

ENVIRONMENTAL IMPACT REPORT

Project No. 332401 SCH No. 2014081053

SUBJECT:

LEGACY INTERNATIONAL CENTER: MISSION VALLEY COMMUNITY PLAN/ATLAS SPECIFIC PLAN AMENDMENT, VESTING TENTATIVE MAP (VTM), SITE DEVELOPMENT PERMIT (SDP), PLANNED DEVELOPMENT PERMIT (PDP), REZONE, and CONDITIONAL USE PERMIT (CUP) to redevelop the existing Mission Valley Resort Hotel property. The project proposes commercial, administrative, retail, and religious uses including a 63,447-square-foot Pavilion (with restaurant, gift shops, learning center, theater, and wellness center), a 41,071-square-foot Legacy Vision Center (with a welcome center, catacombs, a dome theater, a museum, a gallery, and retail), a 7,783-square-foot souk (retail), and a five-story 88,120-square-foot Legacy Village Hotel building (with 127 guest suites, a restaurant, and a wellness center). The project would exceed the minimum parking requirement of 524 spaces, with a target parking supply of 665 spaces.

The mixed-use development would include religious, lodging, administrative, recreational, and commercial uses. Commercial, lodging, and religious uses include an approximately 105,104-square-foot training center pavilion (with restaurant, gift shops, learning center, theater, and television studio), a two-level 17,012-square-foot welcoming center, a 29,940-square-foot "history dome" theater (with an entrance to the catacombs), 5,992 square feet of underground catacombs passage (with welcoming center to history dome passages and adjoining display rooms), an 8,200-square-foot outdoor plaza (with retail and informational kiosks), and a five-story 136,160-square-foot "tri-wing" Legacy Village tower containing 127 timeshare suites. Recreational components would include a trail system; a 300-seat outdoor amphitheater; and pedestrian plazas. The training center complex would include a spa, gym, hair salon, sauna, and an Olympic-size pool with seven lanes. Executive offices would be housed in a three-story, 23,028-square-foot administration building with its own subterranean parking.

The project would include a total of 878 parking stalls, with 195 surface parking spaces and 683 spaces that would be either subterranean or within a five-story, 75,152-square-foot west parking structure. The single-level subterranean parking would be located beneath most of the northern portion of the site and would have an access point at the northeastern corner, near the welcoming center rotunda. The western parking structure would have both a surface access and access to the

subterranean parking. Thus, traffic circulating through the site would be able to enter at either the east or west access points along Hotel Circle South. Traffic would then be able to traverse the length of the site either through the aboveground circulation elements or below ground within the subterranean parking.

Applicant: Morris Cerullo Legacy Center Foundation, LLC. Michael F. Harrah, Project Manager/Architect, Caribou Industries

UPDATE:

4/7/2017 Revisions have been made to this document, in response to comments submitted during the public review distribution of the DEIR and during the Mission Valley Planning Group hearing. Specifically, a decision was made by the applicant to reduce the size of the proposed project from 532,178 square-feet to 306,879 square-feet (i.e., a 225,299 square-foot reduction). The reductions involved the elimination of the amphitheater; elimination of the office building and moving the office uses to the Pavilion; elimination of the subterranean catacombs and moving the use to the Legacy Vision Center; moving the wellness center use from the Pavilion to the Legacy Village Hotel; and an overall square-footage reduction of all uses (Table 1). Due to the reduction to the size of the project it was determined that the previously identified significant and unmitigated direct impact to Transportation/Circulation would no longer occur.

In accordance with the California Environmental Quality Act, Section 15088.5, the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation, as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is the identification of new significant environmental impacts or the addition of a new mitigation measure required to avoid a significant environmental impact. The modifications within the final environmental document do not affect the analysis or conclusions of the Environmental Impact Report. All revisions are shown in strikethrough and/or underline format.

TABLE 1
PROJECT COMPONENTS UPDATES

		Floor Area (square feet)		
		Public		
		Review	Refined	Difference
Project Features		Project	Project	
Legacy Vision Center				
Welcome Center		17,012	8,459	-8,553
Dome Theater/Museum/Gallery	/Retail	29,940	23,487	-6,453
Catacombs/Public Facilities		5,992	9,125	+3,133
	Subtotal	52,944	41,071	-11,873
Pavilion				
Theater		13,986	12,106	-1,880
Lobby		6,000	2,828	-3,172
Learning Center		39,432	13,844	-25,588
Restaurant		10,000	4,719	-5,281
Executive Offices		-	16,802	+16,802
Retail		15,000	1,052	-13,948
Wellness Center		20,686		-20,686
Back of House			12,097	+12,097
	Subtotal	105,104	63,447	-41,657
Legacy Village Hotel				
Guest Suites/Restaurant/Amenit	ties	136,160	85,603	-50,557
Wellness Center		-	2,517	+2,517
	Subtotal	136,160	88,120	-48,040
Administration Building				
Executive Offices		21,240	0	-21,240
	Subtotal	21,240	0	-21,240
Souk				
Souk (Retail)		8,200	7,783	-417
	Subtotal	8,200	7,783	-417
Outdoor Ancillary Uses		,		
Amphitheater		6,878		-6,878
Hotel Pool				-
Water Feature			1-1-1-1	- (- (- () - () - () - ()
Wailing Wall		-		
Central and City Plaza				
	Subtotal	6,878		-6,878
Parking				
Parking Structure		208,053	106,458	-101,595
Subsurface Parking			-	
	Subtotal	208,053	106,458	-101,595
Total Reductions		532,178	306,879	-225,299
		552,175	000,075	(42.3%)

CONCLUSIONS:

Based on the analysis conducted for the project described above, the City has prepared the following Draft Environmental Impact Report (DEIR) in accordance with the California Environmental Quality Act (CEQA) to inform public agency decision-makers and the public of significant environmental effects that could result if the project is approved and implemented, identify possible way to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121). The evaluation of environmental issue areas in this EIR concludes that the proposed project would result in significant and unmitigated direct and cumulative impacts to Transportation/Circulation (Traffic Capacity - Street Segments).

It is further demonstrated in the attached EIR that the proposed project would result in potentially significant but mitigable impacts to the following issue areas: Land Use (MHPA Adjacency), Transportation/Circulation (Traffic Capacity - Intersections), Historical Resources (Archaeological), Biological Resources (Sensitive Species/Sensitive Habitat), Paleontological Resources, Noise (Noise Generation - HVAC) and Geologic Conditions (Liquefaction). The proposed project's impacts for the following issue areas were determined to be less than significant or no impact was identified: Air Quality, Greenhouse Gas Emissions, Hydrology, Public Services and Facilities, Public Utilities, Visual Quality/Neighborhood Character, Water Quality, Agricultural Resources, Health and Safety and Hazardous Materials, Historical Resources (Built Environment), Mineral Resources, Energy Conservation, Transportation/Circulation (Traffic Capacity- Street Segments) and Population and Housing.

MITIGATION, MONITORING AND REPORTING PROGRAM:

A series of mitigation measures are identified within each issue area discussion in Section 5.0 of the EIR to reduce environmental impacts. The mitigation measures are also fully contained in Section 10.0, Mitigation Monitoring and Reporting Program, of the EIR for the following issue areas: Land Use (MHPA Adjacency), Transportation/Circulation (Traffic Capacity – Street Segments & Intersections), Historical Resources (Archaeological), Biological Resources, Paleontological Resources, and Noise (HVAC) and Geologic Conditions (Liquefaction). The attached EIR and Technical Appendices document the reasons to support the above determination.

RECOMMENDED ALTERNATIVES FOR REDUCING SIGNIFICANT UNMITIGATED IMPACTS:

Based on the requirement that alternatives reduce significant impacts associated with the proposed project, the EIR considers the following Project Alternatives, which are further detailed in the Executive Summary and Section 9.0 of the EIR:

- 1. No Project (No Development) Alternative
- 2. No Project (Development Under Adopted Plan) Alternative
- 3. Reduced Project Alternative

The following is a summary of the Alternatives analyzed in detail in Section 9.0 of the EIR:

1. No Project (No Development) Alternative

The No Project (No Development) Alternative would maintain the project site in its current condition and would be generally equivalent to the existing environmental setting. The existing setting does not, however, include traffic generated from the vacant Frog's Fitness building, because it has been vacant for over six months (refer to traffic below for further detail).

The No Project (No Development) Alternative would retain the existing on-site structures and uses, including:

- •A low-rise hotel (202 rooms) with associated parking and utilities
- •7,000 square feet of ancillary banquet facilities
- •A 1,200-square-foot liquor store
- •A 5,300-square-foot restaurant
- •A vacant pad for a former gasoline station
- •A 27,000-square-foot health club building (vacant/for lease)

No new development would occur under the No Project (No Development) Alternative; however, the vacant health club could be re-occupied with a permitted use pursuant to the adopted Atlas Specific Plan, Mission Valley Community Plan, and current zoning (MVPD-MV-M/SP). The gas station pad would remain vacant, as no new development would be permitted under this alternative.

Should the No Project (No Development) Alternative be implemented, the project's significant impacts associated with land use (MHPA Adjacency), Transportation/Circulation (Traffic Capacity), Historical Resources (Archaeological Resources), Biological Resources, Paleontological Resources, Noise, and Geologic Conditions would be reduced relative to the project. Impacts related to sensitive habitat would likely be avoided under this alternative.

The No Project (No Development) Alternative would not provide any of the project's benefits, including pedestrian improvements, such as the linear park and public trail. The project also would install Low Impact Development storm water and drainage facilities within the project area, which may result in improved water quality of runoff compared to the existing condition, and wouldreduce greenhouse gas emissions relative to the existing conditions. These benefits would be foregone under this alternative. Further, while adoption of the No Project (No Development) Alternative would maintain the existing condition of the site and avoid the project's significant impacts, only one of the eight project objectives would be attained - preservation of steep hillsides.

2. No Project (Development under the Adopted Plan) Alternative

The Adopted Plan Alternative examines what would be reasonably expected to occur in the foreseeable future if the project and corresponding Mission Valley Community Plan Amendment were not approved and future improvements to the site proceeded based on the plans and policies of the adopted Atlas Specific Plan and Mission Valley Community Plan. The Atlas Specific Plan/

Mission Valley Community Plan for this site designates a total of 306 hotel rooms, 20,000 square feet of banquet space, and a 27,000-square-foot health club. The difference between the existing site development and buildout of the Adopted Plan Alternative includes the addition of 104 hotel rooms and 4,000 square feet of banquet space.

Implementation of the No Project (Development under the Adopted Plan) Alternative would incrementally reduce the project's significant impacts related to land use (MHPA adjacency), transportation/traffic (traffic capacity), and biological resources (sensitive species, sensitive habitat). However, this alternative would still result in significant impacts (requiring mitigation) relative to Land Use (MHPA Adjacency), Transportation/traffic (Traffic Capacity), Historical Resources (Archaeological Resources), Biological Resources (Sensitive Species), Paleontological Resources, and Noise (HVAC). and Geologic Conditions (Liquefaction). Significant impacts related to transportation/traffic (traffic capacity) would be significantly increased relative to the proposed project, as this alternative would result in five additional direct segment impacts and four additional cumulative segment impacts.

Only three of the eight project objectives would at least be partially attained under this alternative. This alternative would meet Objective 4, preservation of steep hillsides; and Objective 8, creation of temporary and permanent jobs. Objective 7 would be partially met in that buildout of the No Project (Development under the Adopted Plan) Alternative would support the City's infill development goals, but the Adopted Plan would not incorporate the sustainability features or reduce auto-dominance of the site to the same extent as the project.

3. Reduced Project Alternative

This alternative addresses reduced project intensity in order to reduce traffic impacts. In order to reduce the degree of traffic impacts, a 10 percent reduction of the outdoor souk area and all uses in Buildings 1 and 2 was completed (Table 9-7). The Reduced Project Alternative would include 295,648 square-feet, which is 11,231 square-feet less than the proposed project. All uses proposed by the project would be retained under this alternative and the building locations would be similar to the proposed project. The overall Reduced Project Alternative grading would be expected to be similar to the proposed project as well, and this alternative would continue to require grading along the southern hillside for infrastructure.

This alternative was developed to reduce traffic impacts relative to the proposed project. This alternative would substantially lessen (avoid) the project's significant cumulative intersection impact in the AM peak hour, and incrementally lessen the direct intersection impact and cumulative intersection impact in the PM peak hour relative to the proposed project. Implementation of the Reduced Project Alternative would result in similar land use, historical resources, biological resources, paleontological resources, and noise impacts as the project.

This alternative addresses reduced project intensity in order to avoid significant direct traffic impacts. To avoid significant direct traffic capacity impacts, the net project average daily traffic would need to be no greater than 304 (LLG; dated November 18, 2014). In order to achieve this average daily traffic, various land uses would need to be removed from the project. Under the

Reduced Project Alternative, the following land uses would be omitted:

Building 1:

- Wellness Center (Gym/Spa)
- · Gift shops (Retail)
- Restaurant
- Theater

Building 2:

Presentation Gallery

Building 5:

• 140-seat Amphitheater

Retail Bazaar

All other project components would be retained under this alternative including the learning center, theater and artifact museum, timeshare rooms, executive offices, and approximately 5,000 square feet of retail uses, along with various ancillary uses. Due to the reduction in the number of land uses, the project footprint would correspondingly be reduced, as would the amount of required parking. On-site grading would also be somewhat reduced. However, encroachments into the southern hillsides would still be required in conjunction with the installation of a sewer/drainage easement; a fire access road around the rear perimeter, and a proposed trail. Therefore, deviations to Environmentally Sensitive Lands Regulations and the Hillside Sub-district Ordinance would be required, similar to the project.

This alternative was developed to reduce traffic impacts relative to the proposed project. Significant unmitigated direct segment impacts would be reduced under this alternative; however, two significant not mitigated cumulative segment impacts as well as the intersection impacts would remain. Implementation of the Reduced Project Alternative would result in similar Land Use (MHPA Adjacency), Historical Resources (Archaeological), Biological Resources, Paleontological Resources, Noise, and Geologic Conditions impacts as the project.

The Reduced Project Alternative would meet all of the project's objectives, although to a lesser degree than by the project (except Objective 4, which would be equally met).

Environmentally Superior Alternative

CEQA Guidelines section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives. The project itself may not be identified as the environmentally superior alternative.

The Reduced Project Alternative would be considered the environmentally superior alternative, since it would lessen a traffic impact and meet the majority of the project objectives. Neither the No Project (No Development) Alternative nor the No Project (Development under the Adopted Plan) Alternative would meet the majority of the basic project objectives.

The Reduced Project Alternative would be considered the environmentally superior alternative, since it would eliminate the significant unmitigated direct traffic impacts and the significant unmitigated cumulative impacts associated with Hotel Circle North. It would also incrementally reduce impacts associated with land use (MHPA Adjacency), Historical Resources (Archaeological), Biological Resources, Paleontological Resources, Noise, and Geologic Conditions compared to the project.

While the project would have incrementally greater impacts than this alternative, all impacts except those related to traffic on Hotel Circle North and Hotel Circle South would be reduced to below a level of significance for the project. Traffic impacts would remain significant and unavoidable for the project, and the Reduced Development Alternative would avoid these impacts. As described above, the Reduced Project Alternative would meet all but one of the project's objectives. However, the remainder of the project objectives would be met to a lesser degree by the project except for Objective 4, which would be equally met.

PUBLIC REVIEW DISTRIBUTION:

The following individuals, organizations, and agencies received a copy or notice of the DEIR and were invited to comment on its accuracy and sufficiency:

U.S. Fish & Wildlife Service (23)

State of California

Caltrans, District 11 (31)
California Department of Fish & Wildlife (32)
State Clearinghouse (46)

City of San Diego

Mayor's Office (91)
Council President Lightner, District 1 (MS 10A)
Councilmember Zapf, District 2 (MS 10A)
Councilmember Gloria, District 3 (MS 10A)
Councilmember Cole, District 4 (MS 10A)
Councilmember Kersey, District 5 (MS 10A)
Councilmember Cate, District 6 (MS 10A)
Councilmember Sherman, District 7 (MS 10A)
Councilmember Alvarez, District 8 (MS 10A)
Council President Pro Tem Emerald, District 9 (MS 10A)

Development Services Department

EAS – Jeffrey Szymanski

Transportation - Ann Gonsalvez / Eddmond Alberto

Planning Review - Peter Chou

Engineering Review - Jack Canning

Geology – Jim Quinn

Landscaping - Terre Lien

PUD-Water & Sewer Development - Mahmood Keshavarzi

Project Manager - Morris Dye

Deputy Director - Kerry Santoro

Planning Department

MSCP - Kristen Forburger

Plan Long Range Planning - Nancy Graham

Park and Recreation - Craig Hooker

Plan Historic - Jodie Brown

Plan Facilities Financing - Oscar Galvez III

San Diego Fire-Rescue Department

Larry Trame (MS 603)

San Diego Police Department

Michael Pridemore

Russ Gibbon (56d)

Library Department (81)

Mission Valley Branch Library (81r)

Mission Hills Branch Library (81g)

Environmental Services Department, Berton Ewert (93A)

Facilities Financing (MS 93B)

City Attorney's Office (MS 59)

Other Organizations and Interested Individuals

Mary Johnson (328B)

Mission Valley Community Council (328c)

Mission Valley Community Planning Group (331)

San Diego Association of Governments (SANDAG) (108)

San Diego Transit Corporation (112)

San Diego Gas & Electric (114)

Metropolitan Transit System (115)

Sierra Club (165)

San Diego Natural History Museum (166)

Jim Puegh (167a)

San Diego Audubon Society (167)

California Native Plant Society (170)

Endangered Habitat League (182a)

San Diego State University, South Coastal Information Center (210)

San Diego Archaeological Center (212)

Ron Christman (215)

Carmen Lucas (206)

Clint Linton (215B)

Frank Brown, Inter-Tribal Cultural Resources Council (216)

Campo Band of Mission Indians (217)

San Diego County Archaeological Society (218)

Native American Heritage Commission (222)

Kumeyaay Cultural Heritage Preservation (223)

Kumeyaay Cultural Repatriation Committee (225)

Native American Distribution (225A-S)

Mission Valley Community Council (328C)

Rincon Band of Luiseno Indians Cultural Committee

Pauma Band of Luiseno Indians

<u>Jle@LD-group.net</u> (email address)

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 EIR. No response is necessary and the letters are attached at the end of the EIR.
- (X) Comments addressing the accuracy or completeness of the DEIR were received during the public input period. The letters and responses are located immediately after the EIR Distribution List.

Copies of the DEIR, the Mitigation Monitoring and Reporting Program, and any technical appendices may be reviewed in the office of the Development Services Department, Mission Valley Branch Library, Mission Hills Branch Library, at

http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html, or purchased for the cost of reproduction.

Kerry Santoro
Deputy Director

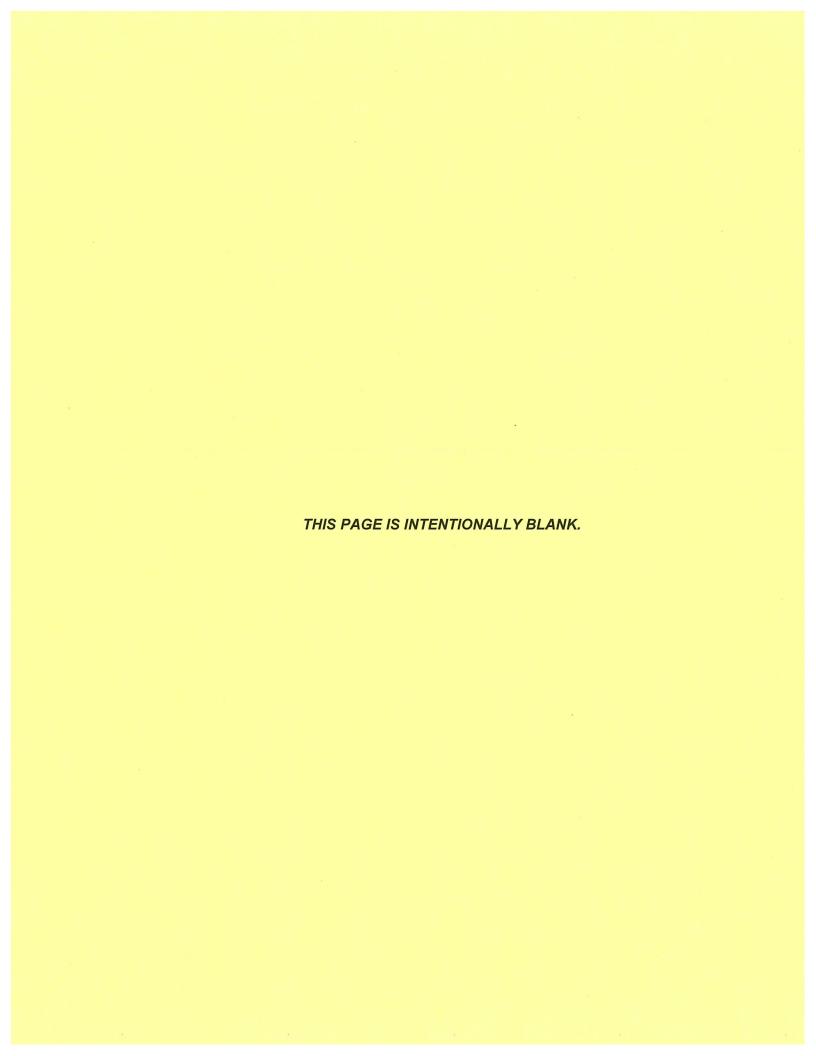
Development Services Department

Analyst: Jeff Szymanski

November 30, 2015

Date of Draft Report

Date of Final Report



LEGACY INTERNATIONAL CENTER Letters of Comment and Responses

Letters of comment to the Draft EIR were received from the following agencies, organizations, and individuals. Several comment letters received during the Draft EIR public review period contained accepted revisions that resulted in changes to the final EIR text. These changes to the text are indicated by strike-out (deleted) and underline (inserted) markings. The letters of comment and responses follow.

Α	State Clearinghouse	RTC-2
В	California Department of Transportation	RTC-4
С	California Department of Fish and Wildlife and U.S. Fish and Wildlife Service	RTC-7
D	Rincon Band of Luiseño Indians	RTC-13
Е	University of California San Diego	RTC-14
F	Lee Bowman	RTC-16
G	Theo Chen	RTC-17
Н	John La Raia, H.G. Fenton Company	RTC-18

Letter A



STATE OF CALIFORNIA Governor's Office of Planning and Research State Clearinghouse and Planning Unit



January 14, 2016

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

Subject: Legacy International Center SCH#: 2014081053

Dear Jeffrey Szymanski:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 13, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan Director, State Clearinghouse

Enclosures cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044 TEL (916) 445-0613 FAX (916) 323-3018 www.opt.cn.gov

A-1 Comment noted.

A-1

Document Details Report State Clearinghouse Data Base SCH# 2014081053 Project Title Legacy International Center Lead Agency San Diego, City of Type EIR Draft EIR Description Specific Plan Amendment, vesting tentative map, site development permit, rezone and conditional use permit to redevelop the existing Mission Valley Resort Hotel property. Commercial, lodging and religious uses include an approx. 105,104 sq. ft. training center pavilion, a two-level 17,012 sq. ft. welcoming center, a 29,940 sq. ft. "history dome" theater, 5,992 sq. ft. of underground catacombs passage, an 8,200 sq. ft. outdoor plaza, executive offices with subterranean parking, and a five-story 136,160 sq. ft. "tri-wing" Legacy Village tower containing 127 timeshare suites. **Lead Agency Contact** Name Jeffrey Szymanski Agency City of San Diego Phone 619-446-5324 Fax email Address 1222 First Avenue, MS-501 City San Diego State CA Zip 92101 **Project Location** County San Diego City Region Lat / Long 32° 45' 33.4116" N / 117° 10' 13.4796" W Cross Streets Hotel Circle S, and Bachman Place Parcel No. 444-060-10 and 444-060-11 Township 16S Section 22-24 Base Range 3W Proximity to: Highways I-8 Airports San Diego Int'l Railways Mark Twain High School Waterways San Diego River Schools SD Trolley Land Use Multiple Use Project Issues Archaeologic-Historic; Biological Resources; Geologic/Seismic; Noise; Traffic/Circulation; Landuse Reviewing Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Agencies Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission; San Diego River Conservancy Date Received 11/30/2015 Start of Review 11/30/2015 End of Review 01/13/2016 Note: Blanks in data fields result from insufficient information provided by lead agency.

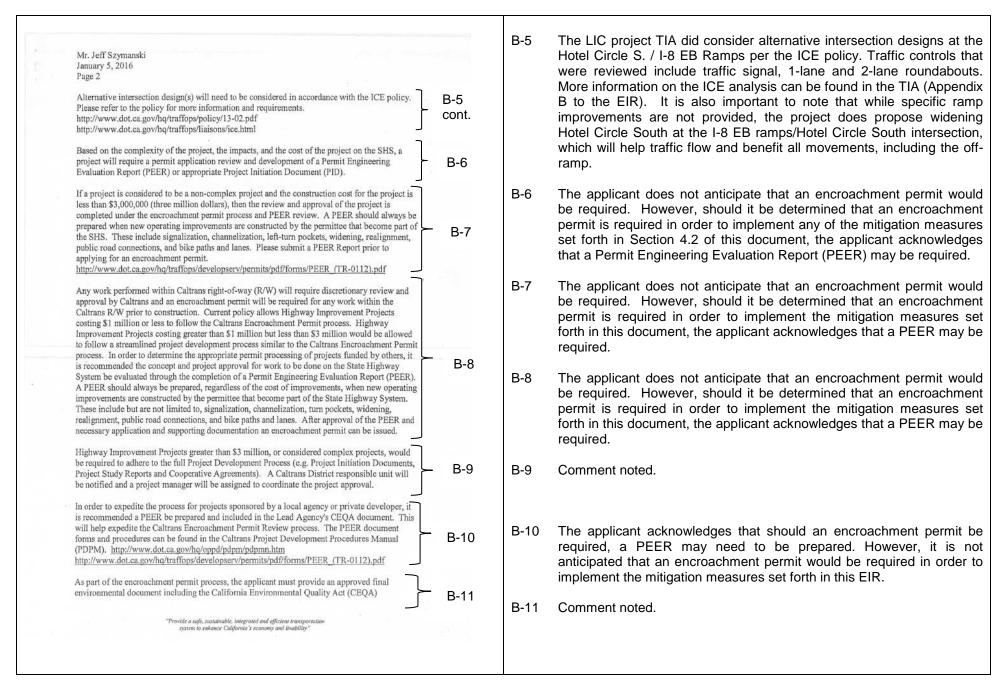
Letter B STATE OF CALIFORNIA-CALIFORNIA STATE TRANSPORTATION AGENC DEPARTMENT OF TRANSPORTATION DISTRICT 11, DIVISION OF PLANNING 4050 TAYLOR ST, M.S. 240 SAN DIEGO, CA 92110 PHONE (619) 688-6960 Serious drough FAX (619) 688-4299 www.dot.ca.go January 5, 2016 11-SD-8 PM 1.92 Legacy International Center DEIR SCH#2014081053 Mr. Jeff Szymanski City of San Diego RECEIVED Development Services Department 1222 First Ave, MS 501 San Diego, CA 92101 JAN 06 2016 Dear Mr. Szymanski: STATE CLEARING HOUSE The California Department of Transportation (Caltrans) has received the Traffic Impact Study (TIS), as part of the Draft Environmental Impact Report (DEIR), for the Legacy International B-1 Center project to be located at 875 Hotel Circle South, in Mission Valley, near Interstate 8 (I-8). Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program B-2 reviews land use projects and plans to ensure consistency with our mission and state planning priorities of infill, conservation, and efficient development. To ensure a safe, efficient, and reliable transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multi-modal transportation network. Caltrans has the following comments: SANDAG in partnership with Caltrans and the City of San Diego has completed a draft of the I-8 Corridor Study. Future improvement concepts in the study for Hotel Circle include B-3 improvements for vehicles, bicycles, and pedestrians. Please reference this study. http://www.sandag.org/index.asp?classid=13&subclassid=10&projectid=484&fuseaction=projectid=484& ts.detail For the Hotel Circle South / I-8 Eastbound Ramps, Caltrans recommends for mitigation B-4 extending the right-turn lane by at least 200 feet for the increased demand to the eastbound I-8 exit ramp and widening the westbound exit ramp, and shoulder to accommodate greater rear axle turning radius trucks. This might require a box culvert at this location. Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). "Provide a safe, sustainable, integrated and efficient transportation system

to enhance California's economy and livability

B-1 This comment is an introduction to comments that follow. No further response is required.

