the project could generate 900 metric tons or more of GHGs.

Since the above referenced screening thresholds do not specifically address museums a greenhouse gas evaluation report was prepared for the proposed project. A Greenhouse Gas Evaluation for the Museum of Contemporary Art Expansion Project, prepared by Scientific Resources Associated, dated June 6, 2016, assessed the potential construction and operational greenhouse gas impacts associated with the proposed project. The greenhouse gas evaluation report concluded that existing greenhouse gas emissions from the existing museum and single family dwelling total 517 metric tons annually. The report estimated that proposed project emissions, including both construction emissions (amortized over 30 years) and operational

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

emissions, would be 576 metric tons per year. The net increase in GHG emissions resulting from the proposed project would be 59 metric tons annually. Therefore, the net GHG emissions for the project are well below the 900 metric ton screening criteria established by CAPCOA, and potential impacts from greenhouse gas emissions are considered less than significant. No mitigation measures are required.

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

☐☐☒☐

Less than Significant Impact. Refer to VII.a. The following is a summary of applicable City of San Diego plans, policies, and regulations that pertain to greenhouse gas emissions and efforts to reduce such emissions.

City of San Diego General Plan—Conservation Element

The General Plan's Conservation Element reflects key goals contained in many other City and regional plans and programs and will help guide their future updates. The Conservation Element ties various natural resource-based plans and programs together using a village strategy of growth and development. It contains policies for sustainable development, preservation of open space and wildlife, management of resources, and other initiatives to protect the public health, safety, and welfare. It should be noted that the Project qualifies for the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program implemented by the City, as it will integrate solar generation equipment to meet the minimum 50% criteria of the electrical energy demand of the houses. The buildings are also designed with other sustainable features, such as high efficiency lighting, windows, energy star appliances, and water conservation designs.

Policies, which address local greenhouse gas mitigation strategies in San Diego are integrated within the General Plan. Together, this collection of policies support and promote the adopted recommendations outlined in the City's Climate Protection Action Plan (describe in further detail below). The City is continuing to investigate additional steps that can be taken to help reduce greenhouse gas emissions, identify adaptation goals, and curb the impact of climate change at the local level.

San Diego Sustainable Community Program

In 2002, the City Council adopted the San Diego Sustainable Community Program. This program established the partnership with the Cities for Climate Protection (CCP) Campaign, which is a program administered by the International Council for Local Environmental Initiatives. To date, more than 800 local governments worldwide participate in the campaign, including 30 cities and counties located in California. The campaign is based on a performance

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

~~framework structured around five milestones that local governments commit to undertake. Local governments identify the source of greenhouse gas emissions, calculate the volume contributed from energy use, transportation, and waste management, and then develop an action plan to reduce those emissions. The Sustainable Community Program also established San Diego's Greenhouse Gas reduction goal of 15 percent below 1990 levels by the year 2010.~~

City of San Diego Climate Protection Action Plan

~~The City has a Climate Protection Action Plan that addresses both the greenhouse gas emissions from the community (residential, commercial and industrial sectors) and the greenhouse gas emissions specifically from the operations provided by City government. Each category is broken down into the three major sources: Energy, Waste, and Transportation. It tracks greenhouse gas emissions using a standardized computer software program, and the comparison between 1990 and 2004 reveal an interesting trend. The City organization has continued to reduce its share of greenhouse gas emissions through fuel efficiency, energy conservation, and the use of renewable energy, and the use of methane gas (biogas) to generate electricity.~~

~~Refer to Response VII(a), above, regarding discussion of project related greenhouse gas emissions. The Project would not conflict with any applicable plans, policies, or regulations pertaining to the reduction of greenhouse gases. Impacts would be less than significant, and no mitigation measures are required.~~

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? ☐ ☐ ☒ ☐

Less Than Significant Impact. The project would result in the construction of a Museum with parking garage. Due to the nature of the project, the routine transport, use, or disposal of hazardous materials on or through the subject site is not anticipated. Although minimal amounts of such substances may be present during construction, they are not anticipated to create a significant public hazard. Therefore, impacts would be less than significant, and no mitigation is required.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☐ ☒