- B-2 This comment is an introduction to comments that follow. No further response is required.
- B-3 The comment provides information relative to the draft Interstate 8 (I-8) corridor study, but does not require a specific response. The draft I-8 corridor study was referenced by the traffic consultant (LLG) during the preparation of the project's TIA.
- B-4 The comment provides information relative to the draft Interstate (I-8) Corridor Study, but does not require a specific response. The I-8 Corridor Study was researched and reviewed by the traffic consultant (LLG). Based on draft report that was released in March 2016, the I-8 Corridor Study proposes several alternatives and improvements at several freeway ramp interchanges along I-8. The recommendations presented in the report are "concepts" without any feasibility evaluation to right-of-way, traffic circulation, and local access among others. The report recommends that further studies and updated designs be conducted to analyze these improvements in greater detail to develop a "preferred alternative".

It is assumed that future studies won't be completed prior to the LIC project being completed. Further, the LIC project improvements do not conflict with or preclude any improvements currently proposed in the I-8 Corridor Study. Consistent with this comment and based on the traffic impact analysis prepared by Linscott, Law & Greenspan Engineers (LLG), the Environmental Impact Report (EIR; Section 4.2.2.2) identified a significant direct impact at the I-8 eastbound (EB) ramps/Hotel Circle South intersection. To mitigate the project impact, substantial improvements are identified at this intersection. The improvements include providing full-width dedication (varying width up to 28 feet) along the project frontage and constructing an additional EB and westbound (WB) travel lane. Existing conditions will be matched at the western and eastern limits of the site with appropriate transitions. These improvements would mitigate the project's impact to below a level of significance.



P	Mr. Jeff Szymanski January 5, 2016 Page 3			
	determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.	B-11 cont.		
	When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to Caltrans.	B-12	B-12	Comment noted.
	Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.	B-13	B-13	Comment noted.
	CEQA requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring programs shall be submitted to Caltrans. Attached are Caltrans guidelines for the submittal of reporting or monitoring programs. Please submit the attached information to the Caltrans Inter-Governmental Review/Development Review contact following project approval.	B-14	B-14	Comment noted. A mitigation monitoring and reporting program o "MMRP" has been prepared and may be found as Section 10 of this FEIR. It is acknowledged that the MMRP will need to be distributed to Caltrans pursuant to the provided guidelines.
	Any drainage plans or studies as part of Caltrans evaluations or encroachment permit shall conform to the guidelines provided in the Caltrans Project Plan Preparation Manual. Any modification to the existing drainage and increase runoff to State facilities will not be allowed. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits. http://www.dot.ea.gov/hq/oppd/cadd/usta/ppman/toc.htm	B-15	B-15	The applicant acknowledges that should an encroachment permit be required, all applicable plans and studies would be prepared, including a drainage plan.
	If you have any questions, please contact Roy Abboud at (619) 688-6968 or roy.abboud@dot.ca.gov.			
	Sincerely			
	JÁCOB M ÁRMSTRONG, Branch Chief Development Review Branch			
	"Provide a safe, sustainable, integrated and efficient transperiation system to enhance Colifornia's economy and livability"			

Letter C



U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road, Suite 101 Carlsbad, California 92011 760-431-9440 FAX 760-431-9618



California Department of Fish and Wildlife South Coast Region 3883 Ruffin Road San Diego, California 92123 858-467-4201 FAX 858-467-4239

In Reply Refer To: FWS-SDG-16B0155-16TA0265

JAN 13 2016

Mr. Jeffery Szymanski Environmental Planner City of San Diego Development Services Center 1222 First Avenue, MS 501 San Diego, California 92101

Subject: Comments on the Draft Environmental Impact Report for the Legacy International Center (Project No. 332401/SCH No. 2014081053), City of San Diego, California

Dear Mr. Szymanski:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (Department), hereafter referred to as the Wildlife Agencies, have reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Legacy International Center (Project), dated November 30, 2015. The comments and recommendations provided herein are based on the information provided in the DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetation communities in the region, and our participation in the Multiple Species Conservation Program (MSCP) and the City of San Diego's (City) MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City participates in the Department's NCCP and the Service's HCP programs by implementing its SAP.

The 18.1-acre project site (consisting of Assessor's Parcel Numbers 444-060-10 and 444-060-11) is located within the Mission Valley Community Plan at 875 Hotel Circle South, just south of Interstate 8, east of Interstate 5, and west of State Route 163. The site is currently developed as the Mission Valley Resort Hotel.

C-1

C-1 This comment is an introduction to comments that follow. No further response is required.

C-1

cont.

Mr. Jeffery Szymanski (FWS-SDG-16B0155-16TA0265)

2

The project proposes to redevelop the existing Mission Valley Resort Hotel property to include: an approximately 105,104-square foot training center pavilion; a two-level 17,012-square foot welcoming center, a 29,940-square foot theater, a three-story 23,028-square foot administration building with its own subterranean parking; 5,992 square feet of underground catacombs passages; an 8,200-square foot outdoor plaza; a five-story 136,160-square foot "tri-wing" Legacy Village tower, a 300-seat outdoor amphitheater, and pedestrian plazas. Recreational components will include an 8-foot wide decomposed granite trail/access road. Approximately 0.06 acre of Multi-Habitat Planning Area (MHPA) occurs within the southwest corner of the site, and the MHPA is also within close proximity to the southwest corner of the site.

The project supports the following vegetation/land cover types: southern mixed chaparral, disturbed southern mixed chaparral, non-native grassland, eucalyptus woodland, ornamental plantings, and disturbed land. The project will impact 0.12 acre of southern mixed chaparral, 0.31 acre of disturbed southern mixed chaparral, 0.80 acre of non-native grassland, 0.62 acre of ornamental plantings, and 11.97 acres of disturbed land, for a total impact area of 13.82 acres. No MHPA will be impacted by the project.

No sensitive plant species were detected as part of the general biological resource survey conducted on February 4, 2013. Sensitive wildlife species detected on the project site during prior surveys include the SAP covered Cooper's hawk (Accipiter cooperit). The native vegetation onsite provides shelter and forage while functioning both as a local movement and part of a regional stepping stone corridor.

We offer the following recommendations and comments in the Enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of its SAP. If you have questions or comments regarding this letter, please contact Patrick Gower of the Service at 760-431-9440 or Paul Schlitt of the Department at 858-637-5510.

Sincerely

David Joules for

Karen A. Goebel Assistant Field Supervisor U.S. Fish and Wildlife Service

Enclosure

Calla

Gail K. Sevrens Environmental Program Manager California Department of Fish and Wildlife C-1 The proposed project was revised after the preparation of this comment. The project changes resulted in a reduced project relative to the project described in this comment, and also reduced project impacts to sensitive habitat. These changes are summarized below.

The project currently proposes the 41,071-square-foot Legacy Vision Center, a 63,447-square-foot Pavilion, 88,120-square-foot Legacy Hotel; and a 106,458-square-foot parking structure. In addition, outdoor features include a 7,783-square-foot souk (outdoor retail), city plaza, central plaza, wailing wall, fountain, prayer garden, and pedestrian trail. Refer to Final EIR Chapter 3 for additional information.

As identified in the Final EIR Section 4.4.3.1, the project would impact 0.02 acre of southern mixed chaparral, 0.05 acre of disturbed southern mixed chaparral, 0.17 acre of non-native grassland, 0.48 acre of ornamental plantings, and 11.78 acres of disturbed land, for a total impact area of 12.50 acres.

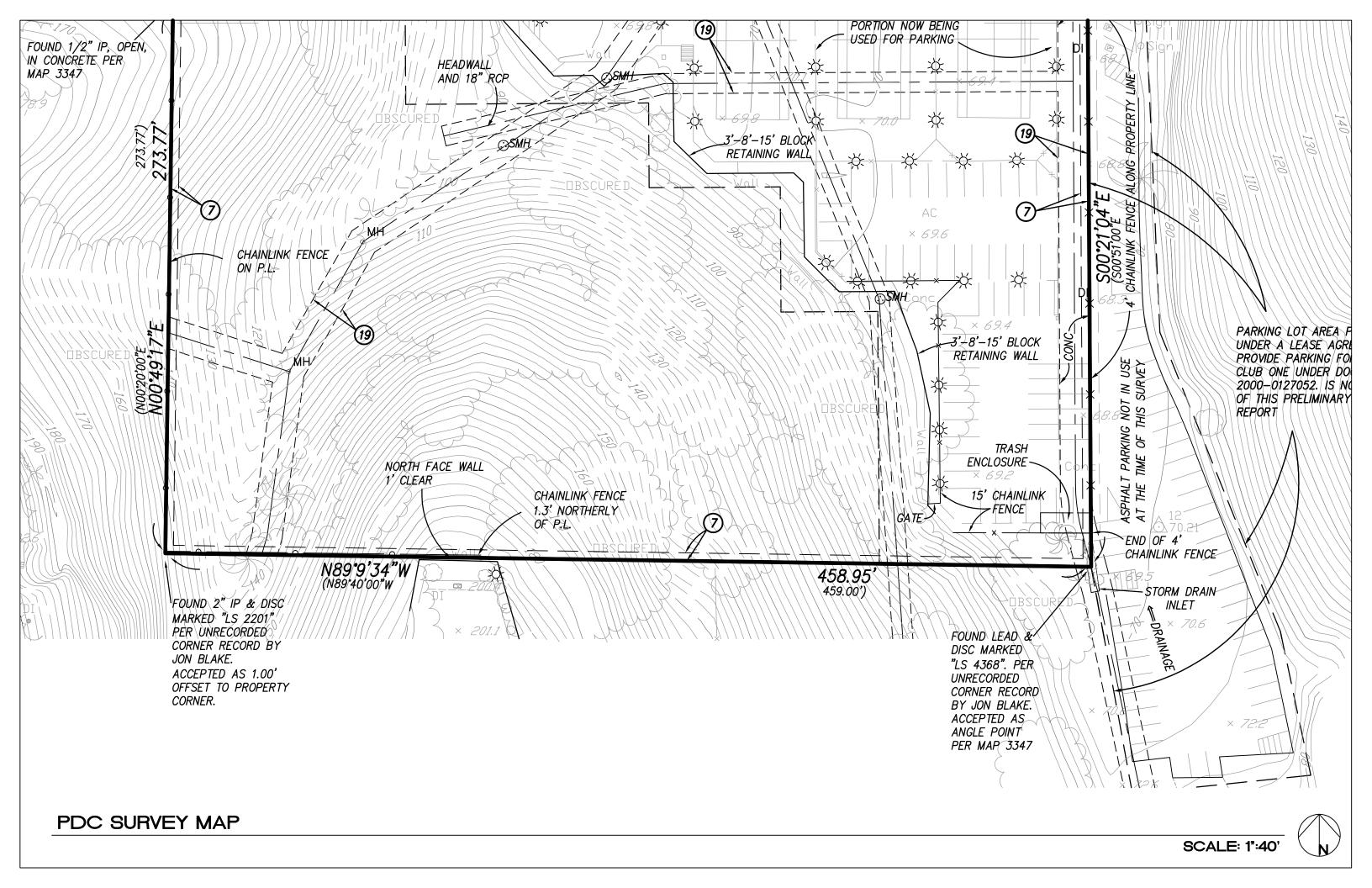
While there may be some wildlife movement within the property, the site, as a whole, does not provide a major movement corridor for wildlife species. Refer to Section 4.4.1.3 for additional information.

	Enclosure Comments on the Draft Environmental Impact Report (DEIR) for the Legacy International Center Project, San Diego County, CA	
1.	Section 3.4.2.7 Mountainside Trails: The final EIR should provide information on any approved trail plans that include the existing hiking trail and what type of environmental review and approval was completed. This section references section 3.4.8 for a discussion on a pedestrian trail network, however the DEIR does not include section 3.4.8. The Wildlife Agencies prefer to review new proposed trails on a regional scale and not project by project. The City should provide this information to the Wildlife Agencies for review and approval so the final plan can be incorporated into the final EIR.	C-2
2.	The final EIR should include information on maintenance and enforcement responsibilities for the proposed trails and any reporting obligations to the City. Additionally, the final EIR should include measures, such as fencing and long-term monitoring and management, to reduce potential impacts from the trail, especially if the avoided area on-site is used to mitigate project impacts.	C-3
3.	Section 4.1.3.1 b. of DEIR states, "Mitigation would be accomplished through on-site preservation by placing the remaining habitats outside of the development footprint (2.15 acres of southern mixed chaparral, 0.58 acre of disturbed southern mixed chaparral, and 0.19 acre of non-native grassland) in a covenant of easement (City of San Diego 2012), which would exceed the required mitigation for the project." However, according to section 4.4.3.3, " mitigation shall be statisfied through the purchase of Habitat Acquisition Fund (HAF) mitigation credits. The applicant shall purchase 0.62 mitigation credits through the City's HAF program". The final EIR should identify which mitigation method will be used for the project and end either section 4.1.3.1 b. or 4.4.3.3 accordingly, to be consistent with the biological resources mitigation, monitoring, and reporting language.	C-4
4.	Section 4.4.3.4 identifies placing a covenant of easement on the avoided area on-site. If the avoided area on-site is used to mitigate project impacts, we recommend that the final EIR (i.e., Section 4.1.3) include a discussion on permit conditions that would require a covenant of easement to be recorded over this area and include specific references to sections 143.0140 and 143.0152 of the City's Environmentally Sensitive Lands (ESL) Regulations. Additionally, the final EIR should indicate under what regulatory process the City will provide the assurances that the environmentally sensitive lands will be conserved consistent with section 143.0140(a) of the ESL.	C-5
5.	Based on our review of aerial images of the project site and surrounding area, it appears that a portion of development associated with APN 444-060-04 (4363 Goldfinch Street) is encroaching into the proposed conservation easement area. Areas of encroachment should not be included in the proposed conservation easement unless actions are taken to restore the habitat values of those areas.	C-6
6.	The intent of mitigation measure BR-1 is to reduce significant impacts to protected nesting raptors and migratory birds; however it does not include specific guidance on the minimum buffer distances. According to the City's Biology Guidelines and Appendix A of the City's SAP, a 300-foot impact avoidance area is required from any nesting site of Cooper's hawk. The	C-7

- C-2 The EIR erroneously references Section 3.4.8. The correct reference should be Section 3.4.6.4. The reference has been corrected in the Final EIR. As shown on Figure 3-5 of the EIR, the proposed trails/pedestrian access trails are intended as an internal amenity for users of the site and would be located within existing sewer and storm water easements. As noted in Section 3.4.6.4, the trail could potentially connect off-site to a trail which connects to Goldfinch Street. However, it should be noted that the on-site trails simply and coincidentally take advantage of site's existing constraints and opportunities (i.e. utility easements), but are not proposed to connect to any larger trail system. These trails are all accounted for within the project impacts, and none of the trails run through the Multi-Habitat Planning Area (MHPA) or open space.
- C-3 See response to comment C-2. The trails would be located within existing storm and sewer drain easements. The avoided area is being placed under a Covenant of Easement and not being used for mitigation. Mitigation is being satisfied by payment through the City's habitat acquisition fund (HAF) program; therefore, there are no reporting obligations required to the City.
- C-4 As described in the Biological Resources section of the EIR (Section 4.4), mitigation for the project would be accomplished through the purchase of 0.12 mitigation credits through the City's HAF program. Section 4.1.3.1b of the Final EIR has been revised to be consistent with Section 4.4.3.3.
- C-5 Section 4.1.3 has been updated to clarify that the avoided area would not be used for mitigation. In addition, Section 4.4.3.3. has been updated to include a paragraph clarifying that there will be a covenant of easement placed over the land to ensure that no development takes place within this area, as per Section 143.0140 (a) of the Environmentally Sensitive Lands (ESL) regulations.
- C-6 Surveys done by civil engineer, Project Design Consultants (PDC), show that property improvements associated with 4363 Goldfinch Street do not encroach into the proposed conservation easement for the Legacy International Center project. Please refer to the exhibit provided on the following page, which shows that no encroachments would occur.

Mr. Jeffery Szymanski (FWS-SDG-16B0155-16TA0265) proposed avian protection requirements should include this buffer requireminimum buffer distances for passerines. Additionally, BR-1 cites the extending from February 1 to September 15. Although the peak avian bor runs from February 1 through September 1, there are documented nest as January 1 for some raptors and passerines (given warmer weather we recommend BR-1 and BR-2 I. E. be revised to take into account breeding activities. 7. The Jurisdictional Waters/Wetland Delineation Report for the Legacy Diego California (RECON, September 25, 2014) identifies that areas of State may include areas subject to section 1600-1607 of the Fish and C that conclusion, Section 1.2.2 of the final EIR should identify the Depth Agency given the potential for this project to require notification for a Alteration Agreement (LSAA). Additionally, the discussion pertaining in section 4.4.4.5.1 should include specific mitigation language regard obligations. The mitigation language provided in this section should at 10-1 of the final EIR. 8. Section 9.0 Project Alternatives: The final EIR should include a project not require deviations from the ESL regulations. For example, evaluati footprint that would not encroach into steep hillsides. 9. Section 4.4.3.4 Significance of Impacts after Mitigation: The final EIR summary showing how the acreages in the conservation easement were should be revised to reflect any new information on this subject. 10. Section 4.4.6.1 Impacts: The final EIR should provide a discussion of from the operation of the new multi-level buildings to the conservati MIPA, and summarize how the implementation of LU-1 will reduce than significant. 11. Figure 4.7-5 in the final EIR should include colors in the legend to ind presented in the figure. 12. The Notse Analysis for the Legacy International Center, San Diego, C (RECON, September 25, 2014) states, "the exact sound amplification the amplitheater is not known at this time. Noise levels were modeled unamplified	avian breeding season seeding season generally ing occurrences as early conditions). Therefore, the potential for earlier International Center San defined as Waters of the fame Code. Based on artment as a Responsible Lake and Streambed to impacts to wetlands ing LSAA notification so be included in Table It alternative that would ing a reduced project It should include a ecalculated. Table 4.4-4 C-10 potential light impacts on easement area and et these impacts to less I cate the information C-12 california study system to be used for for a very loud, uplified voice, and an ditionally, noise is that: (1) the is would be less than is involving loud additional discussion rithin the conditional oned conditions.	C-9 C-10 C-11	The project biologist observed only one raptor on-site, a Cooper's hawk. Both Phil Unitt's Bird Atlas and the Cornell Lab of Ornithology document early egg laying for this species as late March. An appropriate beginning date for the bird breeding season would be February 1, which will allow time for this species for nest building and copulations. A 300-foot impact avoidance area has been added to the mitigation measure for Cooper's hawk, should an active nest be identified. An avoidance buffer of 300 feet or less, as appropriate, for nesting passerines has also been added to the report. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avian species involved, ambient levels of human activity, and screening vegetation). Buffers should be determined by the Qualified Biologist. Section 1.2.2 has been updated to include that California Department of Fish and Wildlife (CDFW) is a Responsible Agency. Section 4.4.5.1 has been revised to expand on the notification discussion to include the following Lake and Streambed Alteration Agreement (LSAA) language: "Impacts to Waters of the State will require notification of CDFW in order to obtain a Lake and Streambed Alteration Agreement per Sections 1600-1607 of the California Fish and Game Code." As this is not mitigation, it is not necessary to report this in the MMRP Table 10-1. Notification to CDFW will be a condition of approval and the project would be held to these notification obligations before a grading permit would be issued. The proposed project and Reduced Project Alternative have been revised to reduce impacts to Environmentally Sensitive Lands (ESL). Refer to Chapter 3 and Chapter 9 for additional information. Section 4.4.3.4 and Table 4.4-4 were updated to clarify the conservation easement and how the acreages were calculated. A discussion on light impacts has been provided in Section 4.4.6.2. Section 142.0740 of the City of San Diego Municipal Code states that "Outdoor lighting fixtures shall

C-12 Figure 4.7-5 has been updated to include color within the legend.



Letter D

D-1

D-2

D-3

RINCON BAND OF LUISEÑO INDIANS

Cultural Resources Department

1 W. Tribal Road · Valley Center, California 92082 (760) 297-2635 Fax:(760) 749-2639



December 3, 2015

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

Re: Legacy International Center Project No. 332401

Dear Mr. Szymanski:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Legacy International Center Project No. 332401. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely

Vincent Whipple

Manager

Rincon Cultural Resources Department

Bo Mazzetti Tribal Chairman Stephanie Spencer Vice Chairwoman Steve Stallings Council Member Laurie E. Gonzalez Council Member Alfonso Kolb Council Member

- D-1 Comment noted.
- D-2 As discussed in Section 4.3.1.3(a), proper tribal consultation and correspondence was carried out for this project. As stated: "A letter was sent to the Native American Heritage Commission (NAHC) requesting they search their files to identify spiritually significant and/or sacred sites or traditional use areas in the proposed project vicinity. The NAHC was also asked to provide a list of local Native American tribes, bands, or individuals who may have concerns or interests in the cultural resources of the proposed project. RECON sent contact letters to the individuals and groups on the list on January 30, 2013. As described in section 4.3.1.3(a):

"The NAHC recommended that early consultation with Native American tribes was the best way to avoid unanticipated discoveries. Two comments were received regarding the project. Frank Brown with the Inter-Tribal Cultural Resource Protection Council called on January 30, 2013 and indicated that he was concerned because Native American human remains had been identified in Mission Valley, the Mission San Diego de Alcalá being one of those places. Brown recommended archaeological and Native American monitoring and wanted to be contacted when work would start on the project. On February 7, 2013, during the survey, Clint Linton of the Ipay Nation of Santa Ysabel indicated that there were human remains found in proximity to the project area and recommended monitoring."

Archaeological monitoring during grading activities is a mitigation measure identified in the EIR.

D-3 Comment noted.

Letter E UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD SANTA BARBARA • SANTA CRUZ PHYSICAL AND COMMUNITY PLANNING 9500 GILMAN DRIVE LA JOLLA, CALIFORNIA 92093-0074 TELEPHONE: (858) 822-0150 January 15, 2016 Via U.S. & Electronic Mail (DSDEAS@sandiego.gov) Mr. Jeffrey Szymanski, Environmental Planner City of San Diego Development Services Center 1222 First Avenue, MS 501 San Diego, CA 92101 Re: Legacy International Center; Project No. 332401/SCH No. 2014081053 - Comments on DEIR Dear Mr. Szymanski: I write with respect to providing comments to the draft Environmental Impact Report (EIR) for the proposed Legacy International Center. E-1 This comment is an introduction to comments that follow. No further UC San Diego was only made aware of this project via an email from a community member earlier E-1 response is required. this week. Unfortunately, it appears that we were not included in the original notification list, despite the adjacency to the UC San Diego Health Hillcrest campus which compromises a 390-bed hospital, Regional Burn Center, Level I Trauma Center and various other medical disciplines including medical research. As San Diego's only academic medical center, UC San Diego Health is the region's premier destination for those requiring complex multidisciplinary care. UC San Diego Health Hillcrest is F-2 E-2 This comment is an introduction to comments that follow. No further home to the area's only Regional Burn Center, which covers San Diego, Imperial and Riverside Counties, and portions of Arizona. The proposed development also resides within UC San Diego response is required. Health's designated Trauma Area, to which our Level I Trauma Center serves. Review of the Draft EIR for the Legacy International Center reveals that there appear to be significant unmitigated direct and cumulative traffic impacts to the street segments on either side of the Bachman Place intersection. Since no feasible mitigation seems to be identified for this impact E-3 E-3 The proposed project was reduced subsequent to public review, and in the Draft EIR, UC San Diego has to assume access to our UC San Diego Health Hillcrest campus via Bachman Place would be compromised, negatively impacting its constituents and emergency the proposed project no longer results in a significant unmitigated traffic service providers. Providing unrestricted access is important to UC San Diego Health's tripartite impacts. Refer to Final EIR Chapter 4.2. mission to deliver outstanding patient care through commitment to the community, groundbreaking research, and inspired teaching.

Ltr. to City of San Diego Development Services Center January 15, 2016 Page 2 E-3 The University requests that careful consideration be given to evaluating the project impacts and providing feasible solutions that result in adequate levels of service that don't degrade access via cont. The University requests Anu Delouri be added to the mailing list for all future correspondence pertaining to this project. Comment noted. E-4 E-4 Sincerely, Anu Delouri Assistant Director Communications and Community Planning UC San Diego

Letter F From: Lee Bowman [mailto:gaypenguin.lee@gmail.com] Sent: Saturday, January 23, 2016 8:49 PM To: DSD EAS Subject: RE: Morris Cerullo Legacy Intl Center To Whom It May Concern: I am very concerned about this proposed project in Mission Valley. I think it is too big for the suggested space and would severely and negatively impact traffic in the area, creating severe congestion. Such an expansive project belongs somewhere far out F-1 The comment expresses various opinions that do not raise a specific F-1 from the the central city with ample acreage and streets and highways for the traffic environmental issue with respect to the adequacy of the EIR. To flow. And that doesn't even get into whether this center is an appropriate fit for the address the general point that the project would negatively affect traffic, neighborhood and its potential divisive nature. It smacks of a monument to Morris Cerullo. a TIA has been prepared in accordance with established procedures, standards, and thresholds. The project applicant has committed to Lee Bowman providing traffic improvements and mitigation as set forth in Section 4.2 of this document. It is noted that the proposed project was reduced subsequent to public review. Refer to Final EIR Chapter 3 for additional information.

Letter G Sent: Wednesday, January 06, 2016 12:26 PM To: DSD EAS Subject: Project Name: Legacy International Center Project No. 332401/SCH No. 2014081053 I am writing in opposition to the Legacy International Center Project proposed for Mission Valley. Although I am a resident of Tierrasanta, the area of San Diego I visit most frequently to dine, shop and run errands is Mission Valley due to its central location and wide variety of options. I am concerned that despite the extensive report The comment expresses the opinions of the commentator. The produced there are many unanswered and possibly unanswerable questions: comment will be included as part of the record and made available to 1. Morris Cerullo is a highly controversial figure whose fundraising activities are questionable if not outright illegal. He the decision makers prior to a final decision on the proposed project. has been indicted previously although the charge was dismissed. Given that this project is expected to take years to complete, what guarantee does the City of San Diego have that if approved this project will actually be fully completed? G-1 The comment does not raise an issue related to the adequacy of the Obviously if left incomplete the city will have a massive eyesore on its hands. environmental document. 2. The "international religious tourism" of this project seems highly dubious. If the project is finished but fails to attract G-2 visitors as promised, will Morris Cerullo's organization be able to financially sustain the sizable maintenance for this G-2 The comment expresses the opinions of the commentator. The complex? If not, again this could become a huge white elephant in the middle of Mission Valley. comment will be included as part of the record and made available to 3. San Diegans need to know what regular and special events will be planned for this project. The 163 South is already the decision makers prior to a final decision on the proposed project. jammed bumper to bumper from Kearny Mesa to Mission Valley during rush hour. The 163 and I-8 intersection is difficult to navigate during rush hour and holiday shopping season as well. Any major special event G-3 The comment does not raise an issue related to the adequacy of the that takes place at this complex could add to the congestion since it is right across I-8 from Fashion Valley Mall. environmental document. Theo Chen G-3 The project has been designed to accommodate parking and traffic flow during both regular and special events. The project proposes two entrances and exits to Hotel Circle South and would exceed the minimum 524 parking stalls. Further, to reduce automobile reliance, the project would offer shuttle service to transport visitors to and from major transportation hubs as well as other popular San Diego tourist destinations.

Letter H

H-1

H-2

H-3

H-4



MEMO

ATTN:

John LaRaia

H.G. Fenton Company

jlaraia@hgfenton.com

E-Mail: ▼

FROM: Justin P. Schlaefti, PE TE PTOE

TOTAL PAGES (Including

DATE: January 14, 2016

TIME: 10:11:31

JOB NUMBER:

SUBJECT: Comments on Legacy International Center EIR TIA

onfidential Communication

This transmittal is intended for the recipient named above. Unless otherwise expressly indicated, this entire communication is confidential and privileged information. If you are not the intended recipient, do not disclose, copy, distribute or use this information. If you received this transmission in error, please notify us immediately by telephone, a cur expense and destroy the information.

As requested, I have completed a review of the Legacy International Center EIR traffic study appendix prepared by Linscott Law and Greenspan (LLG) and dated October 29, 2015. I have the following comments to offer:

- The existing volumes used in the LIC traffic study (TIA) are from 2012 and 2013. These counts are
 extremely dated and validation counts should at least be completed to ensure that these counts properly
 reflect the current environmental setting. Alternatively, new counts should be conducted to bring these
 up to date. Newer count data may be available from other recent studies and may yield higher volumes.
- 2. The cumulative other project list only shows Civita Phase I. Recent tracking of this project indicated that Phase II is either under construction or would start construction in the very near future and may precede opening day of the proposed project. In addition, the Residence Inn project and Vagabond Inn/Holiday Inn project nearby and next door are not included in this list and could have an effect on the study area. The list should be updated and revised.
- The existing capacity for Fashion Valley Road seems low. As an existing 4-lane Collector with widening at intersections, this road should not have the same capacity as a 2-lane road.
- 4. The freeway segment analysis data does not match Caltrans published data. For example, the Existing AM peak hour volume on 1-8 West of Hotel Circle in the EB direction is only 2.6% of the total ADT volume shown in Table 7-3. Caltrans data branch published KD (peak hour percentage and directional percentage) factors show 4% or higher in most years for this same segment, peak and direction. Similarly, other peak hour volumes seem unrealistically low when compared to Caltrans published data from 2012-2014. Finally, Caltrans data for the 1-8 corridor shows consistently that the Westbound direction is the peak direction in the AM peak hour and the Eastbound direction is the peak direction in the PM peak hour. However, the LIC TIA indicates that in the PM peak hour, the WB direction is actually the peak direction which conflicts with experience as well as Caltrans data. Since the TIA shows the majority of project trips on the freeway, this analysis should be revised to match Caltrans data. This could impact the conclusions of the TIA.

ememo-

Legacy Center-JPS_011416

8451 Miralani Drive, Suite A • San Diego, CA 92123 • (858) 560-4911

H-1 Traffic counts for the Legacy International Center project were conducted in September 2012. To validate the counts in the TIA, LLG conducted a traffic count validation comparison. The count validation compared the 2012 counts with available 2014 counts along the study area street segments included in the Legacy International Center traffic impact analysis.

The comparison reveals that the traffic counts in 2012 are higher by 14 percent (average) compared to the 2014 counts. Therefore, given that the traffic counts are higher and conservative compared to more recent traffic counts, they remain valid and appropriate for use in the traffic impact analysis (Attachment 1).

H-2 As is City practice, the EIR identifies cumulative projects as those with an application deemed complete prior to the release of the Notice of Preparation (NOP). For this project, the NOP of was released on August 18, 2014. Section 7.0 of the EIR, contains a list of the, past, present, and reasonably foreseeable future projects within the vicinity of the project site.

Three potential cumulative projects are referenced in this comment: Civita (Phase II), Residence Inn, and Vagabond Inn Reconfiguration.

Based on information from the Civita project applicant, Phase I is currently under construction and is expected to be completed in two years (Attachment 2). This anticipated completion is consistent with the Legacy International Center project "opening day" assumptions and therefore Civita Phase I was included in the near-term traffic analysis. Buildout of the Civita project (all remaining phases) was included in the long-term (Horizon Year) traffic forecasts and analysis.

The Residence Inn project (City PTS# 322365) located at 445 Camino Del Rio South was approved by a City Hearing Officer in March 2014. The project proposed demolition of an existing 9,216-square-foot restaurant and construction of a 118-guestroom hotel. The project was determined to be exempt from environmental review per CEQA, and therefore no traffic study was conducted. To determine the implications of the Residence Inn project on the proposed Legacy International Center roadway segments, a trip generation calculation was conducted for the Residence Inn project. With the demolition of the existing restaurant and construction of hotel rooms, the net traffic that would be added will be very minimal (260 average daily traffics [ADT]).

H-2 (cont)

Furthermore, the access to the Residence Inn project is via State Route 163/Mission Center Road interchange and there are no direct routes connecting Hotel Circle South (primary access for Legacy International Center) and Camino Del Rio South due to the State Route 163 freeway. Given the low trip generation and project location, the Residence Inn project would have not be expected to impact the Legacy International Center study area roadway segments.

The Vagabond Inn Reconfiguration project (PTS# 386426) was deemed complete on September 26, 2014, which was after the NOP date for this EIR. The Vagabond Inn project involves a reconfiguration of hotel rooms currently on-site and would not contribute substantial traffic with a net increase of 37 rooms. No TIA was prepared for that project per the City standards of practice. The project is consistent with Mission Valley Community Plan and thereby included in the long-term analysis in the Legacy International Center traffic study.

As detailed above, the cumulative project list complies with standard City of San Diego practice and includes appropriate reasonably foreseeable projects.

- H-3 Comment noted. The capacity for Fashion Valley Road, which is a 4-lane Collector (no median or two-way left-turn lane) is 15,000 ADT at Level of Service (LOS E) per City of San Diego Roadway Classification Standards. With capacity at 15,000 ADT, no significant project impact would occur on Fashion Valley Road.
- H-4 The commenter notes that the combined KD factor should be 4 percent. However, the data this comment is based upon fall outside the Legacy International Center project study area as Caltrans counts do not include K and D factors in the vicinity of Hotel Circle South. Therefore, given the lack of Caltrans data, the K and D information in the Legacy International Center TIA was based on Caltrans Performance Measurement System (PEMS), which is maintained by Caltrans. The PEMS data were collected for a month and show the average weekday freeway data. The combined KD factor based on the PEMS data is calculated to be approximately 3-4 percent, which is similar to the 4 percent noted in the comment.

Regarding the volume and directionality splits shown in the TIA, the data clearly shows a peak (WB) in the AM peak hour, which is consistent with the comment. However, in the PM peak hour, no peak

John LaRaia O Urban Systems Associates, Inc. H.G. Fenton Company 5. The trip generation for the project seems unrealistically low. In particular, the internal capture seems extremely high. Table 8-1 indicates that 5,172 trips would be internalized (i.e. would not be "attracted" to the site). This would represent 53.6% of the total project trips. This conclusion should be supported with actual data presented in the TIA. With only 127 rooms onsite and a 23,028 square foot executive H-5 office, the "primary population", assuming over 5,172 trips would be from people already onsite is unreasonable considering all of the trip generators onsite. This assumption could change the results of the TIA significantly due to increased trip generation. Such a foundational assumption should be supported by substantial evidence. 6. The trip distribution assumes that 88% of the project trips would access the freeway directly at the Hotel Circle interchange. This seems unreasonable due to the proximity of other major trip generators (i.e. fashion valley and mission valley centers) and major interchanges which could conveniently serve the H-6 site. This trip distribution should be supported by additional information as it conflicts with nearly every other traffic study completed in Mission Valley. This assumption creates an unreasonably small study area and assumes that traffic from the LIC project would not "spill" or impact adjacent roadways such as Camino de la Reina, Fashion Valley Road and Taylor Street. 7. The future growth assumptions between existing and near term seem unreasonably low in the freeway analysis. For example, traffic growth from existing to near-term is shown as between 2 and 10 trips for H-7 several peak hours and directions despite there being five years of traffic growth between existing counts and the near term scenario. These growth projections should be revisited so that they do not yield unrealistically low growth rates. 8. The LIC TIA assumes that Camino de la Reina and Via Las Cumbres will be completed by year 2035. These projects are not fully funded or programmed and have significant challenges. In particular, the Via las Cumbres extension may no longer be feasible. An alternative 2035 analysis based on the H-8 existing roadway network should be provided without any road improvements which are not currently funded and scheduled. This is especially the case for projects which may be physically infeasible or which do not have environmental clearance. 9. There are several road improvements and mitigation measures which have been deemed "infeasible" in the TIA. These road improvements may become feasible in the future as properties redevelop. This is especially the case for Hotel Circle South between the property boundary and Camino de la Reina. A cost estimate for the improvements should be produced and a fair-share contribution towards future H-9 needed improvements should be made even if they are currently considered "technically infeasible". These projects will likely become feasible in the future with future development. Legacy Center-JPS_011416 8451 Miralani Drive, Suite A . San Diego, CA 92126 . (858) 560-4911

H-4 (cont)

H-5

direction was observed but rather a balanced directionality split in the WB and EB directions. This may be due to the influence of the adjacent I-8/State Route 163 interchange. Furthermore, the volumes in the TIA show a WB AM peak volume of 7,580 vehicles and EB PM peak volume of 7,100, which are comparable and further support that peak traffic was captured.

Based on the above, it is concluded that the freeway volumes used in the TIA included the latest available information and that no changes to the analysis are required.

The Legacy International Center project proposes to replace and redevelop the site with a mixed-use religious development with religious, lodging, administrative, recreational, and commercial uses. The intent of the project is to attract and accommodate patrons in the timeshare suites who would then experience the various religious (prayer center, training center, healing rooms, and theaters), recreational (health club), and commercial (retail bazaar and restaurant) on-site facilities. The site design reflects a "self-serving" development that would provide major amenities such a wellness center, a restaurant, and retail so that patrons can avoid driving off-site.

The majority of the land uses proposed as a part of the Legacy International Center project are atypical. There are no comparable facilities such as those proposed and the City of San Diego's Trip Generation Manual does not account for these unique land use types or synergy between the various uses. Therefore, a site-specific trip generation was developed, including primary and secondary uses. The TIA trip generation includes attraction percentages for secondary generating uses such as training centers, seminars, museums, etc. This attraction captures day trip patrons from Orange County or LA who want to attend one-day seminars, training events, or other activities.

Primary traffic generating uses were categorized as those that are anticipated to generate or attract 100 percent of trips externally. These uses include the traditional uses such as residential/lodging and office. The project includes timeshare lodging containing 127 hotel units and commercial executive offices (approximately 16,801 square feet) to manage daily on-site administration operations. The majority of the trips would be attracted to these uses, and the TIA does not apply an internal capture for these uses. Once these primary trips are on-site, the intent is for the patrons to experience the various uses, which are categorized as

H-5 (cont)

"secondary" uses, that would generate or attract only a portion of trips externally.

An example of the trip synergy between a primary and secondary use is an event that would attract a primary trip from an out-of-town patron who would stay in the timeshare units. The same patron would experience several amenities such as attending a seminar at the training center, using the wellness center or the retail bazaar during the day and watching a film at the theater or at the amphitheater in the evening. While the secondary uses can be considered "ancillary" to the primary generating uses, to be conservative, the TIA takes into consideration that secondary uses would attract some external trips.

H-6 The Legacy International Center project is a mixed-use development that includes atypical land uses. Therefore, it would be difficult to compare the trip patterns and distribution of the traffic with typical trip distribution patterns from other Mission Valley projects that propose traditional uses such as residential or hotel.

While it is acknowledged that there will be some local trips, the local attraction (i.e., to Fashion Valley or Mission Valley centers) is anticipated to be low given that the project is meant to be "self-serving" by including amenities on-site (wellness center, a restaurant, retail) so that patrons can avoid driving off-site.

Furthermore, the primary uses of the site would attract guests from outside the County or even the country. These patrons would utilize freeways for access to the project via the I-8 EB ramps/Hotel Circle South intersection. Therefore, the project trip distribution for the LIC project would be primarily freeway-based to reflect the trip patterns anticipated by these patrons.

H-7 The near-term traffic projections were based on City standard practice using the "list of projects" method. Traffic from individual cumulative projects in the near term was manually added to the existing volumes. The near-term cumulative projects included the Union Tribune Master Plan and the Camino Del Rio Mixed-Use project. Both these projects would add a minimal amount of traffic to the freeway. The Union Tribune project, would add 32 peak hour trips to I-8, and the Camino Del Rio project would add 10 peak hour trips to I-8. Therefore, the near-term growth projections shown in the Legacy International Center TIA adequately account for traffic assignment from cumulative projects.

H-7 (cont)

The near-term (opening day) for the Legacy International Center project would be in 2017, which is near the existing baseline. For the long-term traffic projections, a growth rate of 23 percent was calculated on I-8. This is conservative and would account for the buildout of the Mission Valley community over the next 20 years.

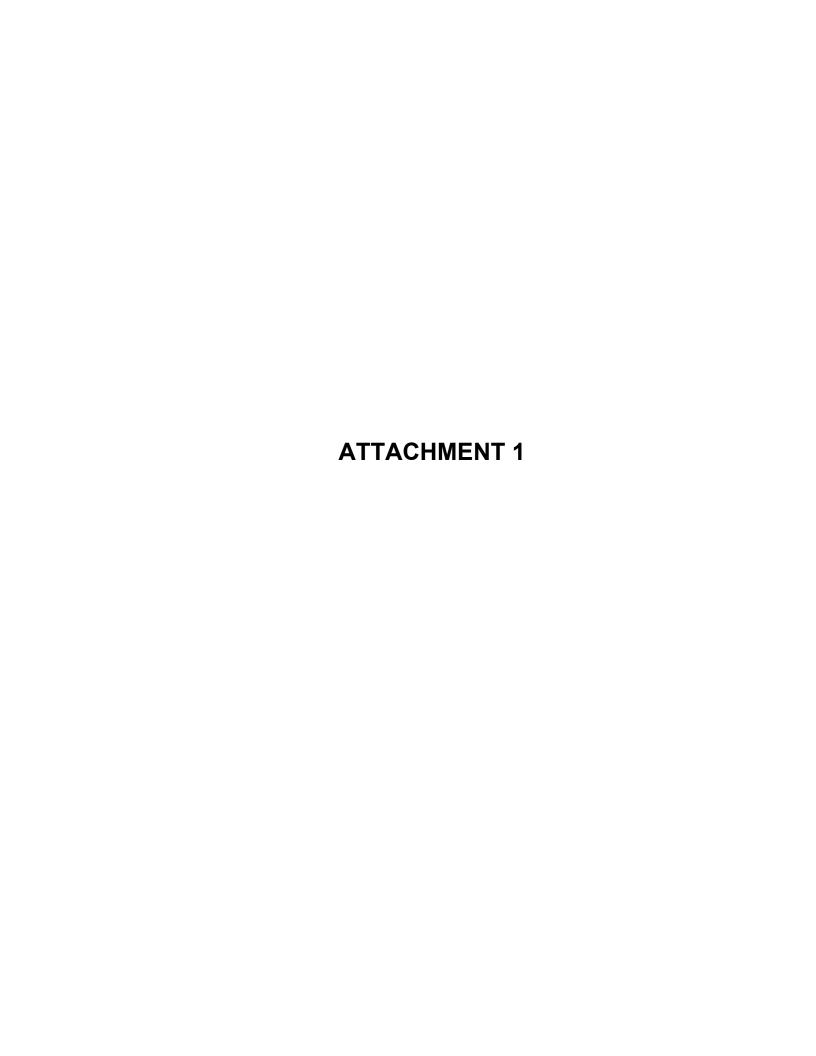
- H-8 The Year 2035 (Horizon Year) scenario includes the proposed extension of Camino de La Reina from Fashion Valley Road to Via Las Cumbres, the extension of Via Las Cumbres between Friars Road and Hotel Circle North, as well as associated intersections as proposed in the Levi-Cushman Specific Plan. This represents the minimum network needed to serve access to the Levi-Cushman Specific Plan. This is a worst-case scenario, as the Year 2035 (Horizon Year) analysis includes approximately 66,500 ADT from the Levi-Cushman Specific Plan, yet includes only two of many improvements for this Specific Plan.
- H-9 It is noted that the proposed project was reduced subsequent to public review. Refer to Final EIR Chapter 3 for a description of the revised project. An updated traffic impact analysis (see Appendix B-2) was completed to address the current proposed project. Per the updated analysis, the proposed project would result in no significant and unmitigated impacts. As the traffic impact analysis is included in the Final EIR as Appendix B-1, the following responses to this comment are provided.

The street segment of Hotel Circle South between the property boundary and Camino De La Reina was tested for engineering feasibility to determine if roadway widening can be accomplished to mitigate the project impact. A Mitigation Feasibility drawing prepared by a registered Civil Engineer concludes that the improvements to widen Hotel Circle South to City standards would be "physically" infeasible. This was primarily due to proximity of building structures, driveway grade issues, and the location of the support columns for the I-8/Hotel Circle undercrossing.

The traffic analysis and mitigation review for the LIC project does consider reasonably foreseeable projects. The analysis and mitigation rely on information available at the time the study is prepared. It is speculative to assume that certain properties may redevelop and right-of-way may become available in the near future. Furthermore, per

H-9 (cont) CEQA, a fair-share contribution cannot be provided to an improvement that is deemed "physically" infeasible or based on a speculative future feasibility, as there would be no nexus.

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Attachment 1

Legacy International Center Traffic Volume Comparison

Street Segment	Existing Volumes (Year 2014) ^a	LIC Existing volumes (Year 2012)	% GROWTH
Camino De La Reina			
Hotel Circle to Avenida Del Rio	8,510	11,680	-27%
Hotel Circle N.			
West of I-8 WB Ramps	6,840	8,650	-21%
I-8 WB Ramps to Fashion Valley Road	15,160	16,800	-10%
Fashion Valley Road to Camino De La Reina	12,870	13,170	-2%
Hotel Circle S.			
West of I-8 EB Ramps	7,800	7,800	0%
I-8 EB Ramps to Bachman Place	11,540	14,390	-20%
Bachman Place to Camino De La Reina	14,430	14,350	1%
Fashion Valley Road			
Riverwalk Drive to Hotel Circle N.	9,750	13,700	-29%

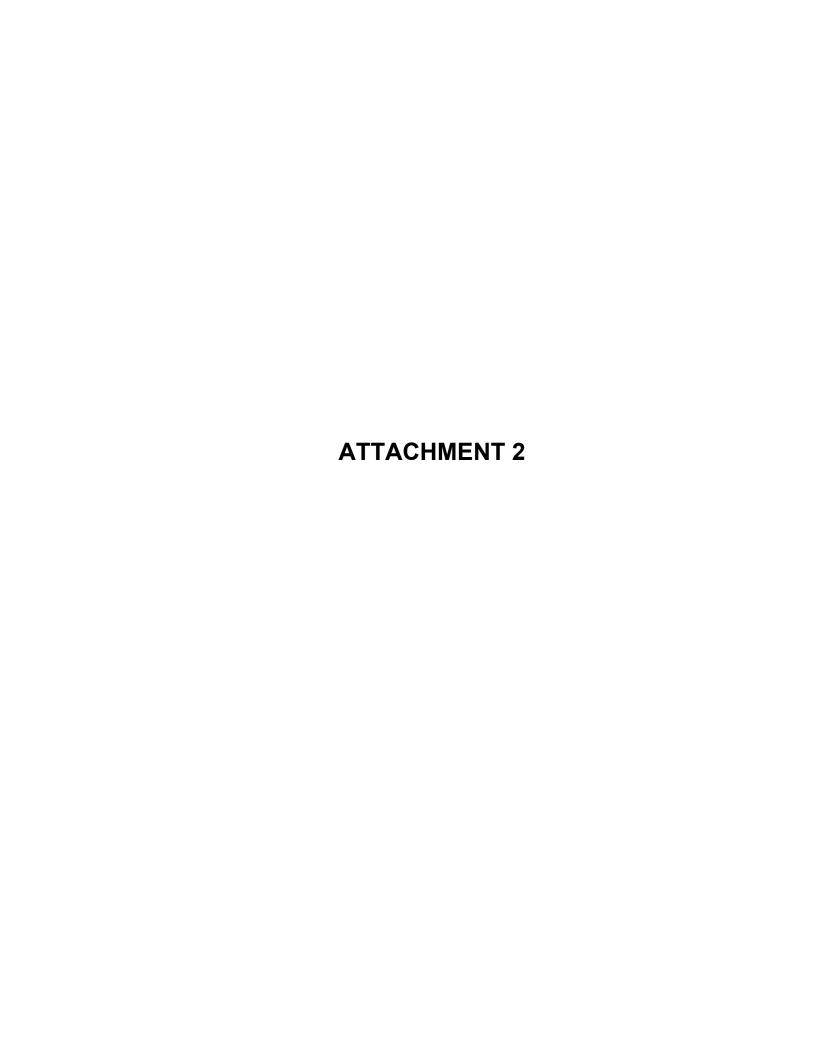
Study Area Average Growth

-14%

Footnotes:

a. 2014 traffic counts conducted for Town and Country project in September 2014







Shankar Ramakrishnan

To:

Walter B. Musial

Subject:

RE: Civita Project Phasing

From: Marco Sessa [mailto:marco@sudprop.com] **Sent:** Thursday, December 24, 2015 11:12 AM

To: Walter B. Musial

Subject: RE: Civita Project Phasing

Hi Walter,

Phase I should be complete in about 2 years. Phase II will be coming very quickly thereafter as it includes the bulk of the retail and that will mostly all be permitted at once.

I'm out of the office most of next week, but if you need additional information, please call my cell at your convenience. The number is below.

Thanks and Merry Christmas!

Marco Sessa Senior Vice President

SUDBERRY PROPERTIES, INC. 5465 Morehouse Drive, Suite 260 San Diego, CA 92121

www.sudberryproperties.com Tel: 858.546.3000 x 580

Cel: 858.395.2136 Fax: 858.546.3009 marco@sudprop.com

Please consider the environment before printing this e-mail

From: Walter B. Musial [mailto:musial@llgengineers.com]

Sent: Tuesday, December 22, 2015 1:28 PM

To: Marco Sessa

Subject: Civita Project Phasing

Hi Marco,

I'm working on a project in Mission Valley and Ann (from the City) asked I check on the status of the Civita construction. We're trying to forecast traffic for cumulative projects relative to opening day of our project.

As I understand, there are 4 Phases of the project, with construction still in Phase 1. Can you confirm this and estimate what Year Phase 1 will be completed. Phase 1 (per the EIR) is approx. 2500du and 100KSF of commercial.

Thanks and Merry Christmas!

Legacy International Center Traffic Volume Comparison

Street Segment	T&C Existing Volumes (Year 2014)	LIC Existing volumes (Year 2012)	% GROWTH
Camino De La Reina			
Hotel Circle to Avenida Del Rio	8,450	11,680	-28%
Hotel Circle N.			
West of I-8 WB Ramps	6,840	8,650	-21%
I-8 WB Ramps to Fashion Valley Road	15,160	16,800	-10%
Fashion Valley Road to Camino De La Reina	12,870	13,170	-2%
Hotel Circle S.			
West of I-8 EB Ramps	7,800	7,800	0%
I-8 EB Ramps to Bachman Place	11,540	14,390	-20%
Bachman Place to Camino De La Reina	14,430	14,350	1%
Fashion Valley Road			
Riverwalk Drive to Hotel Circle N.	9,630	13,700	-30%

Study Area Average Growth	-14%
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Final
Environmental Impact Report
for the Legacy International
Center Project,
City of San Diego
Project No. 332401
SCH No. 2014081053



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O:	Sanitary Sewer Study
P:	Waste Management Plan
Q:	Service Letters
R:	Traffic Alternatives

LIST OF ABBREVIATED TERMS

AB Assembly Bill

ACOE

ADA

Americans with Disabilities Act

ADD

Assistant Deputy Director

ADT

Average Daily Traffic

ADRP Archaeological Data Recovery Program
AME Archaeological Monitoring Exhibit

AWSC All-way Stop Controlled Building Inspector

BMP Best Management Practices

CAA Clean Air Act

CAFE Corporate Average Fuel Economy

CalEPA California Environmental Protection Agency
CalEEMod California Emissions Estimator Model
Caltrans California Department of Transportation

<u>CAP</u> <u>Climate Action Plan</u>

CAPCOA California Air Pollution Control Officers Association

CARB California Air Resources Board

CBC California Building Code

CDFW California Department of Fish and Wildlife CEQA California Environmental Quality Act

CERCLA Comprehensive Environmental Response, Compensation, and

Liability Act of 1980

cfs Cubic feet per second

CGP Construction General Permit

CH₄ Methane

CNDDB California Natural Diversity Database

CM Construction Manager

CMP Congestion Management Plan
CNEL Community Noise Equivalent Level

CO Carbon Monoxide CO₂ Carbon Dioxide

CPA Community Plan Amendment

CPUC California Public Utilities Commission
CRHR California Register of Historic Resources

CSVR Consultant Site Visit Record CWA County Water Authority

dB Decibel

dB(A) L_{eq} A-weighted average sound level DEH Department of Environmental Health

DNE Does Not Exist

DSD Development Services Department
DTSC Department of Toxic Substances Control

EAS Environmental Analysis Section

EB Eastbound

EIR Environmental Impact Report

EO Executive Order

EOC Emergency Operations Center ESA Environmental Site Assessment

List of Abbreviated Terms

ESL Environmentally Sensitive Lands

FEMA Federal Emergency Management Agency

FESA Federal Endangered Species Act FFE Furniture, fixtures, and equipment

GHG Greenhouse gas gpd Gallons per day

GWP Global Warming Potentials

HABS Historical American Building Survey

HAF Habitat Acquisition Fund

HAZNET Hazardous Waste Facility and Manifest Information

HAZWOPER Hazardous Waste Operations and Emergency Response Standard

HCP Habitat Conservation Plan

HMMD Hazardous Materials Management Division

HRB Historical Resources Board
HRG Historical Resources Guidelines

HVAC Heating, Ventilating, and Air Conditioning

I-8 Interstate 8

IOD Irrevocable Offer of Dedication

ITP Incidental Take Permit

IWRP Integrated Water Resources Plan

KVP Key Vantage Point

 $\begin{array}{ll} \text{LCFS} & \text{Low Carbon Fuel Standard} \\ \text{L}_{\text{eq}} & \text{Average-equivalent Sound Level} \end{array}$

LID Low Impact Development

LOS Level of Service

LLG Linscott, Law & Greenspan Engineers

LRT Light Rail System

LTRP Long-Term Energy Resource Plan LUST Leaking Underground Storage Tank

μg/m³ Micrograms per cubic meter
MBTA Migratory Bird Treaty Act
MHPA Multi-Habitat Planning Area
MLD Most Likely Descendent

MMC Mitigation Monitoring Coordinator

MMRP Mitigation Monitoring and Reporting Program

MMTCO₂E Million metric tons of CO₂ equivalent

mpg Miles per gallon mph Miles per hour

MSCP Multiple Species Conservation Program

MTCO₂E Metric Ton CO₂ Equivalent
MTS Metropolitan Transit System
MVCP Mission Valley Community Plan

MVPDO Mission Valley Planned District Ordinance

MW Megawatt

MWD Metropolitan Water District of Southern California

NAAQS National Ambient Air Quality Standards
NAHC Native American Heritage Commission
NCCP Natural Community Conservation Planning

N₂O Nitrous oxide NO_x Oxides of nitrogen NO₂ Nitrogen dioxide NOP Notice of Preparation

NPDES National Pollutant Discharge Elimination System

 O_3 Ozone

OES Office of Emergency Services

OSHA Occupational Safety and Health Administration

OWSC One-way Stop Controlled

PCD Planned Commercial Development
PDP Planned Development Permit
PFFP Public Facilities Financing Plan

PI Principal Investigator

PM_{2.5} Particulate matter less than 2.5 microns in diameter PM₁₀ Particulate matter less than 10 microns in diameter

PME Paleontological Monitoring Exhibit

ppm Parts per million

PRC Public Resources Code

PRP Paleontological Recovery Program

PUD Public Utilities Department RAQS Regional Air Quality Strategy

RCRA Resource Conservation and Recovery Act of 1976

RE Resident Engineer

REC Recognized Environmental Conditions

ROG Reactive Organic Gases

RPS Renewables Portfolio Standard

RUWMP Regional Urban Water Management Plan RWQCB Regional Water Quality Control Board SANDAG San Diego Association of Governments

SAM Site Assessment and Mitigation

SARA Superfund Amendments and Reauthorization Act of 1986

SB Senate Bill

SDAB San Diego Air Basin

SDAPCD San Diego County Air Pollution Control District

SDFD San Diego Fire–Rescue Department

SDG&E San Diego Gas and Electric SDPD San Diego Police Department

SO_x Oxides of sulfur

SOI Secretary of the Interior

SR-163 State Route 163

SWPPP Storm Water Pollution Prevention Plan
SWQMP Storm Water Quality Management Plan
SWRCB State Water Resources Control Board
TCM Transportation Control Measures
TDM transportation demand management

TIA Traffic Impact Analysis
TPA Transit Priority Area

TSMP Transportation Systems Management Program

U.S. EPA U.S. Environmental Protection Agency

USFWS U.S. Fish and Wildlife Service
UST Underground Storage Tanks
UWMP Urban Water Management Plan

V/C Volume to capacity

VOC Volatile organic compounds

List of Abbreviated Terms

WMP Waste Management Plan
WQSA Water Quality Sensitive Area
WQTR Water Quality Technical Report
WSA Water Supply Assessment

S.0 Executive Summary

S.1 Project Synopsis

This summary provides a brief synopsis of: (1) the proposed Legacy International Center project (project), (2) the results of the environmental analysis contained within this Environmental Impact Report (EIR), (3) the alternatives to the project that were considered, and (4) the major areas of controversy and issues to be resolved by decision-makers. This summary does not contain the extensive background and analysis found in the document. Therefore, the reader should review the entire document to fully understand the project and its environmental consequences.