No Impact. The construction of a Museum with parking garage in a neighborhood of similar

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

uses would not be associated with such impacts. Therefore, no significant impacts related to this issue were identified, and no mitigation measures are required.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

No Impact. See VIII(a) and VIII(B), above. The project is located within 0.16 mile of the existing Bishop's School which is less than one-quarter mile; and 0.29 miles of the existing Stella Maris Academy. Due to the nature of the project, the routine transport, use, or disposal of hazardous materials on or through the subject site is not anticipated. Although minimal amounts of such substances may be present during construction, they are not anticipated to create a significant public hazard. Therefore, impacts would be less than significant, and no mitigation is required.

- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No Impact. The project site has not been identified as a hazardous materials site pursuant to Government Code Section 65962.5. Therefore, no significant impacts related to this issue were identified, and no mitigation measures are required.

- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No Impact. Activities associated with the required grading, demolition, and construction activities 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 Museum and parking garage would not interfere with the operations of any airport. The project site is not located within any airport land use plan, the airport environs overlay zone, or airport approach overlay zone. Therefore, no significant impacts would occur, and no mitigation measures are required.

- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

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

No Impact. Refer to Response to VII(e), above. The site is not in proximity to any private airstrip. Therefore, no significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The construction of the Museum and parking garage would not interfere with 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 occur onsite. No impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is located within an urbanized and developed area. There are no wildlands or other areas prone to wildfire within the vicinity of the project site. No significant impacts would occur, and no mitigation measures are required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. A Drainage Study for the Museum of Contemporary Art, dated May 2, 2015, and a Water Quality Technical Report for the Museum of Contemporary Art, revised July 27, 2015, was prepared by Christensen Engineering & Surveying, Inc. for the proposed project. These technical reports did not identify and project issues related to hydrology or water quality that would result in a significant impact on the environment. Qualified City of San Diego Engineering staff reviewed these reports, together with project grading plans, and concur with their conclusions.

The San Diego Water Board adopted Order No. R9-2013-0001, NPDES No. CAS0109266, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region. This project will be required to adhere to the City of San Diego Storm Water Standards in effect at the time of approval of ministerial permit. The new Storm Water Development Regulations became effective on December 24,

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

2015 and this project will be subject to those regulations unless this project has prior lawful approval as defined in the permit.

The project would be required to comply with all storm water quality standards during and after construction and appropriate Best Management Practices (BMPs) must be utilized. Implementation of these BMPs would preclude any violations of existing standards and discharge regulations. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. Refer to Section IX(a), above. The project site does not require the construction of wells, and the use of groundwater would not be required with the future construction of the Museum and parking garage. In addition, the project is located in an urban area, and public water service is currently provided to the site. Connection to the public water system would be available for the Museum and parking garage. As such, no significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Refer to Section IX(a), above. Limited grading would be required for development, and significant site alteration would not occur. No streams or rivers occur onsite that would be impacted by the proposed grading activities. As stated above, the project would implement BMPs, including Low Impact Development BMPs, as identified in the City of San Diego Storm Water Standards, Section III.B.2, that are intended to conserve natural areas and minimize impervious cover to maintain or reduce increases in peak flow velocities from the project site. In addition, following construction of the new Museum and parking garage, landscaping would be installed, consistent with City landscaping design requirements, to further reduce the potential for runoff from the Project site to occur. Other measures will be implemented as described further in IX(a), above.

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

With implementation of the proposed BMPs and adherence to City storm water requirements, no adverse impacts to the downstream conveyance system are anticipated. Impacts will be less than significant, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. See Response to IX(a) and (c), above. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Refer to Section IX(a), above. The project would be required to comply with all City storm water quality standards during and after construction. Appropriate BMPs would be implemented to ensure that water quality is not degraded; therefore ensuring that project runoff is directed to appropriate drainage systems. Due to the nature of the project, any runoff from the site is not anticipated to exceed the capacity of existing storm water systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Refer to Section IX(a), above. The project would be required to comply with all City storm water quality standards during and after construction. Appropriate BMPs would be implemented to ensure that the development does not significantly impact water quality. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is not located within a 100-year flood hazard area. No significant impacts would occur, and no mitigation measures are required.