S.1.1 Project Location and Setting

The project site is in the City of San Diego (City), in San Diego County, south of Interstate 8 (I-8), east of Interstate 5, and west of State Route 163.

The 18.1-acre project site is within the Mission Valley Community Plan area in the central portion of the City. The Mission Valley Community Plan area encompasses 3,210 acres and is generally bounded by Friars Road and the northern slopes of the valley on the north, the eastern banks of the San Diego River on the east, the southern slopes of the valley on the south, and Interstate 5 on the west.

The project site consists of two parcels at 875 Hotel Circle South (Assessor's Parcel Numbers 444-060-10 and 444-060-11). The site is currently developed as the Mission Valley Resort Hotel. At the time the Notice of Preparation was completed, the 18.1-acre site was developed with a 202-room hotel with banquet halls, a 1,200-square-foot mini-mart, 150-seat restaurant, and a 28,000-square-foot health club (closed). It is noted that an 8-pump gas station was located on-site previously but was removed prior to the issuance of the Notice of Preparation.

S.1.2 Project Objectives

The following are the primary objectives for the project.

- To become an internationally celebrated destination for religious tourism.
- To provide a mix of lodging, retail, entertainment, recreational, and administrative/office
 uses that will provide a wide range of activities and amenities for visitors and employees
 on-site, thereby reducing driveway trips and overall vehicle miles traveled relative to a
 single-use project.
- 3. To create a unique project that introduces iconic architecture to Mission Valley.

- 4. To preserve significant environmental resources and steep hillsides by conforming to the previous development footprint to the extent possible.
- 5. To invite pedestrian activity through the provision of walkways/trails, a linear greenbelt with an impressive water feature, and courtyards/plazas, an outdoor bazaar, and underground catacombs that serve as pedestrian passageways between buildings.
- 6. To reduce automobile reliance by offering a shuttle service to transport visitors to and from major transportation hubs as well as other popular San Diego tourist destinations.
- 7. To support the City's sustainable and infill development goals by redeveloping and intensifying an existing underutilized and auto-dominated site.
- 8. Create both temporary construction jobs and a net increase in permanent jobs as compared to the existing use.

S.1.3 Discretionary Actions

Discretionary actions are those actions taken by an agency that call for the exercise of judgment in deciding whether to approve or how to carry out a project. For the project, the following discretionary actions would be considered by the San Diego City Council and are further described below:

- Community Plan Amendment
- Atlas Specific Plan Amendment (removal of the site from the Atlas Specific Plan)
- Rezone from MVPD-MV-M/SP to MVPD-MV-CV
- Site Development Permit (SDP)
- Planned Development Permit (PDP)
- Conditional Use Permit (CUP)
- Vesting Tentative Map (VTM)

S.1.4 Project Description

The individual project components are listed on Table S-1. The project would redevelop the existing Mission Valley Resort Hotel property. The mixed-use development would include religious, lodging, administrative, recreational, and commercial uses.

Commercial, administrative, retail, and religious uses include a 63,447-square-foot pavilion (with restaurant, gift shops, learning center, theater, and wellness center), a 41,071-square-foot Legacy Vision Center building (with a welcome center, catacombs, a dome theater, a museum, a gallery, and retail), a 7,783-square-foot souk (market), and a five-story 88,120-square-foot Legacy Village building (with 127 guest suites, a restaurant, and a wellness center). In addition, outdoor ancillary uses would include a city plaza, central plaza, wailing wall, water feature, prayer garden, and pedestrian trail.

Commercial, lodging, and religious uses include a two-level 17,012-square-foot welcoming center, a 29,940-square-foot "history dome" theater (with an entrance to the catacombs), 5,992 square feet of underground catacombs passage (with welcoming center to history dome passages and adjoining display rooms), an approximately 105,104-square-foot pavilion (with restaurant, gift shops, learning center, theater, and television studio), an 8,200-square-foot outdoor plaza (with retail and informational kiosks), and a five-story 136,160-square-foot "triwing" Legacy Village tower containing 127 timeshare suites. Recreational components would include a trail system; a 300-seat outdoor amphitheater; pedestrian plazas and a water feature; the training center complex would include a spa, gym, hair salon, sauna, and an Olympic-size pool with seven lanes. Executive offices would be housed in a three-story, 23,028-square-foot administration building with its own subterranean parking.

The project would include a total of 878 parking stalls, with 195 surface parking spaces and 683 spaces that would be either subterranean or within a five-story, 75,152-square-foot west parking structure. The single-level subterranean parking would be located beneath most of the northern portion of the site and would have an access point at the northeastern corner, near the welcoming center rotunda.

The project would exceed the minimum of 524 parking stalls (approximately 300 in the parking structure and 224 surface stalls), with a target of 665 spaces. The western-parking structure would have both a surface eastern and northern access points and access to the subterranean parking. Thus, traffic circulating through the site would be able to enter at either the east or west access points along Hotel Circle South. Traffic entering the eastern driveway would circulate behind Building 1 (Legacy Vision Center) toward the hotel dropoff and surface lot, or continue west toward additional surface parking and the eastern entrance to the parking structure. Traffic entering the site by the western driveway would have a choice to park in the surface lot or have direct access to the parking structure via the northern access point and be able to traverse the length of the site via either the aboveground circulation elements or below ground within the subterranean parking.

TABLE S-1
PROJECT COMPONENTS

Use	Square-feet
Building 1 - Legacy Vision Center	
Welcome Center - Grand Lobby /Reception	<u>8,459</u>
History Dome Theater/Museum/Other	6,206
Exhibit Gallery	16,185
<u>Retail</u>	<u>1,096</u>
Catacombs	3,390
Circulation	<u>1,137</u>
Back-of-house	<u>4,598</u>
Subtotal	41,071
Building 2 - Pavilion	
<u>Theater</u>	<u>12,106</u>
Grand Lobby	<u>2,828</u>
Learning Center	13,844
Restaurant	<u>4,719</u>
Executive Offices	<u>16,801</u>
<u>Retail</u>	<u>1,052</u>
Back-of-house /Circulation	<u>12,097</u>
<u>Subtotal</u>	<u>63,447</u>
Building 3 - Legacy Village Hotel	
<u>Hotel</u>	<u>81,753</u>
Restaurant	<u>3,850</u>
Wellness Center	<u>2,517</u>
<u>Subtotal</u>	<u>88,120</u>
Building 4 - Parking Structure	
Parking Structure	<u>106,458</u>
Building 5 - Souk	
Souk (Retail)	<u>7,783</u>
Outdoor Ancillary Uses	
City Plaza	<u> </u>
Central Plaza	<u>=</u>
Wailing Wall	<u>=</u>
Water Feature	<u>=</u>
<u>Prayer Garden</u>	<u> </u>
Pedestrian Trail	<u> </u>
<u>TOTAL</u>	<u>306,879</u>

S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects

Table S-2, located at the end of this section, summarizes the significant and less than significant effects identified during the environmental analysis completed for the project. Table S-2 also includes mitigation measures to reduce or avoid the environmental effects, with a conclusion as to whether the impact has been mitigated to below a level of significance. The mitigation

measures listed in Table S-2 are also discussed within each relevant topical area in Chapter 4.0.

Standard measures are proposed during the grading and construction phase to reduce adverse environmental effects related to those activities. Additional measures are proposed from a project design standpoint to reduce long-term adverse impacts for the issues of land use, biological resources, noise, and geologic conditions. These measures, in addition to further discussion of potential and anticipated environmental impacts, are detailed in Chapter 4, and further discussed in Chapters 7 and 8.

S.3 Areas of Controversy

The Notice of Preparation (NOP) was distributed on August 18th, 2014, for a 30-day public comment period. In addition, a public scoping meeting was held on-site on Wednesday September 3rd, 2014 at 3:00 P.M. Public comments received on the NOP reflect controversy related to several environmental issues. The NOP, comment letters, and transcription of the scoping meeting comments are included in this EIR as Appendix A. Controversy associated with the project primarily concerns the issues of land use, traffic circulation, and cultural resources. All of these issues are analyzed in the EIR.

S.4 Issues to be Resolved by the Decision-Making Body

The City will need to decide in a public hearing if there are overriding considerations that would offset the significant and unavoidable transportation/circulation impacts (traffic capacity - street segments). In addition, The City shall determine if the significant impacts associated with the environmental issues of land use (MHPA adjacency), transportation/circulation (traffic capacity), historical resources (archaeological), biological resources (sensitive species/sensitive habitat), paleontological resources, and noise (HVAC), and geologic conditions (liquefaction) would be fully mitigated to below a level of significance. The City will also decide if the project conforms to regulations and policies, such as those in the General Plan and the Mission Valley Community Plan. Lastly, the City will determine whether any alternative would meet the key objectives of the project while reducing its environmental impact.

S.5 Project Alternatives

To fully evaluate the environmental effects of projects, California Environmental Quality Act (CEQA) mandates that alternatives to the project be analyzed. Section 15126.6 of the CEQA Guidelines requires the discussion of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to "focus on alternatives to the project or its location which are capable of avoiding or

substantially lessening any significant effects of the project," even if these alternatives would impede to some degree the attainment of the project objectives.

The alternatives identified below are intended to reduce or avoid significant environmental effects of the project. The EIR addresses a No Project (No Development) Alternative, an Adopted Plan Alternative No Project (Development Under the Adopted Plan) Alternative, and a Reduced Development Project Alternative. Each major issue area included in the impact analysis of this EIR has been given consideration in the alternatives analysis. Alternatives to the project are evaluated in full in Chapter 9 of this EIR.

S.5.1 No Project (No Development) Alternative

The No Project (No Development) Alternative would maintain the project site in its current condition and would be generally equivalent to the existing environmental setting (see Figure 2-3). The existing setting does not, however, include traffic generated from the vacant Frog's Fitness building, because it has been vacant for over six months as of the NOP date of August 18, 2014 (refer to traffic below for further detail).

The No Project (No Development) Alternative would retain the existing on-site structures and uses, including:

- A low-rise hotel (202 rooms) with associated parking and utilities
- 7,000 square feet of ancillary banquet facilities
- A 1,200-square-foot liquor store
- A 5,300-square-foot restaurant
- A vacant pad for a former gasoline station
- A 27,000-square-foot health club building (vacant/for lease)

No new development would occur under the No Project (No Development) Alternative; however, the vacant health club could be re-occupied with a permitted use pursuant to the adopted Atlas Specific Plan, Mission Valley Community Plan, and current zoning (MVPD-MV-M/SP). The gas station pad would remain vacant, as no new development would be permitted under this alternative.

Should the No Project (No Development) Alternative be implemented, the project's significant impacts associated with land use (MHPA adjacency), transportation/circulation (traffic capacity), historical resources (archaeological resources), biological resources (sensitive species, sensitive habitat, MSCP), <u>and paleontological resources</u>, and <u>geologic hazards</u> would be reduced relative to the project. Impacts related to sensitive habitat would likely be avoided under this alternative.

The No Project (No Development) Alternative would not provide any of the project's benefits, including pedestrian improvements, such as the linear park and public trail. The project also would install Low Impact Development storm water and drainage facilities within the project area, which may result in improved water quality of runoff compared to the existing condition. The project would also reduce greenhouse gas emissions relative to the existing conditions. These benefits would be foregone under this alternative. Further, while adoption of the No Project (No Development) Alternative would maintain the existing condition of the site and avoid the project's significant impacts, only one of the eight project objectives would be attained – preservation of steep hillsides.

S.5.2 No Project (Development Consistent with Under the Adopted Plan) Alternative

The Adopted Plan Alternative examines what would be reasonably expected to occur in the foreseeable future if the project and corresponding Mission Valley Community Plan Amendment were not approved and future improvements to the site proceeded based on the plans and policies of the adopted Atlas Specific Plan and Mission Valley Community Plan. The Atlas Specific Plan/ Mission Valley Community Plan for this site designates a total of 306 hotel rooms, 20,000 square feet of banquet space, and a 27,000-square-foot health club. The difference between the existing site development and buildout of the Adopted Plan Alternative includes the addition of 104 hotel rooms and 4,000 square feet of banquet space.

Implementation of the No Project (Development under the Adopted Plan) Alternative would incrementally reduce the project's significant impacts related to land use (MHPA adjacency), transportation/circulation (traffic capacity), and biological resources (sensitive species, sensitive habitat). However, this alternative would still result in significant impacts (requiring mitigation) relative to land use (MHPA adjacency), transportation/traffic (traffic capacity), historical resources (archaeological resources), biological resources (sensitive species), paleontological resources, and noise (HVAC), and geologic conditions (liquefaction). Significant impacts related to transportation/traffic (traffic capacity) would be significantly increased relative to the proposed project, as this alternative would result in five additional direct segment impacts and four additional cumulative segment impacts.

Only three of the eight project objectives would at least be partially attained under this alternative. This alternative would meet Objective 4, preservation of steep hillsides; and Objective 8, creation of temporary and permanent jobs. Objective 7 would be partially met in that buildout of the No Project (Development Under the Adopted Plan) Alternative would support the City's infill development goals, but the Adopted Plan would not incorporate the sustainability features or reduce auto-dominance of the site to the same extent as the project.

S.5.3 Reduced Project Alternative

This alternative addresses reduced project intensity in order to avoid reduce significant direct traffic impacts. This alternative addresses reduced project intensity in order to reduce traffic

impacts. In order to reduce the degree of traffic impacts, a 10 percent reduction of all uses in Buildings 1, 2, and 5 was completed (see Table 9-7). The Reduced Project Alternative would include 295,648 square feet, which is 11,231 square feet less than the proposed project. All uses proposed by the project would be retained under this alternative and the building locations would be similar to the proposed project. The overall Reduced Project Alternative grading would be expected to be similar to the proposed project as well, and this alternative would continue to require grading along the southern hillside for infrastructure.

To avoid significant direct traffic capacity impacts, the net project average daily traffic would need to be no greater than 304 (Appendix R). In order to achieve this average daily traffic, various land uses would need to be removed from the project. Under the Reduced Project Alternative, the following land uses would be omitted:

Building 1:

- Wellness Center (Gym/Spa)
- Gift shops (Retail)
- Restaurant
- Theater

Building 2:

Presentation Gallery

Building 5:

• 140-seat amphitheater

Retail Bazaar

All other project components would be retained under this alternative including the learning center, theater and artifact museum, timeshare rooms, executive offices, and approximately 5,000 square feet of retail uses, along with various ancillary uses. Due to the reduction in the number of land uses, the project footprint would correspondingly be reduced, as would the amount of required parking. On site grading would also be somewhat reduced. However, Encroachments into the southern hillsides would still be required in conjunction with the installation of a sewer/drainage easement; a fire access road around the rear perimeter, and a proposed trail. Therefore, deviations to Environmentally Sensitive Lands Regulations and the Hillside Subdistrict Ordinance would be required, similar to the project.

This alternative was developed to reduce traffic impacts relative to the proposed project. <u>This alternative would avoid the project's significant cumulative intersection impact in the AM peak hour, and incrementally lessen the direct intersection impact and cumulative intersection impact in the PM peak hour relative to the proposed project.significant unmitigated direct segment impacts would be reduced under this alternative; however, Two significant, not mitigated cumulative segment impacts as well as the intersection impacts would remain. Implementation</u>

of the Reduced Project Alternative would result in similar land use, historical resources, biological resources, paleontological resources, <u>and noise, and geologic conditions</u> impacts as the project.

The Reduced Project Alternative would meet all of the project's objectives, although to a lesser degree than by the project (except Objective 4, which would be equally met).

S.5.4 Environmentally Superior Alternative

CEQA Guidelines section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives. The project itself may not be identified as the environmentally superior alternative.

The Reduced Project Alternative would be considered the environmentally superior alternative, since it would substantially reduce the project's cumulative intersection impact in the AM peak hour, eliminate the significant unmitigated direct traffic impacts and the significant unmitigated cumulative impacts associated with Hotel Circle Northwhile attaining most (all except Objective 4) of the project objectives, though to a lesser degree. It would also incrementally reduce impacts associated with land use (MHPA adjacency), transportation/circulation (traffic capacity), and biological resources (sensitive species, sensitive habitat). However, this alternative would result in significant impacts related to land use (MHPA adjacency), transportation/traffic (traffic capacity), historical resources (archaeological), biological resources (sensitive species), paleontological resources, noise (HVAC), and geologic conditions (liquefaction)compared to the project. While the project would have incrementally greater impacts than this alternative, all impacts except those related to traffic on Hotel Circle North and Hotel Circle South would be reduced to below a level of significance for the project. Traffic impacts would remain significant and unavoidable for the project, and the Reduced Development Alternative would avoid these impacts. As described above, the Reduced Project Alternative would meet all but one of the project's objectives; however, the remainder of the project objectives would be met to a lesser degree than by the project (except for Objective 4, which would be equally met).

S.0 Executive Summary

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Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
LAND USE		-	
Would the project result in a conflict with the purpose and intent of the Environmentally Sensitive Land (ESL) regulation of the City of San Diego Land Development Code (LDC)?	The project would be consistent with the ESL regulations. The project would require a Site Development Permit because a 40-foot separation distance from Steep Hillsides and a 100-foot separation from sensitive biological resources could not be provided. As no secondary land use impacts would occur, impacts would be less than significant. While the project requires a deviation from ESL Regulations found within the City's LDC, no secondary impacts to steep slopes and natural land forms would occur. Therefore, secondary land use impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project require a deviation or variance, which would in turn result in a physical impact on the environment?	The project would require exceptions from the Hillside Sub-district regulations because: 1) it proposes structures in excess of 40 feet in height; and 2) would encroach into 1.1 acres of steep slopes in excess of the 0.5-acre maximum encroachment allowance. However, because no significant neighborhood character/landform alteration impacts would occur, secondary land use impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project result in a conflict with adopted environmental plans, including the City of San Diego's MSCP Subarea Plan and the MHPA adopted for the purpose of avoiding or mitigating an environmental effect for the area?	Indirect impacts to the adjacent MHPA from project construction and operation could be potentially significant. To preclude such impacts, the project would incorporate design features consistent with the City's MHPA Land Use Adjacency Guidelines. In order to assist City staff in determining that these impact-avoiding design features have been included in the project's final plans, verification by a qualified biologist would be required. This verification has been included in the mitigation measure LU-1. As discussed in Section 4.3, Biological Resources, the project has the potential to result in direct and indirect impacts to nesting raptors protected by the California Fish and Wildlife Code 3503.5 and nesting bird species protected by the Migratory Bird Treaty Act (MBTA) during construction activities. These construction-related sensitive species impacts would be potentially significant and would be mitigated through the implementation of BR-1.	LU-1: Prior to issuance of any construction permit or notice to proceed, Development Services Department and/or Multiple Species Conservation Program (MSCP) staff shall verify that the applicant has accurately represented the project's design in or on the Construction Documents (CDs), consisting of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects, in conformance with the associated discretionary permit conditions and Exhibit "A" and the City's MSCP Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CDs of the following: A. Grading/Land Development/MHPA Boundaries. MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. Development Services Department planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint. B. Drainage. All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, and exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA. C. Toxics/Project Staging Areas/Equipment Storage. Projects that use chemicals or generate byproducts such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Lev After Mitigat
Zioimona issue		D. Lighting. Lighting within or adjacent to the MHPA shall be dir away/shielded from the MHPA and be subject to City Outdoor Light Regulations per LDC Section 142.0740. Specifically, under States "Outdoor lighting fixtures shall be installed in a mathat minimizes negative impacts from light pollution including light trespass, and urban sky glow in order to preserve enjoyment of the night sky and mir conflict caused by unnecessary illumination." Additionally, under States 142.0740 (c)(2) more specific information is provided on how to use recent shields and flat lenses to control and direct light away from the conserve easement.	ghting ection anner glare, imize ection quired
		E. Barriers . New development within or adjacent to the MHPA shall be red to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot vinyl-coated, chain-link or equivalent fences/walls; and/or signage) alon MHPA boundaries to direct public access to appropriate locations, redomestic animal predation, protect wildlife in the preserve, and provide ade noise reduction where needed.	-high, g the educe
		F. Invasives. No invasive non-native plant species shall be introduced into within or adjacent to the MHPA.	areas
		G. Brush Management. New development adjacent to the MHPA shall be back from the MHPA to provide required BMZ 1 area on the building pad of of the MHPA. BMZ 2 may be located within the MHPA provided the B management will be the responsibility of a homeowners' association or private entity except where narrow wildlife corridors require it to be located of the MHPA. Brush management zones shall not be greater in size currently required by the City's regulations, the amount of woody vege clearing shall not exceed 50 percent of the vegetation existing when the clearing is done, and vegetation clearing shall be prohibited within native of sage scrub and chaparral habitats from March 1 to August 15 except when City Assistant Deputy Director / Mitigation Monitoring Coordinator documented the thinning would be consistent with the City's MSCP Su Plan. Existing and approved projects are subject to current requirement Municipal Code Section 142.0412.	utside MZ 2 other cated e than tation initial pastal re the has barea

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigatio
		H. Noise. To avoid indirect impacts to nesting coastal California gnatcatchers, no grading should occur within or adjacent to occupied habitat in the MHPA during their breeding season of March 1 through August 15. If this is not feasible, protocol surveys for active nests should be conducted within the Diegan coastal sage scrub within the MHPA by a qualified biologist. Three surveys shall be conducted no less than one week apart. Surveys for coastal California gnatcatchers should be conducted pursuant to the recommended protocol survey guidelines as established by the U.S. Fish and Wildlife Service (USFWS; 1997).	
		Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:	
		No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:	
		1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels hourly average [dB(A)] for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:	
		a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and	
		b. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generate by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities shall be staked or fenced under the supervision of a qualified biologist; or	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
		c. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).	
		*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.	
		2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:	
		a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.	
		b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.	
Would the proposal result in the exposure of people to noise levels which are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?	Exterior noise levels at the dedicated exterior use areas, including the amphitheater, tennis courts, and pools, would not exceed 65 Community Noise Equivalent Level (CNEL) and would be compatible with City standards. Exterior noise impacts would be less than significant. Additionally, based on structural attenuation of 35 dB from exterior sources for commercial structures, interior noise levels due to exterior sources are not projected to exceed the City's interior noise standard of 50 CNEL. Interior noise impacts would be less than significant.		Less than Significant

Environmental Issue TRANSPORTATION / CIRCULATION	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
Would the project result in an increase in projected traffic that is substantial in relation to the capacity of the street system?	a. Direct Impacts Street Segments In summary, the The project would have significant direct impacts to the following five Hotel Circle street segments one intersection: - TR-1: Hotel Circle South / I-8 Eastbound Ramps (PM peak hours) - Hotel Circle North: 18 westbound ramps to Fashion Valley Road (LOS F) - TR-2: Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS E) - TR-3: Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS F) - TR-4: Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F) - TR-5: Hotel Circle South: Bachman Place to Camino De La Reina (LOS F) Intersections The project would have a significant direct impact to the following intersection: - TR-6: Hotel Circle South / I-8 eastbound ramps (PM peak hour under existing plus project conditions, and AM and PM peak hours in the near term plus project)	a. Direct Impacts To mitigate the project's significant direct impact to the Hotel Circle South / I-8 eastbound ramps intersection (impact TR-1), mitigation measure TR-1 shall be implemented. TR-1: Prior to the issuance of the first building permit for the Legacy International Center, the Owner/Permittee shall provide full width dedication (varying width up to 28 feet) along the project frontage and shall assure by permit and bond the construction of an additional eastbound and westbound travel lane along Hotel Circle South. Existing conditions shall be matched at the western and eastern limits of the site with appropriate transitions, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy. Segments and Intersections To mitigate direct segment impact TR-3 and direct intersection impact TR-6, the applicant shall implement the following: TR-1: Prior to the issuance of the first building permit for the Legacy International Center, the Owner/Permittee shall assure by permit and bond the widening Hotel Circle South from I-8 eastbound ramps to the eastern Project Driveway to a four-lane collector with a continuous left turn lane, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer Prior to issuance of the first Certificate of Occupancy. Mitigation for the remaining four significant direct segment impacts of the project (impacts TR-1, TR-2, TR-4, and TR-5) would be infeasible, as described in further in Section 4.2.2.4.	Direct Impacts TR-13 & TR-6: Less than Significant TR-1, TR-2, TR-4, and TR- 5: Significant and Unmitigated