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is not located within a 100-year flood hazard area. No significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is not within a 100-year flood hazard area or within close proximity of a levee or dam, therefore no such impacts would result. As the site is located approximately 60 to 80 feet above mean sea level, the potential for impacts to result from flooding or levee or dam failure is low. No significant impacts would occur, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less Than Significant Impact. The project site is located within the Coastal Zone. Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays or reservoirs. Due to the site location approximately 60 to 80 feet above mean sea level, the potential for inundation from a seiche would be low.

Tsunamis are great sea waves produced by a submarine earthquake or volcanic eruption. Historically, the San Diego area has been free of tsunami-related hazards and tsunamis reaching San Diego have generally been well within the normal tidal range. It is thought that wide continental margin off the coast acts to diffuse and reflect the wave energy of remotely generated tsunamis. The largest historical tsunami to reach San Diego coast was approximately 4.6 feet in height, generated by the 1960 earthquake in Chile; therefore, the potential for inundation from a tsunami would be low.

With respect to mudflow inundation, the potential would also be low in that the surrounding neighborhood is developed with residential units and established landscaping. Additionally, there are no existing slopes.

Lastly, the project would be designed consistent with California Building Code with utilization of appropriate engineering design measures and standard construction practices. These measures would be verified at the engineering and building permit stage, to reduce the potential for structural damage from mudslides to occur. Impacts would be less than significant, and no mitigation measures are required.

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

X. LAND USE AND PLANNING – Would the project:

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

No Impact. The project site is located in a developed urban community and surrounded by similar residential development. The construction of the Museum and parking garage would not affect adjacent properties or be inconsistent with surrounding land uses. The project would not physically divide an established community. No significant impacts would occur, and no mitigation measures are required.

- 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? ☐ ☐ ☐ ☒

No Impact. The construction of the Museum and parking garage would be consistent with the existing LJPD-5A & 6A and Cultural Zone that applies to the property. Additionally, the project would be consistent with surrounding residential and Cultural Zone uses. No changes to the existing General Plan land use or zoning designations are proposed.

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

No Impact. The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. The project would not conflict with the City's Multiple Species Conservation Plan (MSCP) in that the site is not located within or adjacent to the MHPA. No significant impacts would occur, and no mitigation measures are required.

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? ☐ ☐ ☐ ☒

No Impact. There are no known mineral resources located on the project site. The urbanized and developed nature of the site and vicinity would preclude the extraction of any such resources. The project site is not currently being utilized for mineral extraction and does not contain any known mineral resources that would be of value to the region. Therefore, no significant impacts were identified, and no mitigation measures are required.

- b) Result in the loss of availability of a locally important mineral resource recovery site ☐ ☐ ☐ ☒

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

delineated on a local general plan, specific plan or other land use plan?

No Impact. See XI(a), above. The project area has not been delineated on a local general plan, specific plan, or other land use plan as a locally important mineral resource recovery site, and no such resources would be affected with project implementation. Therefore, no significant impacts were identified, and no mitigation measures are required.

XII. NOISE – Would the project result in:

- a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

☐☐☒☐

Less Than Significant Impact. Short-term noise impacts would be associated with onsite grading, demolition, and construction activities of the Museum and parking garage. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area, but would no longer occur once construction is completed. Sensitive receptors (e.g. residential uses) occur in the immediate area, and may be temporarily affected by construction noise; however, construction activities would be required to comply with the construction hours specified in the City's Municipal Code which are intended to reduce potential adverse effects resulting from construction noise. With compliance to the City's construction noise requirements, project construction noise levels would be reduced to less than significant, and no mitigation measures are required.

For the long-term, existing noise levels would not be impacted due to the nature of the proposed expanded museum use, which does not include sources of substantial noise generation. Therefore, no significant noise-producing traffic or operations would occur. No significant long-term impacts would occur, and no mitigation measures are required.

- b) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?

☐☐☒☐

Less than Significant Impact. As described in Response to XII(a) above, potential effects from construction noise would be reduced through compliance with City restrictions. Pile driving activities that would potentially result in ground borne vibration or ground borne noise are not anticipated with construction of the Museum and parking garage. As such, the project would not result in the exposure of persons to excessive ground borne vibration or noise, and impacts would be less than significant. No mitigation measures are required.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels

☐☐☒☐

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

existing without the project?

Less than Significant Impact. Construction of the proposed museum expansion would replace the existing residential unit and therefore would not significantly increase long-term noise levels. The project would not introduce a new land use, or significantly increase the intensity of the existing land use. Post-construction noise levels and traffic would be generally unchanged as compared to noise associated with the existing residential and Cultural Zone use. Therefore, no substantial permanent increase in ambient noise levels is anticipated. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. The construction of the Museum and parking garage would not expose people to a substantial increase in temporary or periodic ambient noise levels. Construction noise would result during grading, demolition, and construction activities, but would be temporary in nature. Construction-related noise impacts from the project would generally be higher than existing ambient noise levels in the project area, but would no longer occur once construction is completed. In addition, the project would be required to comply with the San Diego Municipal Code, Article 9.5, Noise Abatement and Control. Implementation of these standard measures would reduce potential Project impacts from an increase in ambient noise levels during construction to a less than significant level, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is not located within an airport land use plan nor is it within two miles of a public airport. No impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is not located within the vicinity of a private airstrip. No impacts would occur, and no mitigation measures are required.

XIII. POPULATION AND HOUSING – Would the

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

project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project site is located in a developed urban area and is surrounded by similar Cultural Zone uses and some residential development. The site currently receives water and sewer service from the City, and no extension of infrastructure to new areas is required. As such, the project would not increase housing or population growth in the area. No roadway improvements are proposed as part of the project. No impacts would occur, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. The project proposes the construction of a Museum expansion/remodel and parking garage on a site with one single-family residence. The displacement of one residential unit with residents would occur, but removal of substantial numbers of existing would not result from the proposed project. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. See Response 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Less than Significant Impact. The project site is located in an urbanized and developed area where fire protection services are already provided. Construction of a Museum and parking garage would not adversely affect existing levels of fire protection services to the area, and

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

would not require the construction of new or expansion of existing governmental facilities. The construction of the Museum and parking garage will conform to higher levels of fire protection required by San Diego building codes and with the approval of the Fire Marshal. Impacts related to fire protection would be less than significant, and no mitigation measures are required.

ii) Police Protection ☐ ☐ ☒ ☐

Less than Significant Impact. The Project site is located in an urbanized and developed area within the City of San Diego where police protection services are already provided. Construction of the Museum and parking garage would not adversely affect existing levels of police protection services or create significant new demand, and would not require the construction of new or expansion of existing governmental facilities. As such, impacts related to police protection would be less than significant, and no mitigation measures are required.

iii) Schools ☐ ☐ ☐ ☒

No Impact. The project site is located in an urbanized and developed area where public school services are available. The project would not increase the demand on public schools over that which currently exists, as the project would result in the construction of no residential occupancy and is not anticipated to result in any increase in demand for public educational services. As such, no impacts related to schools would be created, and no mitigation measures are required.

v) Parks ☐ ☐ ☒ ☐

Less than Significant Impact. The project site is located in an urbanized and developed area where City-operated parks are available. The project would not significantly increase the demand on existing neighborhood or regional parks or other recreational facilities over that which presently exists, as the project would result in the construction of a Museum and parking garage and is not anticipated to result in a significant increase in demand for parks or other offsite recreational facilities. As such, impacts related to parks would be less than significant, and no mitigation measures are required.

vi) Other public facilities ☐ ☐ ☐ ☒

No Impact. The project site is located in an urbanized and developed area where City services are already available. Construction of the Museum and parking garage would not adversely affect existing levels of public services and would not require the construction or expansion of an existing governmental facility. No significant impact would occur, and no mitigation measures are required.