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
	b. Cumulative Impacts Street Segments The project would result in significant cumulative impacts at the following four-street segments intersection: TR-1: Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F) TR-2: Hotel Circle North / I-8 Westbound Ramps (AM and PM peak hours) Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS F) TR-4: Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F) TR-5: Hotel Circle South: Bachman Place to Camino De La Reina (LOS F) The project would have a less than significant cumulative impact to Camino De La Reina, Hotel Circle North: West of I 8 westbound ramps, Hotel Circle South: West of Project Driveway, and Fashion Valley Road.	b. Cumulative Impacts To mitigate the project's significant cumulative impact to the Hotel Circle North / I-8 westbound ramps intersection (impact TR-2P), the following measure shall be implemented: TR-2: Prior to the issuance of the first building permits for the Legacy International Center, the Owner/Permittee shall provide a fair-share contribution (3.5 percent) towards the signalization and reconfiguration of the Hotel Circle North / I-8 westbound ramps intersection. The reconfiguration shall (1) remove the northbound right-turn channelization to provide a traditional configuration and provide a right-turn overlap phase; (2) remove the eastbound right-turn channelization to provide a traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway, satisfactory to the City Engineer and Caltrans. Should California Department of Transportation (Caltrans) decide to implement a different intersection control at this intersection, the applicant's fair-share contribution may be used toward the new intersection traffic control measure as long as it would meet the performance criteria of reducing the proposed project delay contribution to less than 1 second where operating at LOS F and 2 seconds where operating at LOS E. Segments To mitigate cumulative segment impact TR-1 (Hotel Circle North, I-8 westbound ramps to Fashion Valley Road), the applicant shall implement the following: TR-2: Prior to the iscuance of the first building permit, the Owner/Permittee shall contribute a fair-share (5.7 percent) toward widening to accommodate a second westbound through Iane on Hotel Circle North between I-8 westbound ramps and Fashion Valley Road, satisfactory to the City Engineer. To mitigate cumulative segment impact TR-2 (Hotel Circle North, Fashion Valley Road to Camino De La Reina), the applicant shall implement the following: TR-3: Prior to the issuance of the first building permit, the Owner/Permittee shall contribute a fair share (10.0 percent) toward widening to accommodate a	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigatio
Would the project result in an increase in projected traffic that is substantial in relation to the capacity of the street system? (cont.)	Intersections The project would result in a significant cumulative impact to the following intersection: TR-7: Hotel Circle North / I-8 westbound ramps (LOS F during the AM and PM peak hours) The project would have a less than significant cumulative impact to Hotel Circle North / Fashion Valley Read, Hotel Circle North / Camino De La Reina, and Hotel Circle South / I-8 eastbound ramps since the increase in delay is within the allowable threshold (e.g., 1 second for intersections operating at Level of Service (LOS) F and 2 seconds for intersections operating at LOS E).	Intersections To mitigate the project's significant cumulative impact to the Hotel Circle North / I-8 westbound ramps intersection (impact TR-7), the following measure shall be implemented: TR-4: Prior to the issuance of the first building permits for the Legacy International Center, the Owner/Permittee shall provide a fair-share contribution (12.2 percent) towards the signalization and reconfiguration of the Hotel Circle North / I-8 westbound ramps intersection. The reconfiguration shall (1) remove the northbound right-turn channelization to provide a traditional configuration and provide a right-turn overlap phase; (2) remove the eastbound right-turn channelization to provide a traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway, satisfactory to the City Engineer and Caltrans. Should California Department of Transportation (Caltrans) decide to implement a different intersection control at this intersection, the applicant's fair-share contribution may be used toward the new intersection traffic control measure as long as it would meet the performance criteria of reducing the proposed project delay contribution to less than 1 second where operating at LOS E and 2 seconds where operating at LOS E.	Intersections TR-7: Less than Significant
Would the project result in the addition of a substantial amount of traffic to a congested freeway segment, interchange or ramp?	 a. Direct Impact All freeway segments would operate at acceptable levels under both the existing plus project conditions and the near-term plus project conditions. As such, the project's direct impact to freeway segments would be less than significant. b. Cumulative Impact The I-8 west of Hotel Circle ramps segment would operate at unacceptable levels under the horizon year (2035) plus project conditions. As the change in V/C resulting from the project would be less than the LOS E freeway threshold of 0.010 and the LOS F freeway segment threshold of 0.005, the cumulative project impact to these freeway segments would be less than significant. 	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project increase traffic hazards for motor vehicles, bicyclists, or pedestrians due to a proposed non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?		Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project result in traffic generation in excess specific community plan allocation?	The Atlas Specific Plan indicates that the Mission Valley Community Plan assumes the site would generate 5,130 average daily traffic (ADT). As the site would generate a total of 4,4772,873 ADT driveway trips under the proposed project, the project would generate fewer trips than allocated by the community plan.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?	for a balanced, multimodal transportation network. Thus, the project would have a less than significant	Impacts would be less than significant. No mitigation is required.	Less than Significant

HISTORICAL RESOURCES Would the project result in the alteration and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site? Results of Impact Analysis a. Historical Resources As discussed in Section 4.3.3.1(a) above, the Letter of Expert Opinion states that that the Mission Valley Inn Complex does not appear to be eligible as a historical resource under any of the applicable local or state	Mitigation a. Historical Resources	
destruction of a prehistoric or historic building (including an architecturally significant building), structure or chief or site? As discussed in Section 4.3.3.1(a) above, the Letter of Expert Opinion states that that the Mission Valley Inn Complex does not appear to be eligible as a historical resource under any of the applicable local or state	a. Historical Resources	1, ,,
criteria. Therefore, development of the project, which would entail demolition of the Mission Valley Inn buildings, would not constitute a significant adverse effect under CEQA and City of San Diego guidelines. b. Archaeological Resources Since there is the possibility of subsurface prehistoric or historic deposits to be present that could be uncovered and destroyed during construction activities, a potentially significant impact could result from the development of the project.	b. Archaeological Resources HR-1 The following condition of approval shall be placed on the project. I. Prior to Permit Issuance	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigatio
		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 National American resources may be impacted), Construction Manage (CM) and/or Grading Contractor, RE, Building Inspector (BI) appropriate, and MMC. The qualified Archaeologist and National American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestic concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.	ge eer if ee eer eer eer eer eer eer eer eer eer
		 a. If the PI is unable to attend the Precon Meeting, tapplicant shall schedule a focused Precon Meeting was MMC, the PI, RE, CM or BI, if appropriate, prior to the stof any work that requires monitoring. 	th
		2. Identify Areas to be Monitored	
		Prior to the start of any work that requires monitoring, the shall submit an Archaeological Monitoring Exhibit (AME) (we verification that the AME has been reviewed and approved the Native American consultant/monitor when Native American resources may be impacted) based on the appropriation construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation grading/excavation limits.	th by an de
		The AME shall be based on the results of a site spec records search as well as information regarding existing known soil conditions (native or formation).	
		3. When Monitoring Will Occur	
		 Prior to the start of any work, the PI shall also submit construction schedule to MMC through the RE indicate 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 modification to the monitoring program. This request she based on relevant information such as review of find construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, et which may reduce or increase the potential for resource to be present.	a all al :h

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigation
		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 CM 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 Occupational Safety and Health Administration (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 (CSVR). The CSVRs 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.	
		 The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 	
		 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. 	
		 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. 	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigation
		C. Determination of Significance	
		 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	
		 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 EAS of the Development Services Department to assist with the discovery notification process. 	
		 The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone. 	
		B. Isolate discovery site	
		 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. 	
		 The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance. 	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Lev After Mitigat
		 If a field examination is not warranted, the Medical Exwill determine with input from the PI, if the remains are most likely to be of Native American origin. 	
		C. If Human Remains ARE determined to be Native American	
		 The Medical Examiner will notify the Native American F Commission (NAHC) within 24 hours. By law, ON Medical Examiner can make this call. 	
		 NAHC will immediately identify the person or provide contact information. 	
		3. The MLD will contact the PI within 24 hours or sooner a Medical Examiner has completed coordination, to be consultation process in accordance with CEQA 15064.5(e), the California Public Resources and He Safety Codes.	gin the Section
		 The MLD will have 48 hours to make recommendation property owner or representative, for the treatm disposition with proper dignity, of the human remai associated grave goods. 	ent or
		 Disposition of Native American Human Remains determined between the MLD and the PI, and, if: 	vill be
		a. The NAHC is unable to identify the MLD, OR the failed to make a recommendation within 48 hou being notified by the Commission; OR;	
		b. The landowner or authorized representative rejective recommendation of the MLD and mediation in account with PRC 5097.94 (k) by the NAHC fails to measures acceptable to the landowner, THEN,	rdance
		c. In order to protect these sites, the Landowner shall or more of the following:	do one
		(1) Record the site with the NAHC;(2) Record an open space or conservation easer the site;(3) Record a document with the County.	ent on
		d. Upon the discovery of multiple Native American remains during a ground disturbing land devel activity, the landowner may agree that additional countries with descendants is necessary to consider consider appropriate treatment of multiple Native American remains. Culturally appropriate treatment of discovery may be ascertained from review of the utilizing cultural and archaeological standards. When parties are unable to agree on the appropriate treatment of multiple Native American human remains and buried with American human remains shall be reinterred appropriate dignity, pursuant to Section 5.c., above.	opment onferral alturally human uch a ne site ere the atment Native

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigatio
		D. If Human Remains are NOT Native American	
		The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.	
		 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	
		 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. 	
		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 8 A.M. 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 8 A.M. 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	
		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.	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigation
		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 Historica Resources Guidelines (Appendix C/D), which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphica to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI 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, schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of month status reports until this measure can be met.	al e e e s e s e h a
		a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recove Program shall be included in the Draft Monitoring Report.	
		b. Recording Sites with State of California Department Parks and Recreation	of
		The PI shall be responsible for recording (on the appropriate State of California Department of Park are Recreation forms—DPR 523 A/B) any significant potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal such forms to the South Coastal Information Center with the Final Monitoring Report.	d or e e of
		 MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 	or
		 The PI shall submit revised Draft Monitoring Report to MMC for approval. 	or
		MMC shall provide written verification to the PI of the approve report.	d
		 MMC shall notify the RE or BI, as appropriate, of receipt of a Draft Monitoring Report submittals and approvals. 	III
		B. Handling of Artifacts	
		The PI shall be responsible for ensuring that all cultur remains collected are cleaned and catalogued	al
		 The PI shall be responsible for ensuring that all artifacts a analyzed to identify function and chronology as they relate the history of the area; that faunal material is identified as species; and that specialty studies are completed, a appropriate. 	0
		3. The cost for curation is the responsibility of the property owner	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
		C. Curation of artifacts: Accession Agreement and Acceptance Verification	
		 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. 	
		 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)	
		 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. 	
		 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. 	
Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?	Since no religious or sacred uses were identified within the project area, project development would result in less than significant impacts.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?	Since measures are in place in the event that remains are found, impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
BIOLOGICAL RESOURCES			
Would the proposal result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations or by the CDFW or USFWS?	The project has the potential to result in direct and indirect impacts to nesting raptors protected by the California Fish and Wildlife Code 3503.5 and nesting bird species protected by the MBTA during construction activities. These construction-related sensitive species impacts would be potentially significant.	BR-1: General Avian. Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the mayor (or appointed designee) shall verify that the following project requirements are shown on the construction plans: To avoid any direct impacts to nesting birds (i.e., Cooper's hawk)raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species (February 1 to September 15). It is noted that early documented egg laying for Cooper's hawk is late March (Unitt 2004; Cornell Lab of Ornithology 2015), and nest building and breeding activities may occur within February and March. Additionally, the end of the bird breeding season is appropriately set at September 15 to account for all of the various bird species that could potentially be nesting during that time. If removal of habitat in the proposed area of disturbance must occur during the breeding season, a Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City Development Services Department (DSD) for review and approval prior to initiating any construction activities. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawk nests would be implemented until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. An avoidance buffer for active passerine nests may be up to 300 feet, or as appropriate. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avi	Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
		BR-2 Biological Resource Protection during Construction	
		I. Prior to Construction	
		A. Biologist Verification – The owner/permittee shall provide a the City's MMC section stating that a Project Biologist (0 Biologist) as defined in the City of San Diego's Biological Gu (2012), has been retained to implement the project's b monitoring program. The letter shall include the names and information of all persons involved in the biological monitoring project.	Qualified uidelines piological contact
		B. Preconstruction Meeting – The Qualified Biologist shall att preconstruction meeting, discuss the project's biological me program, and arrange to perform any follow up mitigation measureporting including site-specific monitoring, restoration or revegand additional fauna/flora surveys/salvage.	onitoring ures and
		C. Biological Documents – The Qualified Biologist shall su required documentation to MMC verifying that any special me reports including but not limited to, maps, plans, surveys, timelines, or buffers are completed or scheduled per City Guidelines, MSCP, Environmentally Sensitive Lands (ESL) On project permit conditions; CEQA; endangered species acts; and local, state or federal requirements.	nitigation , survey Biology dinance,

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigati
		D. BCME – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.	
		E. Avian Protection Requirements – To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawk nests would be implemented until the young have fledged, are no longer being fed by the parents, have left the nest, and would no longer be impacted by the project. An avoidance buffer for active passerine nests may be up to 300 feet, or as appropriate. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avian species involved, ambient levels of human activity, and screening vegetation), and buffers should be determined by the Qualified Biologist. Ale letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and inclue proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identi	
		F. Resource Delineation – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
		G. Education – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).	
		II. During Construction	
		A. Monitoring – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A' and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do no encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the CSVR. The CSVR shall be e-mailed to MMC on the 1 st day of monitoring, the 1 st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.	
		B. Subsequent Resource Identification – The Qualified Biologist shal note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federa regulations have been determined and applied by the Qualified Biologist.	
		III. Post-construction Measures	
		A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.	
		the City ADD/MINIC within 30 days of construction completion.	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
Would the proposal result in a substantial arimpact on any Tier I habitats, Tier II habitat IIIA habitats, or Tier IIIB habitats as identified Biology Guidelines of the Land Develor Manual or other sensitive natural communidentified in local or regional plans, per regulations or by the CDFW or USFWS?	, Tier disturbed southern mixed chaparral, and 0.1780 acre non-native grassland. Impacts to these sensitive habitats would be significant and would require mitigation. Project impacts to Tier IV (other uplands) habitat types would not be significant, as Tier IV habitats are not sensitive.	BR-3: Prior to the issuance of a grading permit, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, the applicant shall provide mitigation in the form of either 0.03522 acre of Tier III-A or better habitat and 0.085-40 acre of Tier III-B or better habitat within the MHPA (Tables 4.4-4). This mitigation shall be satisfied through the purchase of Habitat Acquisition Fund (HAF) mitigation credits. The applicant shall purchase 0.1262 mitigation credits through the City's HAF program. The receipt for credits purchased shall be provided to the City prior to issuance of any grading or construction permit.	Less than Significant
Would the project result in an impact on City or federally regulated wetlands (including, be limited to, salt marsh, vernal pool, lagoon, rehabitat, etc.) through direct removal, hydrological interruption, or other means?	t not drainages would be less than significant. No mitigation is required. arian	The project would have less than significant impacts, and no mitigation is required.	Less than Significant
Would the proposal conflict with the provisi an adopted HCP, NCCP, or other approved regional, or state habitat conservation plan, within the MSCP or in the surrounding area?	local, MHPA and would have the potential to result in significant indirect impacts to the adjacent MHPA.	Mitigation measure LU-1 provides specific measures that shall be adhered to before a construction permit is issued, before construction starts, and during construction in order to ensure that the project is in conformance with the associated discretionary permit conditions, the MSCP, and the Land Use Adjacency Guidelines for the MHPA. Implementation of mitigation measure LU-1 would; therefore, mitigate potential impacts to a level below significance.	
AIR QUALITY			
Would the project affect the ability of the Re Air Quality Strategy (RAQS) or other regions to meet the federal and state clean air standa	plan and the RAQS and because the project would result in a similar level of intensity in land use and emissions,	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the proposal result in a violation of a quality standard or contribute substantially existing or projected air quality violation?		Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project proposal exceed 100 pounday of Particulate Matter (PM) (dust)?	a. Construction Emissions Maximum daily construction emissions are projected to be less than the applicable thresholds for all criteria pollutants. Air quality impacts due to project construction would be less than significant. b. Operation Emissions Mobile source emissions would originate from traffic generated by the project. Area source emissions would result from activities such as the use of natural gas, fireplaces, and consumer products. Operational emissions are projected to be less than the applicable SDAB significance thresholds for all criteria pollutants. Operational emissions would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
Would the proposal expose sensitive receptors to substantial pollutant concentrations?	a. Localized Carbon Monoxide Impacts	Impacts would be less than significant. No mitigation is required.	Less than
	Projected carbon monoxide (CO) concentrations at the intersection of Hotel Circle North and Fashion Valley Road would be less than the applicable state and federal standards. All other intersections that are projected to operate at LOS E or F would carry less peak hour traffic and experience shorter delays than the intersection of Hotel Circle North and Fashion Valley Road. Thus, it can be concluded that CO concentrations at these intersections would be less than those at the intersection of Hotel Circle North and Fashion Valley Road. Localized CO impacts would be less than significant.		Significant
	b. Odors		
	Odors generated during construction would be temporary, localized, and occur at levels that would not affect people. The project is not anticipated to generate objectionable odors during operation and is not located adjacent to a known odor generator. Therefore, odor impacts due to construction and operation of the project would be less than significant.		

Environmental Issue	Populte of Impact Analysis	Mitigation	Impact Level
	Results of Impact Arialysis	Willigation	Aiter willigation
PALEONTOLOGICAL RESOURCES Would the proposal require over 1,000 cubic yards of excavation at a depth of 10 feet or greater in a high resource potential formation or over 2,000 cubic yards of excavation at a depth of 10 feet or greater in a moderate resource potential formation?	Results of Impact Analysis Because of the high sensitivity potential area for paleontological resources, project grading could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.	PAL-1: The applicant shall implement the procedures outlined below as condition of approval. I. Prior to Permit Issuance A. Entitlements Plan Check 1. Prior to issuance of any construction permits, including but no limited to, the first Grading Permit, Demolition Plans/Permit and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting whichever is applicable, the 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 MMC identifying the PI for the project and the names of all person involved in the paleontological maniform program and define	After Mitigation Less than Significant
		 involved in the paleontological monitoring program, as defining the City 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 MM for any personnel changes associated with the monitoring program. Prior to Start of Construction A. Verification of Records Search 1. The PI shall provide verification to MMC that a site-spect records search has been completed. Verification includes, I is not limited to, a copy of a confirmation letter from San Die Natural History Museum, other institution or, if the search win-house, a letter of verification from the PI stating that the search win-house, a letter of verification from the PI stating that the search win-house in the paleontological monitoring Guidelines. 	
		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, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend an grading/excavation related Precon Meetings to mak comments and/or suggestions concerning the Paleontological Monitoring program with the CM 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.)

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigati
		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	
		 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, Occupational Safety and Health Administration 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, does 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.	
		 The monitor shall document field activity via the 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. 	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigati
		B. Discovery Notification Process	
		 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. 	
		 The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 	
		 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 e-mail with photos of the resource in context, if possible. 	
		C. Determination of Significance	
		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 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 the 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:	
		 When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Preconstruction 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 8 A.M. on the next business day.	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Leve After Mitigation
		b. Discoveries	
		All discoveries shall be processed and documented using the existing procedures detailed in Section 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 8 A.M. 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:	
		 The CM shall notify the RE, or BI as appropriate, a minimum of 24 hours before the work is to begin. 	
		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	
		 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.	
		MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.	
		 The PI shall submit revised Draft Monitoring Report to MMC for approval. 	
		 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.	

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
		B. Handling of Fossil Remains	
		 The PI shall be responsible for ensuring that all fossil remains collected are cleaned and cataloged. 	
		 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	
		 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. 	
		 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)	
		 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 Monitoring Report has been approved. 	
		 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. 	
VISUAL EFFECTS AND NEIGHBORHOOD CHARA	ACTER		
Would the project result in a substantial change to natural topography or other ground surface relief features, or result in the loss, covering, or modification of any unique physical features such as a natural canyon or hillside slope in excess of 25 percent gradient?	The project would not result in a substantial change in an existing landform resulting in negative aesthetics. Therefore, impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project obstruct any vistas or scenic views, particularly with respect to views from public viewing areas, vistas, or open spaces as identified in the Mission Valley Community Plan?	Impacts to the views from all three Key Vantage Points (KVPs) would be less significant given the ample landscape screening of the site in the foreground and the retention of hillside views throughout the project site. The exceedance of the 40-foot-high limit would not result in adverse visual impacts relative to public views, as the protected hillsides to the south would continue to be visible from all KVPs with implementation of the project.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project be compatible with surrounding development in terms of bulk, scale, materials, or style with the surrounding existing or planned development?	The project would be compatible with surrounding development in terms of bulk, scale, materials, and architectural style. Impacts relative to neighborhood character would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project create a substantial amount of light or glare that would adversely affect daytime or nighttime views?	The project would result in less than significant impacts relative to light and glare.	Impacts would be less than significant. No mitigation is required.	Less than Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigatio
The creation of a negative aesthetic site or project.	Although walls greater than 6 feet in height and/or 50 feet in length are proposed, the walls would be located and shielded in such a way as to not be visible from public vantage points. All walls would be screened by appropriate landscape treatments. Therefore, with incorporation of these design treatments, visual impacts associated with aesthetics would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
NOISE			
Would the proposal result or create a significant increase in the existing ambient noise levels?	Direct project-related traffic noise increases would be less than 3 dB and would not be audible. Therefore, direct off-site noise impacts associated with the project would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project result in the exposure of people to noise levels which exceed the City's Noise Abatement and Control Ordinance?	a. HVAC System Maximum hourly noise levels at the property line due to the Heating, Ventilating, and Air Conditioning (HVAC) units are projected to be less than the property line noise limits. However, as the specific design has not been chosen at this stage, impacts would be potentially significant. b. Amphitheater Noise levels generated by the proposed amphitheater during both speaking and music events would be less than the daytime, evening, and nighttime noise ordinance limits at all modeled receivers. Thus, impacts would be less than significant and no mitigation would be required. be. Construction Noise Construction noise levels are not projected to exceed 75 dB(A) Leq at the adjacent residential uses. The project would comply with construction time limits as required by the City's Noise Abatement and Control Ordinance. Therefore, construction noise impacts would be less than significant.	 a. HVAC System As the project has not selected the specific HVAC units and the final locations of the units may be altered prior to final design, the project will be required to implement mitigation measure N-1. N-1: Prior to the issuance of a building permit, the applicant, or its designee, shall prepare an acoustical study(s) of proposed mechanical equipment, which shall identify all noise-generating equipment, predict noise levels at property lines from all identified equipment, and recommend measures to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City Noise Ordinance Section 59.5.0401. b. Amphitheater Amphitheater noise impacts would be less than significant and no mitigation is required. be. Construction Noise Construction noise would be less than significant, and no mitigation is required. 	Less than Significant
HEALTH AND SAFETY/HAZARDOUS MATERIALS			
Would the project 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, create a significant hazard to the public or environment?	There are four facilities within 1,000 feet of the project site that are listed on various hazardous waste databases and a release violation was reported at one site, but there have been no reported violations for the other three sites. The potential for these facilities to adversely affect the project is low due to either the lack of reported releases or the closed status of the case. Impacts associated with hazardous contamination sources would be less than significant. The buildings located on-site have potential to include lead and asbestos-containing materials. Demolition activities therefore have the potential to expose workers and adjacent properties to airborne lead and asbestos. However, proper abatement and disposal of asbestos- and lead-containing materials would be completed or overseen by a certified consultant pursuant to Title 8, California Code of Regulations (CCR), Article 2.6, Section 341.15). Regulatory compliance would preclude significant impacts.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project result in hazardous emissions or include the handling, storage, and treatment of hazardous materials?	The project would comply with all applicable state and local regulations for handling of hazardous materials. Compliance with these regulations would ensure that impacts to schools within one-quarter-mile of the project would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the proposal impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	The project would not result in an increase in response times or present a constraint to fire/emergency response in the area. Impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
GREENHOUSE GAS EMISSIONS			
Would the proposal generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	Based on this analysis, the project would not exceed the City's 900 metric tons of carbon dioxide equivalent (MTCO ₂ E) screening criterion, and a detailed analysis demonstrating that the project would reduce greenhouse gas (GHG) emissions by 28.3 percent when compared to Business as Usual (BAU) is not required. As the project would not exceed the 900 MTCO ₂ E screening threshold for GHG emissions, impacts associated with the project's contribution of GHGs to cumulative statewide emissions would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the proposal conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHG?	The project is consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. The level of impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
HYDROLOGY			<u>'</u>
Would the proposal result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?	The project would maintain overall drainage pattern as compared to the existing condition and would not cause adverse impacts to the hydraulics of existing drainage systems located downstream of the project or to the on-site or off-site properties. The project would not modify drainage patterns in a manner that would significantly impact environmental resources such as archaeological resources or vegetation communities. Implementation of the project would result in an overall change in the 100-year runoff from the existing 330.3 cubic feet per second (cfs) to the proposed 331.5328.1 cfs, which would be a less than 0.50.7 percent change. Implementation of the described project design measures and conformance with applicable federal, state, and City regulatory standards would effectively avoid and/or address potentially significant short-and long-term impacts related to hydrology; therefore, impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the project develop wholly or partially within the 100-year floodplain identified in the FEMA maps or impose flood hazards on other properties?	While the proposed project would be developed partially within the 100-year floodplain, the project design includes—waterproofing of the subterranean parking structure and catacombs floodproofing of structures in accordance with City's Flood Ordinance. Development of the proposed project would maintain the same drainage characteristics in the post-project condition as compared to the pre-project conditions. In addition, the proposed storm drain system upgrades would be designed to reduce the potential for on- and off-site flows to exceed the capacity of the storm drain system and result in local flooding. Development of the project would not cause significant flooding impacts on-site or to upstream or downstream properties, nor would it have a significant effect on local or global drainage patterns. Impacts related to flood hazards would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the proposal result in a substantial increase in impervious surfaces and associated increased runoff?	The project would not significantly impact the quantity of runoff compared to the pre-project condition, since the project site would maintain similar runoff rates. The project would also include Low Impact Development and treatment control Best Management Practices (BMPs) that would further reduce/slow runoff for post-project conditions. Implementation of the project design measures and conformance with applicable federal, state, and City regulatory standards would effectively avoid and/or address potentially significant short- and long-term impacts related to hydrology; therefore, impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
WATER QUALITY			
Would the proposal result in an increase in pollutant discharge to receiving waters during or following construction? Would the proposal discharge identified pollutants to an already impaired water body? What short-term and long-term effects would the project have on local and regional water quality? What types of pre and post-construction Best Management Practices (BMPs) would be incorporated into the project to preclude impacts to local and regional water quality?	The site is currently developed and contributes pollutants to runoff. Due to proposed construction activities and the post-construction increase in development intensity, the project would potentially increase runoff pollutants generated at the project site. Runoff from the site would be directed into the storm drain system that outlets to the San Diego River, which is 303(d) listed as an impaired waterbody. Based on the potential pollutants generated by the project and the downstream impairments, the primarily pollutants of concern are heavy metals, organic compounds, nutrients, trash and debris, oxygen-demanding substances, and bacteria and viruses. The project would incorporate construction BMPs and post-construction BMPs to reduce the project site pollutants of concern discharges, thus avoiding significant adverse water quality impacts to the San Diego River. The project would comply with all applicable federal, state, and local water quality standards through adherence to the City's Storm Water Standards and the Construction General Permit. Implementation of the proposed BMPs described above would reduce potential impacts to water quality to less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
GEOLOGIC CONDITIONS			
Would the project be located on a geologic unit or soil that is unstable or that would become unstable as a result of the proposal, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? Would the project expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	Compliance with existing regulations and adherence to the final geotechnical report would mitigation measure GEO-1 would be required to ensure that structures would not be located on an unstable or expansive geologic unit or soil and that the soil would not become unstable as a result of liquefaction.	Impacts would be less than significant. No mitigation is required. GEO-1: Liquefiable soils would require deep foundations, ground improvement of surficial soils, and/or structural mitigation to support settlement-sensitive structures. If deep foundations are used, they shall be designed for down drag forces that may occur during a liquefaction event. The deep foundations would be designed for a total and differential settlement of about ½ to 1 inch and based on the design loads from the structural engineer. Mat slab foundations can typically be designed to accommodate total settlements of 1 to 3 inches. Ground improvement techniques shall include densifying existing surficial soils through the use of stone columns, compaction grouting, or other densification method identified in the geotechnical investigation (Appendix G). Deep dynamic compaction is not recommended due to the proximity of adjacent facilities. The ground improvement techniques shall be selected based on the existing site conditions and discussions with a specialty ground improvement contractor. The ground modification techniques shall be designed for a static settlement of 1 inch and a seismic settlement of 1 to 1½ inches, depending on the allowable settlements determined from the project structural engineer. The selection of the type of mitigation and performance standards shall depend on the final building plans and building loads.	Less than Significant
PUBLIC UTILITIES			
Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: water, sewer, and solid waste disposal?	 a. Water Supply Implementation of the project would not require the addition of new water service facilities or generate a demand for water that has not been accounted for by the applicable planning documents. Thus, impacts to water supply would be less than significant. b. Water System Since no new or substantially altered water systems would be required for water service to the project, and no impacts from the installation of such facilities would occur, impacts would be less than significant. 	Impacts would be less than significant. No mitigation is required.	Less than Significant

Environmental Issue	Results of Impact Analysis	Mitigation	Impact Level After Mitigation
Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: water, sewer, and solid waste disposal?	Implementation of the project would not necessitate the installation of new or substantially upgraded sewer facilities to accommodate effluent leaving the project site. Impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: water, sewer, and solid waste disposal?	The project would not involve the construction, demolition, or renovation of 1,000,000 square feet or more of building space but would be expected to generate more than 1,500 tons of waste. As shown in Appendix P, the proposed project would divert at least 96 percent of its waste during construction, demolition and grading activities, and would not result in a need for solid waste facilities or require substantial alterations to existing solid waste facilities; therefore, impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
	A Waste Management Plan (WMP) has been prepared for the project. As a condition of project approval, implementation of a final WMP would be verified in order to ensure that project impacts would be less than significant.		
Would the project result in the need for new or expanded public facilities necessary for the provision of energy that would create physical impacts?	The project would not require substantial alteration of existing utilities, which would create physical impacts. Thus, impacts would be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
Does the proposal propose landscaping which is predominantly non-drought resistant vegetation?	The project would comply with existing regulations as well as the General Plan policies, which would ensure the use of predominantly drought-resistant landscaping and water conservation for landscape maintenance. Impacts would therefore be less than significant.	Impacts would be less than significant. No mitigation is required.	Less than Significant
PUBLIC SERVICES AND FACILITIES			
Would the project result in a need for new or	a. Police Protection	Impacts would be less than significant. No mitigation is required.	Less than
altered governmental services in any of the following areas: police protection, fire/life safety protection, libraries, schools, and parks or other	The project would not result in additional demand for police service in Beat 623. No new staffing or facilities would be required; thus, there would be no significant impacts to police protection services.		Significant
recreational facilities which would result is physical	b. Fire Protection and Emergency Medical Services		
impacts?	The project would not increase the call volume for the engine companies assigned to the project area and would not contribute to the need for new or altered facilities. The project would provide for adequate access to the site for San Diego Fire–Rescue Department as well as fire hydrant services. In addition, a brush management program would be implemented for the proposed project. Therefore, impacts to fire protection and emergency services would be less than significant.		

Results of Impact Analysis	Mitigation	Impact Level After Mitigation
ENERGY CONSERVATION		
 a. Construction-related Fuel Use Construction of the project would result in increased energy demand associated with the consumption of diesel fuel in construction equipment and gasoline in worker vehicles during the construction period. This fuel consumption (137,430 gallons) would be short term and would not comprise an excessive use of energy. There are no conditions on-site or in the project design that would require non-standard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the proposed project would not result in the use of excessive amounts of fuel during the construction phase of the project, and impacts would be less than significant. b. Long-term Operation Energy Use Measures to reduce wasteful, inefficient, and unnecessary consumption of energy during operation of the project have been incorporated into the project design. Additionally, vehicle gasoline consumption would be reduced, because the project would provide bus and shuttle services. As such, impacts from implementation 		Less than Significant
	 a. Construction-related Fuel Use Construction of the project would result in increased energy demand associated with the consumption of diesel fuel in construction equipment and gasoline in worker vehicles during the construction period. This fuel consumption (137,430 gallons) would be short term and would not comprise an excessive use of energy. There are no conditions on-site or in the project design that would require non-standard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the proposed project would not result in the use of excessive amounts of fuel during the construction phase of the project, and impacts would be less than significant. b. Long-term Operation Energy Use Measures to reduce wasteful, inefficient, and unnecessary consumption of energy during operation of the project have been incorporated into the project design. Additionally, vehicle gasoline consumption would be 	a. Construction-related Fuel Use Construction of the project would result in increased energy demand associated with the consumption of diesel fuel in construction equipment and gasoline in worker vehicles during the construction period. This fuel consumption (137,430 gallons) would be short term and would not comprise an excessive use of energy. There are no conditions on-site or in the project design that would require non-standard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the proposed project would not result in the use of excessive amounts of fuel during the construction phase of the project, and impacts would be less than significant. b. Long-term Operation Energy Use Measures to reduce wasteful, inefficient, and unnecessary consumption of energy during operation of the project have been incorporated into the project design. Additionally, vehicle gasoline consumption would be reduced, because the project would provide bus and shuttle services. As such, impacts from implementation

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1.0 Introduction

This Environmental Impact Report (EIR) addresses the potential environmental effects of the proposed Legacy International Center project ("project") and has been prepared by the City of San Diego (City) in compliance with the California Environmental Quality Act (CEQA) and Guidelines (Public Resources Code, Section 21000 et seq. and California Code of Regulations, Title 14, Section 15000, et seq.) and in accordance with the City of San Diego's EIR Guidelines (City of San Diego 2005) and Significance Determination Thresholds (City of San Diego 2011a).

The project would redevelop the existing Mission Valley Resort Hotel property located south of Interstate 8 and west of State Route 163 at 875 Hotel Circle South. The mixed-use development would include religious, lodging, administrative, recreational, and commercial uses. Commercial, administrativelodging, retail, and religious uses include a 105,10463,447-square-foot Pavilion (with restaurant, gift shops, learning center, theater, and wellness centertelevision studio), a two-level 17,012-square-foot welcoming center, a 29,94041,071-square-foot history dome_Legacy Vision Center buildingtheater (with an entrance to the the welcome center, catacombs, a dome theater, museum, gallery, and retail), 5,992 square feet of underground catacombs passage (with a learning center, retail areas, and adjoining display rooms), a n 8,2007,783-square-foot outdoor plaza (with retail and informational kiosks), and a five-story 136,16088,120-square-foot "tri-wing" Legacy Village Hotel Building tower containing (with 127 timeshare guest suites, a restaurant, and a wellness center). Recreational components would include a trail system; a 300-seat outdoor amphitheater; pedestrian plazas and a water feature; the training center complex would include a spa, gym, hair salon, sauna, and an Olympic-size pool with seven lanes. Executive offices would be housed in a three-story, 23,028-square-foot administration building with its own subterranean parking.

The project would exceed the minimum of 524 parking stalls (approximately 300 in the parking structure and 224 surface stalls), with a target of 665 spaces. The parking structure would have both an eastern and northern access points. Thus, traffic circulating through the site would be able to enter at either the east or west access points along Hotel Circle South. Traffic entering the eastern driveway would circulate behind Building 1 (Legacy Vision Center) toward the hotel dropoff and surface lot, or continue west toward additional surface parking and the eastern entrance to the parking structure. Traffic entering the site by the western driveway would have a choice to park in the surface lot or have direct access to the parking structure via the northern access point. The project would include a total of 878 parking stalls, with 195 surface parking spaces and 683 spaces that would be either subterranean or within a five-story, 75,152-square-foot "West Parking Structure." The single-level subterranean parking would be located beneath most of the northern portion of the site and would have an access point at the northeastern corner, near the welcoming center rotunda. The western parking structure would have both a surface access and access to the

subterranean parking. Thus, traffic circulating through the site would be able to enter at either the east or west access points along Hotel Circle South and be able to traverse the length of the site via either the above ground circulation elements or below ground within the subterranean parking.

Discretionary actions required to implement the project include:

- Mission Valley Community Plan Amendment
- Rezone from MVPD-MV-M/SP to MVPD-MV-CV
- Atlas Specific Plan Amendment
- Site Development Permit
- Planned Development Permit
- Conditional Use Permit
- Vesting Tentative Map

1.1 EIR Purpose and Intended Uses

This EIR is intended to inform decision-makers, public agencies, and the public about the potential significant adverse environmental impacts of the project and provide decision-makers with an understanding of the associated physical and environmental changes prior to taking action on the project. The EIR includes recommended mitigation measures which, when implemented, would lessen project impacts and provide the City with ways to substantially lessen or avoid significant effects of the project on the environment, whenever feasible. Alternatives to the project are presented to evaluate scenarios that further reduce or avoid significant impacts associated with the project.

1.2 EIR Legal Authority

1.2.1 Lead Agency

The City of San Diego is the Lead Agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving the project. As Lead Agency, the City of San Diego Development Services Department, Environmental Analysis Section conducted a preliminary review of the proposed development and determined that this EIR was required. The analysis and findings in this document reflect the independent, impartial conclusions of the City.

1.2.2 Responsible and Trustee Agencies

State law requires that all EIRs be reviewed by responsible and trustee agencies. A Responsible Agency, defined pursuant to State CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency that have discretionary approval power over the project. A Trustee Agency is defined in Section 15386 of the CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California.

Implementation of the project would require consultation with the following responsible and trustee agencies, as described below.

San Diego County Air Pollution Control District (SDAPCD): The County Board of Supervisors sits as the Board of the SDAPCD, which is an agency that regulates sources of air pollution within the county. This is accomplished through an integrated monitoring, engineering, and compliance operation, the components of which are separate divisions within the SDAPCD and each of them designed to protect the public from the adverse impacts of polluted air. The SDAPCD would be responsible for issuing permits with respect to air emissions for construction and operation of the project.

San Diego Regional Water Quality Control Board (RWQCB): The San Diego RWQCB regulates water quality through the Section 401 certification process and oversees the National Pollutant Discharge Elimination System (NPDES) Permit Number CAS0108758, which consists of wastewater discharge requirements. The RWQCB would be a Trustee Agency that holds regional water quality in its trust through the NPDES compliance review process.

California Department of Fish and Wildlife (CDFW): The CDFW has jurisdiction over sensitive wildlife that is held in trust for the people of California. The CDFW would be a Trustee Agency for the proposed project, as sensitive wildlife is located on-site and in the project vicinity. Waters of the state and the project may include areas subject to Section 1600-1607 of the Fish and Game Code. Therefore, CDFW would be a Responsible Agency given the potential for this project to require notification for a Lake and Streambed Alteration Agreement.

California Department Transportation (Caltrans): Caltrans is the state agency responsible for highway, bridge, and rail transportation planning, construction, and maintenance. The project site is south of Interstate 8, and west of State Route 163. A Caltrans encroachment permit is not anticipated to be required; however, plans will be routed to Caltrans, as the improvements to Hotel Circle South would be directly adjacent to Caltrans right-of-way (the Interstate 8 hook ramps).

1.3 EIR Scope and Content and Format

1.3.1 Type of EIR

This EIR has been prepared as a Project EIR, as defined in Section 15161 of the CEQA Guidelines. In accordance with CEQA, this Project EIR examines the environmental impacts of a specific development project and focuses on the physical changes in the environment that would result from the project, including all phases of planning, construction, and operation.

1.3.2 **Scope**

The scope of analysis for this EIR was determined by the City of San Diego as a result of initial project review and consideration of comments received in response to the Notice of Preparation (NOP) distributed on August 18, 2014. The City's NOP, associated responses, and comments made during the scoping meeting held on September 3, 2014 are included in Appendix A of this EIR. Through these scoping activities, the project was determined to have the potential to result in the following significant environmental impacts:

- Land Use
- Transportation/Circulation
- Historical Resources
- Biological Resources
- Air Quality
- Paleontological Resources
- Visual Effects and Neighborhood Character
- Noise
- · Health and Safety/Hazardous Materials
- Greenhouse Gas Emissions
- Hydrology
- Water Quality
- Geologic Conditions
- Public Utilities
- Public Services and Facilities
- Energy Conservation

1.3.3 EIR Content

This EIR determines whether implementation of the project would have a significant effect on the environment through analysis of the issues identified during the scoping process (see Section 1.3.2). Pursuant to CEQA Guidelines Section 15126, all phases of the project are

considered in this EIR when evaluating its potential impacts on the environment, including the planning, acquisition, development, and operation phases. Impacts are identified as direct or indirect, short-term or long-term, and assessed on a "plan-to-ground" basis. The "plan-to-ground" analysis addresses the changes or impacts that would result from implementation of the project compared to existing ground conditions.

1.3.4 EIR Format

1.3.4.1 Organization

The format and order of contents of this EIR follow the direction of the City's EIR Guidelines. A brief overview of the various chapters of this EIR is provided below:

Executive Summary. Provides a summary of the EIR and a brief description of the project, identifies areas of controversy, and includes a summary table identifying significant impacts, proposed mitigation measures, and impact rating after mitigation. A summary of the analyzed project alternatives and comparison of the potential impacts of the alternatives with those of the project is also provided.

Chapter 1.0 Introduction. Contains an overview of the purpose and intended uses of the EIR; identifies the Lead, Responsible, and Trustee Agencies; summarizes the EIR scope and content; and details the CEQA environmental review process.

Chapter 2.0 Environmental Setting. Provides a description of the project's regional context, location, and existing physical characteristics and land use. Available public infrastructure and services, as well as relationship to relevant plans, are also provided in this chapter.

Chapter 3.0 Project Description. Provides a detailed discussion of the project, including background, objectives, key features, off-site components, and environmental design considerations. The discretionary actions required to implement the project, and a chronicle of project changes, are also included.

Chapter 4.0 Environmental Analysis. Provides a detailed evaluation of potential environmental impacts of the project. In accordance with the City's EIR Guidelines, Chapter 4.0 begins with the issue of land use, followed by the remaining issues included in order of significance. Under each issue area, this chapter includes a description of the existing conditions relevant to each environmental topic including the regulatory framework; presentation of threshold(s) of significance based on the City of San Diego's CEQA Significance Determination Thresholds for the particular issue area under evaluation; identification of an issue statement; an assessment of any impacts associated with implementation of the project; a conclusion as to the significance of any project impacts; and recommendations for mitigation measures and mitigation monitoring and reporting, as

appropriate, for each significant issue area. Where mitigation measures are required, a statement regarding the significance of the impact after mitigation is additionally provided.

Chapter 5.0 Significant Unavoidable Environmental Effects/Significant Irreversible Environmental Changes. Discusses the significant unavoidable impacts of the project, including those that can be mitigated but not reduced to below a level of significance. This chapter also describes the potentially significant irreversible changes that may be expected with development of the project and addresses the use of nonrenewable resources during its construction and operational life.

Chapter 6.0 Growth Inducement. Evaluates the potential influence the project may have on economic or population growth within the project area as well as the region, either directly or indirectly.

Chapter 7.0 Cumulative Impacts. Identifies the impacts of the project in combination with other planned and future development in the region.

Chapter 8.0 Effects Found Not to Be Significant. Identifies all of the issues determined in the scoping and preliminary environmental review process to be less than significant and briefly summarizes the basis for these determinations.

Chapter 9.0 Project Alternatives. Provides a description <u>and analysis</u> of three alternatives to the project, including a <u>No Project</u> (<u>No Development</u>) Alternative, the <u>No Project</u> (<u>Development Under the Adopted Plan</u>), and the Reduced Project Alternative. No Project Alternative, a Development Consistent with the Adopted Mission Valley Community Plan Alternative, and a Reduced Intensity Alternative.

Chapter 10.0 Mitigation Monitoring and Reporting Program. Documents all the mitigation measures identified in the EIR and required as part of the project.

Chapter 11.0 References Cited. Lists all of the reference materials cited in the EIR.

Chapter 12.0 Individuals and Agencies Consulted. Identifies all of the individuals and agencies contacted during preparation of the EIR.

Chapter 13.0 Certification Page. Identifies all of the agencies, organizations, and individuals responsible for the preparation of the EIR.

1.3.4.2 Technical Appendixes

Technical appendixes, used as a basis for much of the environmental analysis in the EIR, have been summarized in the EIR and are printed under separate cover as part of the EIR. The technical appendixes are available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101.

1.3.4.3 Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this EIR has referenced several technical studies and reports, including the City of San Diego General Plan EIR, the Mission Valley Community Plan, and the Atlas Specific Plan. Information from these documents has been briefly summarized in this EIR, and their relationship to this EIR described. These documents are included in Chapter 11.0, References Cited, are hereby incorporated by reference. They are available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101.

1.4 EIR Process

The EIR review process occurs in two basic stages. The first stage is the Draft EIR, which offers the public the opportunity to comment on the document, while the second stage is the Final EIR, which provides the basis for approving the project.

1.4.1 Draft EIR

In accordance with Sections 15085 and 15087 (a) (1) of the CEQA Guidelines, upon completion of the Draft EIR a Notice of Completion is filed with the State Office of Planning and Research, and a notice of availability of the Draft EIR is issued in a newspaper of general circulation in the area.

The Draft EIR is distributed for review to the public, and interested and affected agencies for the purpose of providing comments "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (Section 15204, CEQA Guidelines).

This Draft EIR and all related technical studies are available for review during the public review period at the offices of the City of San Diego, Development Services Department, Entitlements Division, located at 1222 First Avenue, Fifth Floor, San Diego, California, 92101. Copies of the Draft EIR are also available at the following public locations:

Mission Hills Branch Library
925 Washington Street
San Diego, California 92103
Mission Valley Library
2123 Fenton Parkway
San Diego, California 92108

1.4.2 Final EIR

Following public review of the Draft EIR, the City has.will-provided written responses to comments per CEQA Guidelines Section 15088 and has.will-considered all comments in making its decision to certify the Final EIR. Responses to the comments received during public review, a Mitigation Monitoring and Reporting Program (MMRP), has.will-considered all comments in making its decision to certify the Final EIR. Responses to the comments received during public review, a Mitigation Monitoring and Reporting Program (MMRP), has.will-provided written responses to

Fact, and a Statement of Overriding Considerations for any impacts identified in the Draft EIR as significant and unmitigable have will been prepared and compiled as part of the Final EIR.

The Final EIR includes revisions pursuant to response to comments and project changes (shown in strike-out, underline format). Subsequent the Draft EIR public review, the proposed project was reduced from 532,178 to 306,879 square feet (i.e., a 225,299-square-foot reduction). In addition, minor clarifications were made to the EIR in response to the United States Fish and Wildlife Service and California Department of Fish and Wildlife joint comment letter dated January 13, 2016. These changes were evaluated by the City to determine if recirculation of the document was warranted pursuant to California Environmental Quality Act Section 15088.5, which states recirculation may be required if:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish & Game Com.(1989) 214 Cal.App.3d 1043).

<u>Pursuant to the CEQA Guidelines Section 15088.5 (e) that requires support for the decision</u> not to recirculate, the following analysis of each recirculation criteria above is provided:

- 1. As documented in this Final EIR, no new significant environmental impact would result from the project, and no new mitigation is proposed.
- As documented in this Final EIR, no substantial increase in the severity of an environmental impact would result from the project revisions or clarifications made in response to comments.
- 3. There is no new feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project. The alternatives analyzed in Final EIR Chapter 9.0 are the same alternatives previously analyzed, and would continue to provide a reasonable range of alternatives. It is noted that the Reduced Project Alternative was updated in order to continue to meet the intent of the alternative to reduce traffic impacts relative to the proposed project; however, this alternative is not considered considerably different than the previous Reduced Project Alternative.

4. The Draft EIR is adequate and provides support for conclusions in accordance with the City's Significance Determination Guidelines and CEQA, and a meaningful public review was completed. Comments were considered, response to comments are provided in the Final EIR, and the project and Final EIR were revised accordingly.

Thus, the EIR changes do not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect. Overall, no significant new information was added to the Final EIR that would warrant recirculation per California Environmental Quality Act, Section 15088.5.

The culmination of this process is a public hearing where the City Council will determine whether to certify the Final EIR as being complete and in accordance with CEQA. Pursuant to Section 128.0310(a) of the City of San Diego Land Development Code, the Final EIR will be available for public review for at least 14 calendar days before the first public hearing or discretionary action on the project.

1.0 Introduction

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2.0 Environmental Setting

2.1 Regional Setting

The project site is in the City of San Diego, in San Diego County (Figure 2-1), south of Interstate 8, east of Interstate 5, and west of State Route 163. The Pacific Ocean forms the City's western limit, and the project site lies approximately 5 miles inland.

The 18.1-acre project site is within the Mission Valley Community Plan area in the central portion of the City. The Mission Valley Community Plan area encompasses 3,210 acres and is generally bounded by Friars Road and the northern slopes of the valley on the north, the eastern banks of the San Diego River on the east, the southern slopes of the valley on the south, and Interstate 5 on the west.

2.2 Project Location

The project site consists of two parcels at 875 Hotel Circle South (Assessor's Parcel Numbers 444-060-10 and 444-060-11). The project site is in Sections 22, 23, 26 and 27, Township 16 South, Range 3 West, on the U.S. Geological Survey's La Jolla 7.5-minute topographic map (Figure 2-2).

2.3 Physical Environment

2.3.1 Landform

Mission Valley is a wide valley characterized by a variety of landforms, such as natural areas with steep vegetated slopes and side canyons, and developed areas such as golf courses. From the relatively flat valley floor, slopes on the north and south form the sides of the region's mesas and create a natural geographic boundary. The project site is on the floodplain south of the San Diego River and on a steep slope portion of the mesa south of the river. The southern portion of the project site consists of a steep hillside that descends to a relatively flat area that ranges in elevation from about 23 feet to about 40–50 feet above mean seal level on the northwestern and southern portion of the property, respectively. The slope ascends to an elevation of about 110–160 feet above mean sea level within the property limits and continues to a maximum elevation of about 180 feet above mean sea level.



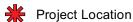


FIGURE 2-1 Regional Location

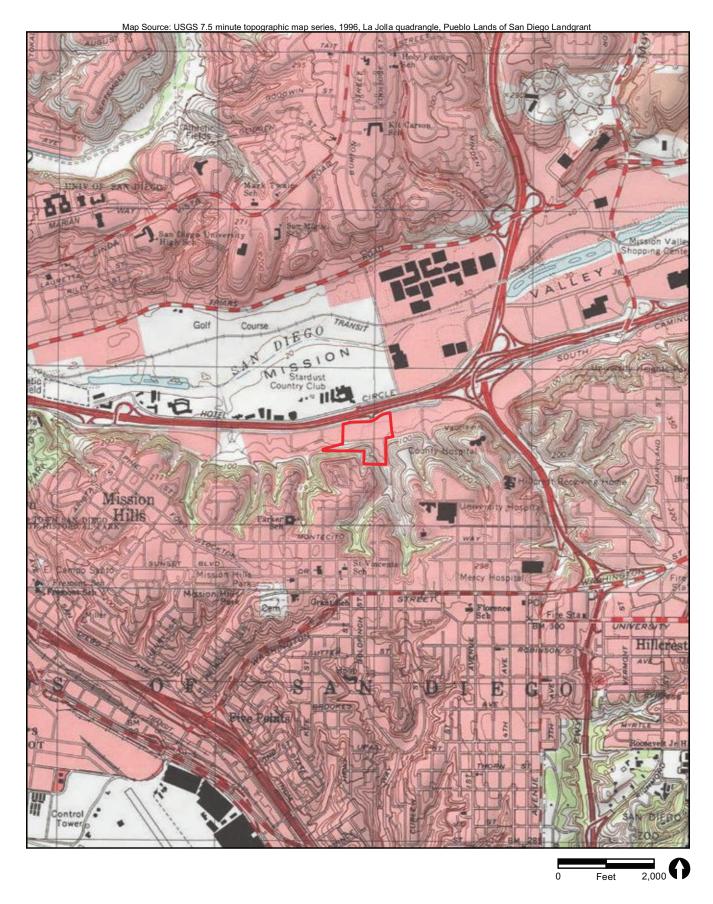




FIGURE 2-2
Project Location on USGS Map

2.3.2 Land Use

As shown in the aerial photograph (Figure 2-3), the project site is in an area of mixed residential and commercial uses. The project site is surrounded by commercial development to the north and west and partially to the east. Undeveloped land borders the site on the southeast and southwest corners. Existing development on the project site includes retail stores, a vacant pad for a former gasoline station, a mini mart, a former health club, and a low-rise hotel complex with associated parking and utilities. The project site is currently zoned as a Multiple Use Zone in the Atlas Specific Plan, and there is an Open Space easement along the southern portion of the site.

Multi-Habitat Planning Area (MHPA) lands are those that have been included within the City's Multiple Species Conservation Program (MSCP) Subarea Plan for habitat conservation. The project site is within the MSCP, and 0.06 acre of the project site is within the MHPA. A majority of the southern property boundary is adjacent to the MHPA, and the MHPA covers much of the adjacent property to the east, within 100 feet of the project site.

2.3.3 Transportation/Circulation

The regional transportation network in the project area consists of Interstate 8 to the north and State Route 163 to the east via Hotel Circle North and South (Figure 2-4). The project site would be served by two full-access driveways on Hotel Circle South at the western and eastern limits of the site.

Hotel Circle South is currently constructed as a two-lane roadway with a two-way left-turn lane. Curbside parking is not permitted. Bike lanes (Class II) are provided on Hotel Circle North and South. Pedestrian access is provided via sidewalks leading up to the Hotel Circle South project site on the south side.

The project site is near the Fashion Valley Transit Center. A bus stop fronts the project at Hotel Circle South and is serviced by San Diego Metropolitan Transit System (MTS) route 88. Another bus stop is approximately 700 feet from the project site, at Hotel Circle South and Bachman Place, and is serviced by MTS routes 20 and 120.

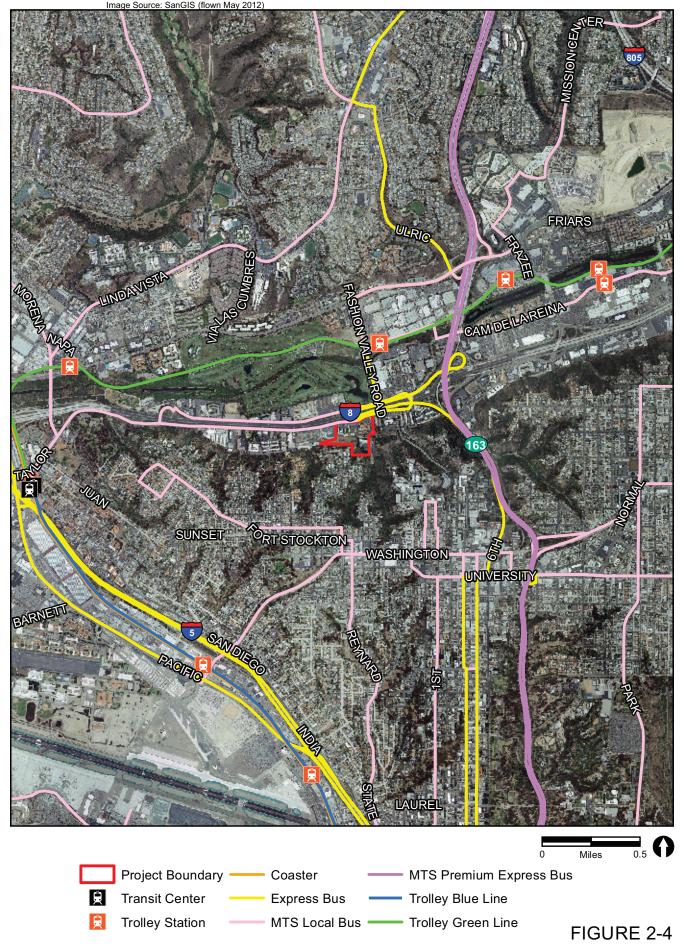
2.3.4 Historical Resources

The prehistoric cultural sequence in San Diego County is generally conceived as comprising three basic periods: the Paleoindian (about 11,500 to 8,500 years ago); the Archaic (from about 8,500 to 1,500 years ago, i.e., A.D. 500), and the Late Prehistoric (from about 1,500 years ago to historic contact, i.e., A.D. 500 to 1769). The Paleoindian Period is most closely associated with the San Dieguito Complex, which consists of well-made scraper planes, choppers, scraping tools, crescentics, elongated bifacial knives,



Project Boundary

FIGURE 2-3
Aerial Photograph of Project Vicinity



and leaf-shaped points—all representative of hunting. The Archaic Period brings an apparent shift toward a more generalized economy and an increased emphasis on seed resources, small game, and shellfish, along with a more sedentary settlement system. Near the coast and in the Peninsular Mountains beginning approximately 1,500 years ago, patterns began to emerge that suggest the ethnohistoric Kumeyaay. This late prehistoric period is characterized by higher population densities and elaborations in social, political, and technological systems. The late prehistoric archaeology of the coast and foothills is characterized by the Cuyamaca Complex, including the presence of steatite arrowshaft straighteners, steatite pendants, steatite comales pottery, and ceramics.