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

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?
- ☐ ☐ ☐ ☒

No Impact. Construction of the Museum and parking garage would not adversely affect existing levels of public services and would not require the construction or expansion of an existing governmental facility. The Project would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities as the project would replace the existing residential unit with a Museum use. Therefore the project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. As such, no significant impacts related to recreational facilities have been identified, and no mitigation measures are required.

- 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?
- ☐ ☐ ☐ ☒

No Impact. Construction of the Museum and parking garage would not adversely affect existing levels of public services and would not require the construction or expansion of an existing governmental facility. The Project would not significantly increase the use of existing neighborhood or regional parks or other recreational as the project would replace the existing residential unit. Therefore the project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. As such, no significant impacts related to recreational facilities have been identified, and no mitigation measures are required.

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 circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- ☐ ☐ ☒ ☐

Less Than Significant Impact. The project would result in the construction of a Museum and

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

parking garage. The project would not change existing circulation patterns on area roadways; however, a temporary minor increase in traffic may occur during construction. As the project site is located within an established Cultural Zone with adjacent residential use, it is located within a Transit Overlay Zone and some forms of public transit (e.g. buses, trolley) are present.

A traffic and parking study by Fehr & Peers titled “Traffic and Parking Assessment for the Museum of Contemporary Art Expansion San Diego (La Jolla Site)”, dated July 14, 2015 addresses the potential parking and traffic impacts of the proposed museum expansion. This study evaluates the routine operation of the Museum, as well as the special events in which groups on the order of 200 to 500 persons may be at the Museum. Parking, valet service, and traffic impacts are evaluated. The traffic and parking assessment concludes that the proposed project will add fewer than 30 net new vehicle trips during the weekday PM peak hour or weekend peak hour to nearby intersections that currently operate with little or no existing delay. Furthermore, the assessment concludes, the proposed expansion of the museum will have a negligible impact to traffic operations on streets in the La Jolla area. The traffic and parking assessment has been reviewed by qualified City of San Diego Transportation staff and they concur with the conclusions of the assessment. [The assumptions and conclusions of the Traffic and Parking Assessment have been clarified and amplified by the Parking Management Plan of the Museum of Contemporary Art San Diego dated November 11, 2016. The Parking Management Plan has been reviewed and accepted by qualified City of San Diego Transportation staff. No new or increased mitigation measures or significant impacts were identified by the Parking Management Plan.](#)

The La Jolla Community Plan identifies Prospect Street as an Alternative Pedestrian Access route. That route will be maintained in this project with a wide sidewalk and bicycle parking. The project would not conflict with any applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The project is not expected to cause a significant short-term or long-term increase in traffic volumes, and therefore, would not adversely affect existing levels of service along area roadways. Therefore, impacts are considered less than significant, and no mitigation measures are required.

- 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?

☐☐☒☐

Less Than Significant Impact. The project would result in the construction of a Museum and parking garage. The project would not change existing circulation patterns on area roadways; however, a temporary minor increase in traffic may occur during construction. As the project

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

site is located within an established Cultural Zone with residential uses, mass transit (e.g. buses, trolley) are present. Bicycle use is present in the area and is accommodated by bicycle storage racks in the project. See also the response to XVI(a) above.