The built environment includes the buildings, hillside, surface parking, and landscaping within the 18.1-acre Mission Valley Resort at 901 and 925 Hotel Circle South. Many of the buildings on-site were built in 1956 in association with the Mission Valley Inn and are primarily used for resort and ancillary uses such as a restaurant and bar, a convenience store, laundry, maintenance, and support facilities. The most southeastern building is a 14,000-square-foot concrete tilt-up building that was formerly used as a health club (Frog's Fitness) but is currently vacant. In addition, a vacant pad that was formerly the location of a gasoline station is on the northeastern corner of the site.

2.3.5 Biological Resources

Six vegetation/land cover types occur on the project site: southern mixed chaparral, disturbed southern mixed chaparral, non-native grassland, eucalyptus woodland, ornamental plantings, and disturbed land. Nineteen of the 38 plant species identified are considered non-native species.

Three sensitive habitats under the City of San Diego's MSCP Subarea Plan (City of San Diego 1997) occur on the project site: southern mixed chaparral (Tier III-A habitat), disturbed southern mixed chaparral (Tier III-A habitat), and non-native grassland (Tier III-B habitat). One sensitive avian species, Cooper's hawk (*Accipiter cooperii*), was detected in the eucalyptus woodland.

2.3.6 Air Quality

The project area is within the San Diego Air Basin (SDAB), as defined by the California Air Resources Board and San Diego Air Pollution Control District. The eastern portion of the SDAB is surrounded by mountains to the north, east, and south. These mountains tend to restrict airflow and concentrate pollutants in the valleys and low-lying areas below.

The SDAB is currently classified as a federal and state nonattainment area for ozone and a state nonattainment area for particulate matter less than 10 microns (PM₁₀),

particulate matter less than 2.5 microns (PM_{2.5}), and ozone, and a federal maintenance area for carbon monoxide (CO). Air pollutants transported into the basin from the adjacent South Coast Air Basin (encompassing Los Angeles and Orange counties) substantially contribute to the nonattainment conditions in the SDAB.

2.3.7 Public Services and Facilities

2.3.7.1 Police Protection Services

The project site is served by the western division of the San Diego Police Department (SDPD). The western division serves the neighborhoods of serves the neighborhoods of Hillcrest, La Playa, Linda Vista, Loma Portal, Midtown, Midway District, Mission Hills, Mission Valley West, Morena, Ocean Beach, Old Town, Point Loma Heights, Roseville–Fleetridge, Sunset Cliffs, University Heights, and Wooded Area.

The SDPD's goal for responding to emergency calls is 7 minutes. The SDPD staffing goal is to maintain 1.48 officers per 1,000 population ratio. A Law Enforcement Mutual Aid Plan permits SDPD's Chief of Police to order law enforcement mutual aid services from other jurisdictions (Municipal Code Section 22.0602).

2.3.7.2 Fire Protection Services

The project site is served by the San Diego Fire–Rescue Department (SDFD). In addition to fighting fires, SDFD responds to medical emergency calls (over 80 percent of department calls are for medical aid), and SDFD's Fire Prevention Bureau conducts more than 20,000 annual inspections and issues fire code permits (alarms, hazardous materials, special events) while developing safety policies and guidelines for residents and businesses.

Fire Station 8 serves Mission Hills and its surrounding areas. Fire Station 5 serves Hillcrest and its surrounding areas. Nearby Engine 5's district is 4.12 square miles (Figure 2-5). Fire Station 45 was recently constructed north of Qualcomm Stadium and serves the Mission Valley area.

The SDFD strives to provide an average maximum initial response time of 7 minutes 30 seconds. The SDFD also relies on Automatic Aid Agreements with its neighboring jurisdictions to ensure that the closest station would respond to an incident.

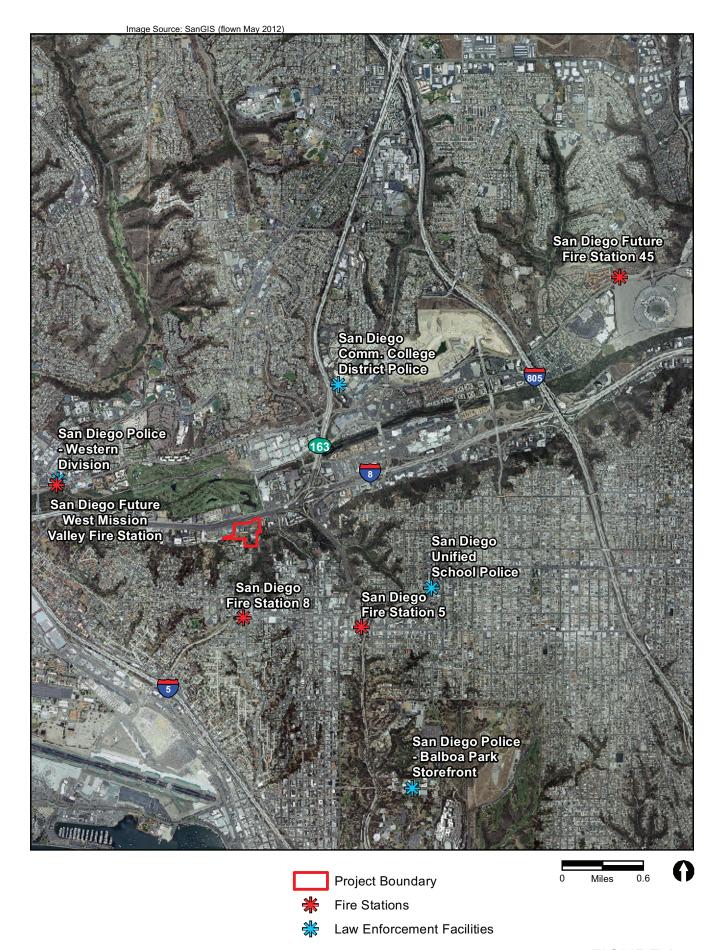


FIGURE 2-5

2.4 Planning Context

Development projects in the City are generally guided by the City's General Plan, and more specifically by the applicable community plan. In addition, various other City, regional, and state plans, programs, and ordinances regulate the development of land within San Diego. A brief description of plans relevant to the project is provided below. A detailed evaluation of the project's consistency with relevant plans and ordinances is provided in Section 4.1, Land Use, of this EIR.

City of San Diego General Plan: The City of San Diego General Plan sets forth a comprehensive long-term plan for development within the City. The General Plan incorporates a City of Villages strategy, which redirects development to areas with available urban amenities and includes the following 10 elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; Historic Preservation; and Housing.

Mission Valley Community Plan: Community plans supplement the General Plan to establish a vision for development and land use tailored to each community in San Diego. The Mission Valley Community Plan is intended to provide guidance for the orderly growth of the Mission Valley community. The project site is designated as multiuse under the plan and zoned a Multiple Use Zone in a Specific Plan.

Atlas Specific Plan: Specific plans are tools for implementing the General Plan within focused areas and in the context of particular large-scale development projects. The Atlas Specific Plan establishes the land use and intensity of development in the Hotel Circle area of Mission Valley, between State Route 163 and Interstate 5.

Land Development Code (Municipal Code): The City's Municipal Code contains all the adopted ordinances for the City and is divided into 15 chapters. Chapters 11 through 14 are known collectively as the Land Development Code and include applicable development regulations for the Base Zones of a project site as well as supplemental development regulations contained within the applicable Overlay Zones.

Multiple Species Conservation Program: The MSCP is a comprehensive program to preserve a network of habitat and open space in the region. One of the primary objectives of the MSCP is to identify and maintain a preserve system that allows for animals and plants to exist at both the local and regional levels. A small portion (0.06 acre) of the project along the southern perimeter is within the MHPA, and the project is adjacent to MHPA on the southeast corner.

3.0 Project Description

3.1 Project Objectives

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15124, the following primary objectives support the purpose of the project, assist the lead agency in developing a reasonable range of alternatives to be evaluated in this report, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary. The underlying purpose of the Legacy International Center project is to provide an international, state-of-the-art religious training center and timeshare facility. To achieve this underlying purpose, the following primary objectives are envisioned:

- 1. To become an internationally celebrated destination for religious tourism.
- 2. To provide a mix of lodging, retail, entertainment, recreational, and administrative/office uses that will provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing driveway trips and overall vehicle miles traveled relative to a single-use project.
- 3. To create a unique project that introduces iconic architecture to Mission Valley.
- 4. To preserve significant environmental resources and steep hillsides by conforming to the previous development footprint to the extent possible.
- To invite pedestrian activity through the provision of walkways/trails, a linear greenbelt with an impressive water feature, <u>and</u> courtyards/plazas, <u>an outdoor</u> bazaar, and <u>underground catacombs that serve as pedestrian passageways</u> between buildings.
- To reduce automobile reliance by offering a shuttle service to transport visitors to and from major transportation hubs as well as other popular San Diego tourist destinations.
- 7. To support the City's sustainable and infill development goals by redeveloping and intensifying an existing underutilized and auto-dominated site.
- Create both temporary construction jobs and a net increase in permanent jobs as compared to the existing use.

3.2 Discretionary Actions

Discretionary actions are those actions taken by an agency that call for the exercise of judgment in deciding whether to approve or how to carry out a project. For the project,

the following discretionary actions would be considered by the San Diego City Council and are further described below:

- Community Plan Amendment
- Atlas Specific Plan Amendment (removal of the site from the Atlas Specific Plan)
- Rezone from MVPD-MV-M/SP to MVPD-MV-CV
- Site Development Permit (SDP)
- Planned Development Permit (PDP)
- Conditional Use Permit (CUP)
- Vesting Tentative Map (VTM)

3.2.1 Community Plan Amendment/Atlas Specific Plan Amendment

The Mission Valley Community Plan designates the site as Commercial Recreation and identifies the property as most likely to develop under the multiple use development option identified in the Plan. The project site is located within the Atlas Specific Plan area. A Community Plan Amendment is required to remove the project site from the Atlas Specific Plan area. A Specific Plan Amendment would be processed as part of the project and would remove the project site from the Atlas Specific Plan area. The site would remain designated as Commercial Recreation after the Community Plan/Specific Plan Amendments.

3.2.2 Rezone

The site is currently zoned as MVPD-MV-M/SP (Multiple Use Zone in a Specific Plan). As the project would remove the site from the Atlas Specific Plan through a Community Plan Amendment, the site would be rezoned to MVPD-MV-CV (commercial-visitor). The MVPD-MV-CV zone was developed though the Mission Valley Planned District Ordinance (Land Development Code §1514) and allows for office, hotel and retail commercial uses with well landscaped sites and a wide variety of distinctive architectural styles. This zone is primarily intended to provide for establishments catering to the lodging, dining, and shopping needs of visitors. Pursuant to the commercial-visitor zone guidelines for discretionary review, the project would provide the following:

- A continuation of the commercial recreation, retail, and office land use emphasis, but with a mix of uses.
- Provision of new neighborhood retail shopping.

- A pedestrian orientation;
- Provision of a site design that relates the project physically and visually to existing development by providing pedestrian paths and complementary landscaping and architecture.
- A complementary architectural design and appearance throughout the entire project site.

3.2.3 Site Development Permit

A Site Development Permit is required <u>per Municipal Code Chapter 14</u>, <u>Article 3</u>, <u>Division 1 because the project proposes (1) a less than 40-foot separation distance from Steep Hillsides and (2) a less than 100-foot separation from sensitive biological resources. In addition, the project requires a Mission Valley Development Permit due to the project ADT, which is processed as a Site Development Permit (Municipal Code Section 1514.0301). Refer to EIR Section 4.1 for additional information. to allow for the project's Hillside Subdistrict exception and the City's Environmentally Sensitive Lands (ESL) deviation. Exceptions and deviations may be allowed by the City if findings can be made.</u>

The Hillside Subdistrict exception is required for the proposed structures exceeding the 40-foot finished grade height limit and steep slope encroachment. As the project would (1) preserve the natural hillside vegetation and topography, (2) re-contour graded areas into a naturalistic form and re-vegetate with native plants, and (3) retain a minimum 30-foot-wide open public view corridor through the site to the hillside, it would be consistent with the findings requirement to allow the proposed Hillside Subdistrict exception.

Per ESL regulations, no encroachment into ESL steep slopes is typically allowed. However, deviations may be allowed under certain conditions. The project would encroach into 1.6 acres of steep slopes. Encroachment into ESL areas would be necessary to complete the proposed project due to (1) the City requirement to provide frontage dedication toward the Hotel Circle South improvements and a greenbelt along Hotel Circle South, which would push the proposed development further south, (2) the need to provide adequate fire truck access along the southern perimeter of the structures, (3) the requirement to relocate public sewer and storm drain systems with a required access easement located in the southern hillside, and (4) the need to improve a maintenance access road to existing and proposed utilities within the hillside area.

3.2.4 Planned Development Permit

As the project proposes retaining walls that are over 9 feet within the required yard and over 12 feet outside of the required yard, the project requires a Planned Development

Permit in accordance with San Diego Municipal Code Section 126.0602(b)(1). Refer to Table 3-3 for additional information.

3.2.5 Conditional Use Permit

A Conditional Use Permit is included in the project in order to accommodate "religious uses" <u>and a 500-seat theater (that exceeds 5,000 square feet)</u> proposed on-site within the MV-MV-CV base zone (San Diego Municipal Code Section 1514.0305).

3.2.65 Vesting Tentative Map

A Vesting Tentative Map is included in the project to create fractional ownership timeshare lodging units<u>divide the parcel into five lots, abandonment of public service easements, and proposes recreational pathways within areas containing ESL</u>.

3.3 Project Overview1

The individual project components are shown on Figure 3-1 and Table 3-1. At the time the Notice of Preparation was completed, the 18.1-acre site was developed with a 202room hotel with banquet halls, a 1,200-square-foot mini-mart, 150-seat restaurant, and a 28,000-square-foot health club (closed). It is noted that an 8-pump gas station was located on-site previously, but was removed prior to the issuance of the Notice of Preparation. The project would involve demolition of the existing structures, grading, and construction of the Legacy International Center. Legacy International Center components would include a the "Legacy Vision Center" building with a welcoming center, catacombs, a dome theater, a museum, a gallery, and retail; catacombs, history center, the "Ppavilion" building with a restaurant, gift shops, a learning center, a theater, executive offices, and a wellness center; the "Legacy Village Hotel" building containing 127 guest suites, a restaurant, and a wellness center; timeshare village, executive offices, amphitheater, and the central plaza with a souk, water feature and a wailing wall. To support these uses, other religious and inspirational features, parking, landscaping, and infrastructure improvements are also proposed. A detailed description of the project is provided below.

¹ It is noted that the proposed project totaled 532,178 square feet in the Draft EIR and was reduced to 306,879 square feet in the Final EIR. This 225,299-square-foot project reduction included the elimination of the amphitheater and a reduction in size of all other uses; infrastructure and landscaping modifications to address the reduced size and layout; and a minor reduction in graded area along the southern slope.





3.0 Project Description

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3.4 Description of Project Components

3.4.1 Buildings

The project includes six five buildings (including the Souk), five four of which would be constructed in the northern, flatter portion of the site nearest to Hotel Circle South and one would be placed adjacent to the hillside in the southern portion of the site. The proposed buildings would be unified by architectural style. As discussed below, tThe various buildings would range in height from subterranean to a maximum of 65 feet in heighttwo to five stories. This section describes each of the proposed buildings on-site, with the exception of the parking structure (Building 4), which is described in EIR Section 4.2.3, Parking.

TABLE 3-1 PROJECT COMPONENTS

Use	Square Feet
Building 1 - Legacy Vision Center	
Welcome Center - Grand Lobby /Reception	<u>8,459</u>
History Dome Theater/Museum/Other	6,206
Exhibit Gallery	<u>16,185</u>
<u>Retail</u>	<u>1,096</u>
<u>Catacombs</u>	<u>3,390</u>
<u>Circulation</u>	<u>1,137</u>
Back-of-house	<u>4,598</u>
<u>Subtotal</u>	<u>41,071</u>
Building 2 - Pavilion	
<u>Theater</u>	<u>12,106</u>
Grand Lobby	<u>2,828</u>
<u>Learning Center</u>	<u>13,844</u>
<u>Restaurant</u>	<u>4,719</u>
Executive Offices	<u>16,801</u>
<u>Retail</u>	<u>1,052</u>
Back-of-house /Circulation	<u>12,097</u>
<u>Subtotal</u>	<u>63,447</u>
Building 3 - Legacy Village Hotel	
<u>Hotel</u>	<u>81,753</u>
<u>Restaurant</u>	<u>3,850</u>
Wellness Center	<u>2,517</u>
<u>Subtotal</u>	<u>88,120</u>
Building 4 - Parking Structure	
Parking Structure	<u>106,458</u>
Building 5 - Souk	
Souk (Retail)	<u>7,783</u>
Outdoor Ancillary Uses	
<u>City Plaza</u>	<u>=</u>
Central Plaza	<u>=</u>
<u>Wailing Wall</u>	<u>=</u>
<u>Water Feature</u>	<u> </u>
<u>Prayer Garden</u>	<u>=</u>
<u>Pedestrian Trail</u>	<u> </u>
<u>TOTAL</u>	<u>306,879</u>

TABLE 3-1 PROJECT COMPONENTS

	Units/Seats/	
Component	Spaces	Square Feet
Buildings & Project Components		
1. Welcoming Center Building		
1 st Floor - Foyer, Reception/Registration	-	10,717
Basement - Presentation Gallery	-	6,295
Subtotal		17,012
2. "History Dome" Theater Building		
1 st Floor - Artifact Museum	-	9,791*
2 nd -Floor – "History Dome" Theater	330 seats	19,650
— Subtotal		29,940
3. Catacombs - Retail and Learning Center		5,992
4. Pavilion		,
Learning Center	_	39,432
Retail (Gift Shops)	_	15,000
— Grand Foyer	_	6,000
Restaurant	-	10,000
Theater (TV Studio and Theater)	500 seats	13,986
Wellness Center (Spa, Gym, Hair Salon, & Therapy)		20,686
Subtotal		105,104
5. Legacy Village (Timeshare)	127 units	136,160
6. Executive Offices	_	21,240**
Buildings Total	-	315,448
Other Project Components		
9. Amphitheater	300 seats	6,889
10. Outdoor Olympic Pool		,
11. Timeshare Pool		
12. Water Feature "Dancing Waters of Life"	_	-
13. Western Wall	-	_
14. Entry Arches	_	_
15. Central Plaza (Retail and Information Kiosks)	_	8,200
17. Mountainside Trails	_	_
Parking		
7. Subterranean Parking w/ Pedestrian Entrance (#16)	314	114,113**
8. Parking Structure	280	93,940
Surface Parking	195	_
Village – Subterranean	82	***
Offices - Subterranean	7	**
Parking Total	878	242,961
Buildings and Parking Structure Total	1	532,178

^{*} Note that the primary use of this structure is the theater, and the museum is an ancillary use.

^{**}The executive offices building would include 4,846 sf of warehouse storage area, but this storage is located in the subterranean parking level and is included in component #7 only to prevent double counting.

***The subterranean parking areas associated with the village (27,232 square feet) and the executive offices (7,676 square feet) are included in the building area above and not included herein to prevent double counting.

Buildings would typically include Jerusalem stone facades along the lower portions with stucco along the upper portions. A portion of the roofs would be domes, with either glass and steel or gold-toned shotcrete and stucco fabrication. Pillars (with formal pedestals, columns, and capitols) and archways would also be used throughout the proposed buildings. All rooftop and ground level equipment would be screened. The following paragraphs provide descriptions of each individual project component, each feature being keyed to the numbering system used in Figure 3-1.

3.4.1.1 Welcoming Legacy Vision Center (Component Building 1)

The 17,01241,071-square-foot welcoming Legacy Vision center would be a two-level circular—building in the northeastern portion of the site. The building would contain the welcome center and grand lobby, the history dome theater/artifact museum/exhibit gallery/retail shop, and the catacombs. welcoming center would include of a foyer and reception/registration on the first floor, and a gallery in the lower level. This rotunda-style building would have a 177-foot diameter and would be 65 feet tall. The lower level would connect to the replica catacombs, which are discussed below.

3.4.1.2 History Dome Theater Building (Component 2)

The 54-foot-tall, 29,940-square-foot history center (a.k.a., History Dome) would be centrally located on-site. This building would include an interior dome for a 360-degree theater. The theater would include state-of-the-art technology with a motion sensory floor and seating. The theater would begin on the lower level and would extend into the central area of the first floor. The artifact museum on the first floor would extend along the perimeter of the dome. The lower level would connect to the replica catacombs.

3.4.1.3 Catacombs (Component 3)

The catacombs would be subterranean caverns with 16-foot ceilings and total approximately 7,200 square feet. They would be located between the welcoming center and the history center with ingress and egress provided from both buildings. The catacombs would be a replica of the ancient catacombs in Jerusalem and Rome and would be open daily to the public.

3.4.1.42 Pavilion (Component 4Building 2)

The proposed <u>two-level</u> <u>105,10463,447</u>-square-foot <u>pP</u>avilion <u>building</u> would be located in <u>the</u> western area of the site <u>and would include three visually separate areas</u>. <u>The</u>

Pavilion would contain its own grand lobby, as well as a theater, a learning center (with a library and a prayer center), retail, and a restaurant. The upper floor would contain the executive offices. The largest area in the eastern portion of the building would include the learning center, retail gift shops, grand foyer, and restaurant. This area would include three floors, and the dome atop this area would make the portion of the building up to 65 feet tall. The central building area would include the 500-seat theater as well as a television studio. The western portion of the building nearest the outdoor Olympic pool would include the wellness center. The wellness center is proposed to include a spa, gym, hair salon, and meditation area. Both the central and western portions of the building would be two floors and would have domes that result in a total building height of 50 feet.

3.4.1.53 Legacy Village Timeshares Component 5 Hotel (Building 3)

The timeshare Legacy vVillage Hotel would include 127 timeshare/lodginghotel units within a five-story building. The village would be located in the southern area of the site at a higher elevation than the other buildings and would be furthest from Hotel Circle South. The building would include three wings and approximately 136,200 total square feeta 3,850-square-foot restaurant, as well as a 2,517-square-foot wellness center with spa, fitness, and therapy areas. The building with parapets would be 65 feet in height (1134 feet above mean sea level). The units would range in size from 421 to 2,385 square feet, although most units (123 units) would be less than 1,000 square feet. A total of 48 studios, 48 one-bedroom units, and 34 two-bedroom units would be provided. In addition to the timeshare hotel units, the village would include retail uses, offices, laundry and housekeeping areas. Retail uses may include a cafe, a bistro restaurant, and a sundries shop. Outdoor recreational amenities associated with the village include a tennis court, pool, and spa.

3.4.1.4 **Souk (Building 5)**

The 7,783-square-foot souk, or outdoor open-air market, would include a non-permanent kiosk for retail and informational uses. While the souk is currently planned to be an outdoor use, the project may ultimately include enclosed structures.

3.4.1.6 Executive Offices (Component 6)

The executive office building would be three stories and would include a dome. With the dome, the building would be 59 feet tall (113 feet above mean sea level). This rectangular building would be approximately 67 feet by 128 feet and would total approximately 23,000 square feet. The executive offices would be located in the eastern portion of the site.

3.4.1.7 Amphitheater (Component 9)

The approximately 7,000-square-foot outdoor amphitheater would have 300 seats and would be located in the center of the site, immediately south of the central plaza. The upper stepped seating area would be built into the lower portion of the southern hillside where it meets the flat portion of the site. The lower seating area near the raised stage would consist of moveable folding chairs. The raised stage would be approximately 470 feet wide.

3.4.2 <u>Outdoor Ancillary Uses Religious/Inspirational</u> and Other Features (Components 7, 8, 11, and 16)

As the project's purpose is to provide a destination for religious tourism, the project includes several community, religious and inspirational features. These features consist of a central plaza, city plaza, such as entry arches, a replica wailing wall, and a large water feature, a prayer garden, and a pedestrian trail. The city plaza and central plaza would be open areas that would allow for informal outdoor community space and to encourage pedestrian circulation between project components. The western wailing wall and a water feature would be located adjacent to these plazas. In addition to serving as an aesthetic feature, the 2,542-square-foot water feature would be utilized for meditation and reflection purposes. The water feature would include light-emitting diode (LED) lighting effects, and could be used without water during state-mandated water conservation drought conditions. The prayer garden would be located to the east of the Legacy Vision Center, and would include a meandering path and heavy landscaping. In addition, there would be, and an informational a pedestrian trail culminating in a vista (viewing area) along the south side of the site within the portion of the hillside that has been previously disturbed due to a sewer bench. These features are considered ancillary uses.

3.4.2.1 Olympic Pool (Component 10)

An Olympic sized swimming pool would be located west of the Training Center Pavilion and south of the five-story parking structure. The pool would be an accessory use to the adjacent wellness center.

3.4.2.2 Legacy Village Timeshare Lagoon Pool (Component 11)

The lagoon pool would be a recreational amenity that is an accessory use to the adjacent five-story timeshare Legacy Village building.

3.4.2.3 Water Feature (Component 12)

The approximately 270-by-100-foot water feature in the northern project area would include a stair-stepped low-flow waterfall with light-emitting diode (LED) lighting effects

(Figure 3-2). The water feature could be used with or without water. The computerized LED sequential lighting system in conjunction with the blue tile surface of the feature would provide waterfall effects at night during periods of drought. During non-drought periods when the water is flowing, this project component would feature cascading water in the center and jets for "dancing" water displays up to 14 feet in height. On January 17, 2014 proclaimed a State of Emergency and directed state officials to take all necessary actions to make water immediately available; then on April 1, 2015, the governor issued Executive Order B-29-15 – including a key provision ordering the State Water Resources Control Board to impose restrictions to achieve a 25 percent reduction in potable urban water usage through February 28, 2016. Therefore, the drought conditions regarding the proposed water feature shall apply until the emergency has been lifted.

3.4.2.4 Western Wall (Component 13)

The 40-foot-long and 20-foot-tall replica wailing wall would be located in the eastern portion of the site, just east of the history center.

3.4.2.5 Entry Arches (Component 14)

The 40-foot-tall triumph arches would be located over both access driveways along Hotel Circle South. These arches would span the 30-foot project driveways and would be intended to emphasize the project entrances.