The project would not conflict with any applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The project is not expected to cause a significant short-term or long-term increase in traffic volumes, as the project would result in the construction of the Museum and parking garage that would replace the existing residential unit, and therefore, would not adversely affect existing levels of service along area roadways. Therefore, impacts are considered less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The Museum and parking garage would not result in a change to air traffic patterns in that the structures would be less than 30 feet in height, due to height restrictions within the Coastal Zone. Therefore, the unit would not create a safety risk. The affected property is not located within any ALUCPs or near any private airstrip, and would not result in a change in air patterns. No impacts would occur, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project would not alter existing circulation patterns on area streets. No design features or incompatible uses that would increase potential hazards are proposed, and the Project would not affect emergency access to the site or adjacent properties. Driveway design for the one access to Cuvier Street would be consistent with City design requirements to ensure safe ingress/egress from the property. Additionally, as the project site is located in an existing Cultural Zone with residential uses, it would not result in incompatible uses that would create hazardous conditions. Therefore, significant impacts related to design feature hazards or emergency access would not occur, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The project is consistent with the underlying zone and would not result in inadequate emergency access. The project design would be subject to City review and approval for consistency with all design requirements to ensure that no impediments to emergency

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

access occur. No impacts would occur, and no mitigation measures are required. Refer also to Response to XVI(d), above.

- 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?

☐☐☐☒

No Impact. The project would not alter the existing conditions of the site or adjacent facilities with regard to alternative transportation. The project would result in construction of a Museum and parking garage and would not result in design measures or circulation features that would conflict with existing policies, plans, or programs supporting alternative transportation. No significant impacts related to this issue would occur, and no mitigation measures are required.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

☐☐☒☐

Less than Significant Impact. Implementation of the project would not interrupt existing sewer service to the site or other surrounding uses. No increase in demand for wastewater disposal or treatment would be created by the project, as compared to current conditions. The Museum and parking garage are not anticipated to generate significant amounts of wastewater. In addition, because the site is located in an urbanized and developed area, adequate services are already available to serve the site. Impacts would be less than significant, and no mitigation measures are required.

- 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?

☐☐☒☐

Less than Significant Impact. Construction of the Museum and parking garage would not significantly increase the demand for water or wastewater treatment services, and as such, would not trigger the need for new treatment facilities. Adequate services are available to serve the proposed Project. Impacts would be less than significant, and no mitigation measures are required.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐☐☒☐

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

Less than Significant Impact. The volume of new storm water runoff generated by the impervious surface area would not result in substantial quantities requiring new or expanded public storm water treatment facilities, as adequate services are available to serve the residential unit. Therefore, the project would not require the construction of new public storm water drainage facilities or the expansion of existing facilities. See also IX(c-f). Impacts would be less than significant, and no mitigation measures are required

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Construction of the Museum and parking garage would not adversely affect existing water service. The existing onsite residence currently receives water service from the City, and adequate services are available to serve the Museum and parking garage without requiring new or expanded entitlements. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Construction of the Museum and parking garage would not adversely affect existing wastewater treatment services. The existing onsite residence currently receives wastewater service from the City, and adequate services are available to serve the replacement structure without requiring new or expanded entitlements. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less than Significant Impact. Construction debris and waste would be generated from the construction of the new Museum and parking garage. All solid waste from the project site would be transported to an appropriate facility, which would have adequate capacity to accept the limited amount of waste that would be generated by the project. Long-term operation of the Museum use is anticipated to generate typical amounts of solid waste which would not result in increase over that currently produced by the existing Museum. Impacts are considered to be less than significant, and no mitigation measures are required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Less than Significant Impact. The project would result in the construction of a Museum and parking garage. The project would comply with all Federal, State, and local statutes and regulations related to solid waste. The project would not result in the generation of large amounts of solid waste, nor generate or require the transport of hazardous waste materials other than minimal amounts generated during the construction phase. All demolition activities would comply with any City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. Impacts would be less than significant, and no mitigation measures are required.

XVIII. 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Less than Significant with Mitigation Incorporated. The project site is located within an urbanized and developed area. There is no identified habitat of a fish or wildlife species, or plant or animal community, or rare or endangered plant or animal on this site. No significant impacts would occur, and no mitigation measures are required.

The project may have the potential to degrade the quality of the environment, notably with respect to archaeological and paleontological resources. Refer also to the response for V(a). As such, mitigation measures have been incorporated to reduce impacts to less than significant. The project site is located within an urbanized and developed area.

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively 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 future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Less than Significant with Mitigation Incorporated. As documented in this Initial Study, the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>project may have the potential to degrade the environment as a result of impacts to archaeological and paleontological resources, which also may have cumulatively considerable impacts. As such, mitigation measures have been proposed to reduce impacts to a less than significant level. Other future projects within the surrounding neighborhood or community would be required to comply with applicable local, State, and Federal regulations to reduce potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts.</p>				
<p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Less than Significant Impact. Implementation of the project would result in the construction of a Museum and parking garage. The construction is consistent with the setting and with the use anticipated by the City. It is not anticipated that demolition or construction activities would create conditions that would significantly directly or indirectly impact human beings. Impacts would be less than significant.

For those portions of the construction activities that will have the potential to cause substantial adverse effects on human beings (sound, traffic, dust), the project is required to meet all Municipal Code grading and construction requirements and best management practices, which will be implemented during project construction to reduce these effects to below a level of significance.

INITIAL STUDY CHECKLIST**REFERENCES****I. AESTHETICS / NEIGHBORHOOD CHARACTER**

X City of San Diego General Plan

X Community Plan

___ Local Coastal Plan

II. AGRICULTURAL RESOURCES & FOREST RESOURCES

X City of San Diego General Plan

___ 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

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

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

___ 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

___ City of San Diego Land Development Code Biology Guidelines

___ Site Specific Report:

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:

X Site Specific Report: A Historical Resources Technical Report for 700 Prospect Street, La Jolla, California prepared by The Office of Marie Burke Lia, Attorney at Law and Kathleen A. Crawford, M.A. Historical Consultant (Revised May 2016). A Historical Resources Technical Report for 636 Prospect Street, La Jolla, California prepared by The Office of Marie Burke Lia, Attorney at Law and Kathleen A. Crawford, M.A. Historical Consultant (dated August 2012)

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: A Report of Geotechnical Investigation and Geologic Reconnaissance, Museum of Contemporary Art San Diego, 700 Prospect Street, La Jolla, California, prepared by Geotechnical Exploration, Inc. dated June 2, 2015

VII. Greenhouse Gas Emissions

X Site Specific Report: A Greenhouse Gas Evaluation for the Museum of Contemporary Art Expansion Project, prepared by Scientific Resources Associated, dated June 6, 2016.

VIII. Hazards and Hazardous Materials

X San Diego County Hazardous Materials Environmental Assessment Listing

___ San Diego County Hazardous Materials Management Division

___ FAA Determination

- ☐ 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)
- ☐ 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: A Drainage Study for the Museum of Contemporary Art, dated May 2, 2015, and a Water Quality Technical Report for the Museum of Contemporary Art, revised July 27, 2015, was prepared by Christensen Engineering & Surveying, Inc.

X. Land Use and Planning

- ☒ City of San Diego General Plan
- ☒ Community Plan: La Jolla Community Plan / Certified Local Coastal Program
- ☐ Airport Land Use Compatibility Plan
- ☒ City of San Diego Zoning Maps
- ☐ FAA Determination

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

- ☒ 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

___ Site Specific Report:

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

X City of San Diego General Plan

X Community Plan

___ Series 11/Series 12 Population Forecasts, SANDAG

___ Other:

XV. Public Services

X City of San Diego General Plan

X Community Plan

XVI. Recreational Resources

X City of San Diego General Plan

X Community Plan

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:

XVII. Transportation / Circulation

X City of San Diego General Plan

X Community Plan

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

___ San Diego Region Weekday Traffic Volumes, SANDAG

X Site Specific Report: “Traffic and Parking Assessment for the Museum of Contemporary Art Expansion San Diego (La Jolla Site)”, by Fehr & Peers, dated July 14, 2015. [Parking Management Plan of the Museum of Contemporary Art San Diego dated November 11, 2016 and adopted by the Museum of Contemporary Art San Diego.](#)

XVIII. Utilities

___ _____.

XIX. Water Conservation

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

Created: August 14, 2015