3.4.2.6 Central Plaza (Component 15)

The central plaza would be located in the center of the site. Retail and informational kiosks would be included in an open-air village market setting. The plaza would cover an 8,200-square-foot area.

3.4.2.7 Mountainside Trails (Component 17)

The project would improve existing trails that are located in the southern area of the project site along an existing sewer easement. The trail would also act as a utility maintenance access road. Due to the need to accommodate vehicles, the trail would be graded and 8 feet wide and surfaced with decomposed granite. This trail would be a part of the pedestrian network that connects Hotel Circle South to trails to the south, as described further in Section 3.4.8 below.

3.4.3 Parking (Building 4 and Surface Lots) (Components 7 and 8)

The project would exceed the minimum of 524 parking stalls (approximately 300 in the parking structure and 224 surface stalls), with a target of 665 spaces. The project includes a total of 878–659 parking spaces consisting of surface parking, subsurface parking, and a parking structure. A total of 195–224 surface parking spaces (including 15 accessible and 4 van accessible spaces) would be provided throughout the site.

Subterranean parking would be located under the surface parking area to the north of the Pavilion (314 spaces), under the village (82 spaces), and under the executive offices (7 spaces). The main subterranean parking structure (Component 7) would include a pedestrian entrance (elevator and spiral staircase) through a small rotunda structure located between the welcoming center and the history center. The proposed 300280 to 435-space parking structure (Component 8) would include four up to three levels above ground and a subterranean level, and would be located in the southwestern portion of the site near the western entrance. It is noted that all subsurface parking would be flood-proofed. Of the total 878 parking spaces provided, 18 of the spaces would be for disabled persons in accordance with the California Building Code. The project would also provide bicycle parking (35 spaces), and a strip of motorcycle parking (17 spaces) near the eastern driveway.

3.4.4 Lighting

Several types of lighting would be included within the project, including security lighting, landscape lighting, and structure lighting.

Security lighting would be installed within parking lots and loading docks and along walkways and the access road to provide safety to pedestrians and employees at night. Parking lot lighting would include low-pressure sodium bulbs, which would be shielded and oriented downward.

Landscape lighting would be included with the <u>linear parklandscaping</u> along the project's frontage, around the swimming pool at the <u>timeshare towerhotel building</u>, and within other dispersed landscaped areas throughout the project site. Landscape lighting would be comprised of low-intensity ground-level lights to accent plantings and provide a safe path of travel for pedestrians.

The proposed structures would include some accent/up-lighting in connection with building columns and the fencing atop the parking structure. The arches of triumph along each entrance would receive up-lighting as well. No signage lighting or spot lights would be employed.

All lighting would comply with the City's Municipal Code, including Section 1514.0407, Lighting, that specifically applies to the Mission Valley area. Municipal Code Section 1514.0407 states "[a]ny artificial lighting shall be directed or shaded so as not to fall onto adjacent properties not held in the same ownership." Further, lighting would be shielded to prevent spillage into the Multi-Habitat Preservation Area in accordance with the Multi-Habitat Preservation Area Land Use Adjacency Guidelines.

3.4.5 Demolition, Grading and Construction

The project would involve the demolition of the existing hotel, grading, and construction. Proposed activities would disturb approximately 13 acres of the 18.1-acre site and would be focused in the existing developed area. Demolition and construction activities would take approximately 18 months to complete. A breakdown of the estimated demolition and construction schedule is shown in Table 3-2.

TABLE 3-2
DEMOLITION AND CONSTRUCTION SCHEDULE

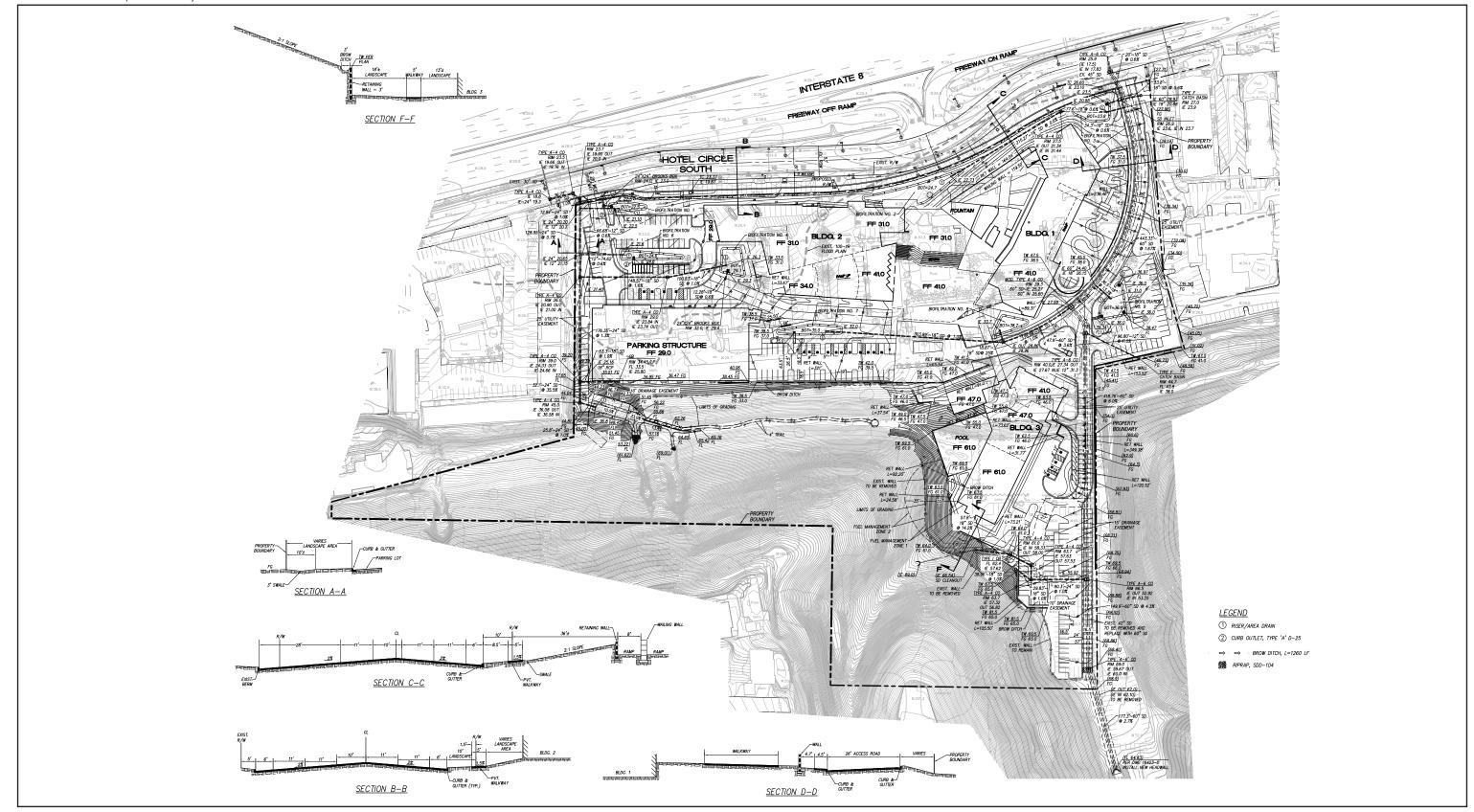
	Length*
Phase	(Days)
Demolition	20
Site Preparation	10
Grading	30
Building Construction	300
Paving	20
Architectural Coating	300

^{*}It is noted that phases would overlap (e.g., portions of phases may occur simultaneously).

Grading for the project is illustrated on Figure 3-23. Grading would include 51,420 cubic yards of cut and 53,398 cubic yards of fill, which would not result in an export of cut material. Maximum cut depths would be 27 feet and maximum fill depths would be 14 feet.

To minimize grading, the project would include several retaining walls (Table 3-3; see Figure 3-23). Retaining walls would be located along the western and northeastern side of the village area, to the south of the pavilion and history center, between the history center and the executive offices, and to the north and east of the welcoming center. Retaining walls would range from 0.5 to 17.52 to 16 feet tall and from 18 to 400 11 to 480 feet long. The four tallest proposed walls would exceed the City's Municipal Code Section 142.0340 height limits and would require a Planned Development Permit, as mentioned in EIR Section 3.2.4. The largest retaining wall would be located to the west of the village. To minimize its height and appearance and accommodate the maintenance access road, the walls located to the west of the village would be terraced (see Figure 3-3, cross section G-G).

The proposed grading and construction activities would follow the recommendations of the geotechnical investigation (Appendix G-1) and associated amendments (Appendixes G-2 to G-4). These project design measures include technical specifications for remedial earthwork, grading techniques (engineered fill, temporary excavations, keyways and benching, etc.), slope protection, erosion control, drainage, retaining walls, pavement, seismic design parameters for structures, driven piles, and foundations (deep and shallow). Ultimately, the project would be conditioned to adhere to the City-approved final geotechnical investigation report recommendations.





3.0 Project Description

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TABLE 3-3 RETAINING WALL HEIGHTS AND LENGTHS

		<u>Height</u>	Length
<u>#</u> 1	Wall Location	(feet)	(linear feet)
<u>1</u>	West of the Pavilion (Building 2)	<u>3</u>	<u>30</u>
<u>2</u>	Southwest of the Pavilion (Building 2)	<u>2</u>	<u>25</u>
<u>3</u>	Southwest of the Pavilion (Building 2)	<u>2</u>	<u>18</u>
<u>4</u>	South of the Pavilion (Building 2), along the southern slope	<u>5</u>	<u>400</u>
<u>5</u>	West of the Legacy Village Hotel (Building 3), along the southern slope	<u>0.5 – 4</u>	<u>40</u>
<u>6</u>	West of the Legacy Village Hotel (Building 3), along the southern slope	<u>1.0 – 8.5</u>	<u>75</u>
<u>7</u>	West of the Legacy Village Hotel (Building 3), along the southern slope	<u>1.5 – 3</u>	<u>100</u>
<u>8</u>	West of the Legacy Village Hotel (Building 3), along the southern slope	<u>3 – 7.5</u>	<u>90</u>
<u>9</u>	West of the Legacy Village Hotel (Building 3), along the southern slope	<u>1.0 – 4.5</u>	<u>25</u>
<u>10</u>	West of the Legacy Village Hotel (Building 3), along the southern slope	<u>2.5 - 4</u>	<u>75</u>
<u>11</u>	West of the Legacy Village Hotel (Building 3), along the southern slope and drive aisle within the side yard	<u>0.5 – 13.5¹</u>	<u>105</u>
<u>12</u>	East of the Legacy Village Hotel (Building 3), along the eastern property line within the side yard	4.0-14.0 ¹	<u>350</u>
<u>13</u>	East of the Legacy Village Hotel (Building 3), along the eastern property line within the side yard	<u>0.8 – 5</u>	<u>150</u>
<u>14</u>	West of the Legacy Vision Center (Building 1)	<u>1.5</u>	<u>165</u>
<u>15</u>	East of the Legacy Village Hotel (Building 3), along the driveway	<u>1.0 – 17.5</u> ²	<u>120</u>
<u>16</u>	East of the Legacy Village Hotel (Building 3), along the driveway	16.5 ²	<u>32</u>

Exceeds the City's Municipal Code Section 142.0340(f)(3) 9-foot side yard retaining wall height limit, and requires a Planned Development Permit.

Exceeds the City's Municipal Code Section 142.0340(e) 12-foot height limit for walls outside of a required yard, and requires a Planned Development Permit.

TABLE 3-3 RETAINING WALL HEIGHTS AND LENGTHS

	Wall Logotion	Hoight	Longth
#	Wall Location	Height	Length
1	South of the Pavilion	11	400
2	West of the Village	9	122
3	West of the Village	10	300
4	West of the Village	12	200
5	West of the Village	12	480
6	West of the Village	8	160
7	Northeast of the Village	3	78
8	Northeast of the Village	16	80
9	Northeast of the Village	16	42
10	South of the History Center	2	57
11	East of the History Center	10	96
12	East of the Executive Offices	6	107
13	East of the Welcoming Center and	4	80
	Motorcycle Parking		
14	Northeast of the Welcoming Center	4	30
15	North of the Welcoming Center	4	112
16	North of the Welcoming Center	4	161
17	Southwest of the Executive Offices	5	11

3.4.6 Infrastructure

As possible, the project would use existing infrastructure. However, additional infrastructure improvements would be required to service the project. The project includes the following infrastructure improvements: access changes, frontage improvements to Hotel Circle South, sewer connections, water line upgrades and connections, and storm drain improvements. It is noted that the project would include easement changes that correspond to these physical improvements, but the easement changes themselves would not alter physical environmental conditions and are therefore not addressed further herein.

3.4.6.1 Storm Drain

The project proposes improvements to the existing site drainage system, as existing flows that are discharged to the site from the south result in drainage issues and upgrades are required to comply with current regulations (see Figure 3-23). The project proposes to replace the existing 42-inch storm drain that primarily collects flows from the off-site area to the south with a 60-inch RCP storm drain and a headwall to resolve the existing drainage issue. A portion of these improvements would be located off-site to the south. The other on-site stormdrains would be 24-inch and 30-inch reinforced concrete pipes. Sheet flows from the undeveloped southern slopes would be directed through brow ditches into the storm drain system. Two storm drain collection lines would be extended partially up the southwestern slope to meet with two incised drainages that currently convey runoff from the south. The village, executive offices, welcoming center, and central surface parking lot area runoff would be directed into the upgraded 60-inch reinforced concrete pipe located in the eastern area of the site. The remaining runoff from the pavilion, history center, central plaza, water feature area, and parking structure would be directed to the main western storm drain line. Ultimately, flows that traverse the site would continue to be discharged into the two storm drain system lines in Hotel Circle South that go under Interstate 8 to the San Diego River. No improvements to the downstream off-site storm drain would be required or included in the project.

To control pollutants discharged in runoff, the project includes construction and operational Best Management Practices (BMPs) and Low Impact Development features. Construction BMPs would be determined in the future through the preparation of a Storm Water Pollution Prevention Plans required by the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activities. Those construction BMPs are anticipated to include desilting basins, silt fences, gravel bags, fiber rolls, and other erosion control measures. Operational BMPs would include the protection of the steep hillsides, minimization of impervious area, efficient irrigation and landscaping, proper trash storage areas, pest management principles, storm drain signage and stenciling, covered parking, air

conditioning condensation management, use of non-toxic roofing materials, filtration vaults, and a bioretention area. The project would also include long-term maintenance of these operational BMPs and Low Impact Development features to provide on-going storm water runoff management through an Operations and Management Plan consistent with the City's Municipal Code.

3.4.6.2 Sewer

The on-site sewer system includes two new sewer lines, one new line in the northern half of the site and one new line in the timeshare area of the site (Figure 3-34). The new northern line would connect to the existing 8-inch sewer line that runs along the western site boundary and would extend though the parking structure and the main parking area to connect to the pavilion, welcoming center, history center, and executive offices. The new southern line would extend from the south along the western side of the proposed timeshare building and would connect to the existing sewer line that extends through the open space area. The existing lines that extend along the western side of the site and through the open space would be retained. As the existing off-site sewer system can adequately handle the increase, no additional off-site sewer improvements are included in the project. Refer to Section 4.14 for additional information.

3.4.6.3 Water

The site is within the City of San Diego University Heights 390 Pressure Zone water system. The proposed private water system would include domestic and fire protections service (see Figure 3-34). The project would upgrade the existing 8-inch water main in Hotel Circle South along the project frontage to 12 inches. The existing 8-inch line that connects the 30-inch Alvarado line to the existing 8-inch Hotel Circle line would also be upgraded to 12 inches. The proposed on-site fire service line would connect to an upgraded line at the northern corners of the project site and provide service to the site through a looped water line system. On-site domestic services would be provided through two lateral line connections also located in the northwestern and northeastern corners of the site. These on-site waterlines would extend through the internal roadways to proposed buildings. The project would include individual pressure regulators within buildings to ensure proper water pressure in compliance with the Uniform Plumbing Code.





3.0 Project Description

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3.4.6.4 Pedestrian Access and Circulation

The pedestrian circulation plan is shown on Figure 3-5.4 Walkways would connect all internal uses, as well as provide a connection from the non-contiguous sidewalk along Hotel Circle South to the trails to theuses in the southern portions of the site. The internal connections would include Americans with Disabilities Act (ADA) accessible pedestrian paths between buildings typical of existing developments in the area, as well as subsurface connections between buildings, meandering paths along the project frontage and the timeshare area, and an ADA accessible ramp between the lower portion of the site and the village hotel area. In addition, there would be a trail along the undeveloped canyon area that would not be ADA accessible; however, as a recreational trail, it is not required for access to any of the proposed buildings.

The formal public pedestrian connections provided by the project would extend from two locations on Hotel Circle South to connect with off-site trails to the south. More specifically, the western pedestrian path would initiate at the northwestern corner of the site, extend along the western boundary, follow the on-site trail along the southern slope, and would have an option to either go through the timeshare area to the southeastern corner of the site or to go through an existing hiking trail that connects off-site to Goldfinch Street. The eastern pedestrian path would extend from the northeastern corner of the property, through the center area of the site, up the ADA ramp, and through the timeshare area to the southeastern corner of the site.

Internal walkway surfaces would vary depending on their location within the site, and would include concrete, stepping stones, and decorative paving. Decorative paving patterns would be specifically used in the parking lot areas to distinguish pedestrian paths within vehicle use areas. Meandering stones through the timeshare area would be used to match the garden atmosphere. The informational/hiking trail would be surfaced with decomposed granite. The varied path surfaces and scenery promotes visual interest as well as pedestrian use.

3.4.6.5 Vehicular Access

Currently the site can be accessed at four <u>existing driveway</u> locations on Hotel Circle South. The project would <u>closeinclude</u> two driveways <u>and have two</u> access points on Hotel Circle South; one on the northwestern corner of the site and one at the northeastern corner of the site (Figure 3-<u>56</u>). The western entrance would provide vehicular public access to the <u>northern entrance of the parking structure and to the surface parking in frontwest</u> of the pavilion. In addition, the western driveway would provide access to the fire lane that extends from the western site driveway along the southern site perimeter to a <u>25-foot diameter turnaround in front of the executive offices</u> all the way through the site to the eastern access. The eastern access would

immediately lead to the 25-foot diameter turnaround, which allows drivers to either turn around, head west to access the subsurface parking at the pavilion, or head south. the hotel where drivers can either drop-off in front of the building or drive around the building to the rear surface parking lot. The eastern driveway connection to the south would provide access to surface parking in the eastern portion of the site, the executive offices' underground parking, a connection to the turnaround in front of the executive offices, and would extend to the village area also connects to the through route, which circles through the site through the eastern entrance to the parking structure before connecting to the western access. Signage will be provided indicating that drivers can go from one driveway to the other without having to use Hotel Circle South (see Figure 3-1).

It is noted that an existing parking lot is directly south of the site that is currently only accessible via the project site (see Figure 2-3). The project would not modify that off-site lot, and no access rights through the site to that lot exist. After project implementation, the off-site lot would not be accessible by vehicles. This parking lot was leased to Frog's Gym by the adjacent property owner with conditions that do not allow for future access once the lease period is over. Also, this adjacent parcel is intended for open space 2 and is not expected to require future site access.

3.4.6.6 Frontage Roadway (Hotel Circle South)

Improvements to Hotel Circle South along the project frontage would entail widening the roadway from the existing two-lane roadway to its classification of a four-lane Collector (Figure 3-6). This includes an additional eastbound and westbound travel lanes and transition to the existing conditions at the western and eastern limits of the site. The proposed travel lanes would be typically 11 feet wide, but would be wider where the freeway on-ramp turn is located. Dedicated turn lanes for eastbound traffic would be located at the freeway on-ramp and at the eastern project driveway, and westbound dedicated turn lanes would be provided at the freeway on-ramp and into the project's western project driveway. The existing bike lanes would be retained, but would be widened from their existing 3 to 4-foot width up to a 6-foot width. The project would also provide for a bus stop along Hotel Circle South, adjacent to the Pavilion building. Refer to Figure 3-6 for additional roadway improvement details. As a part of this, the project would provide up to 28-feet (varies) of its frontage to accommodate the additional Hotel Circle South lanes.

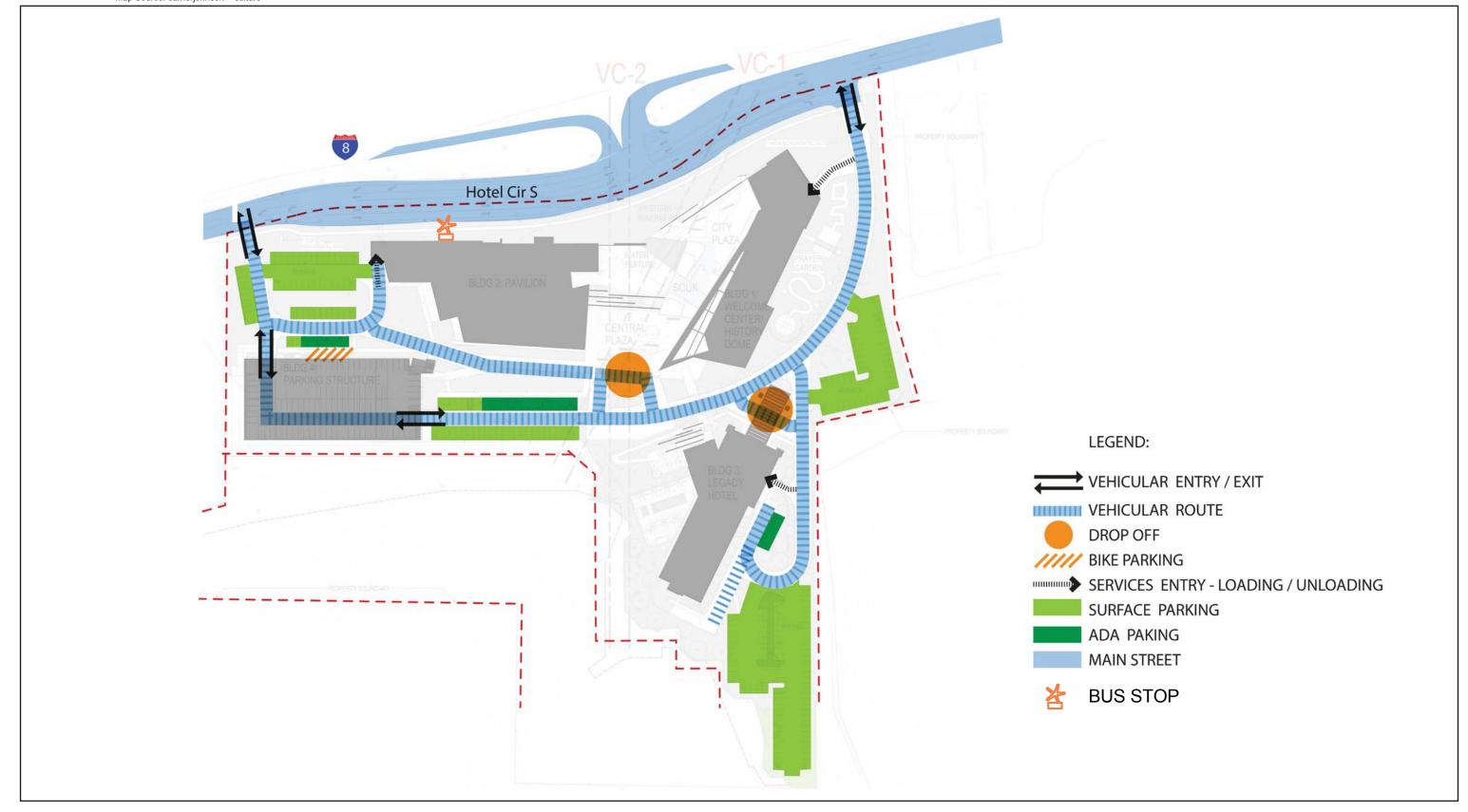
²The majority of this site is in the MHPA (see Figure 4.1-1) and includes steep slopes (see General Plan Figure CE-1).





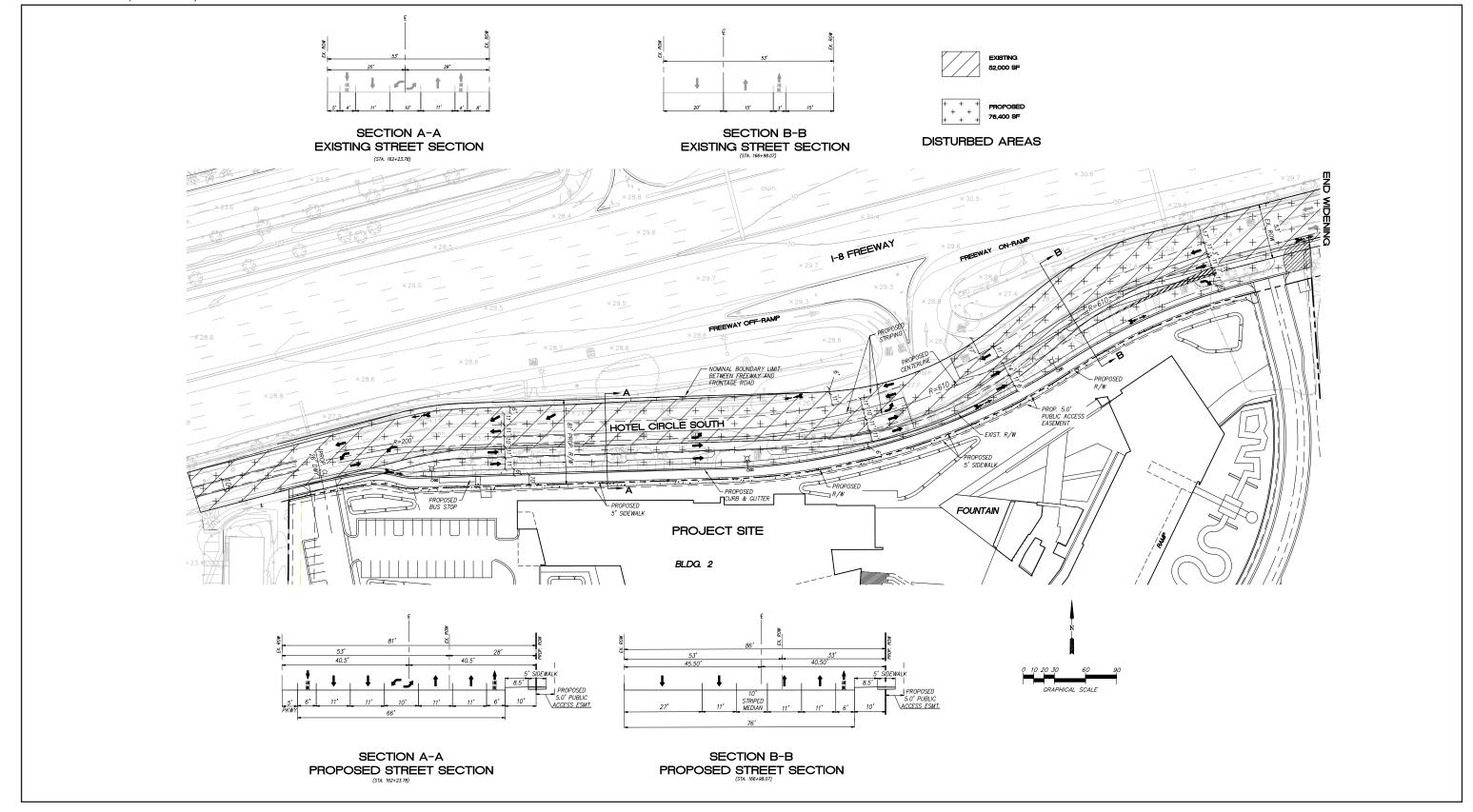
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3.0 Project Description





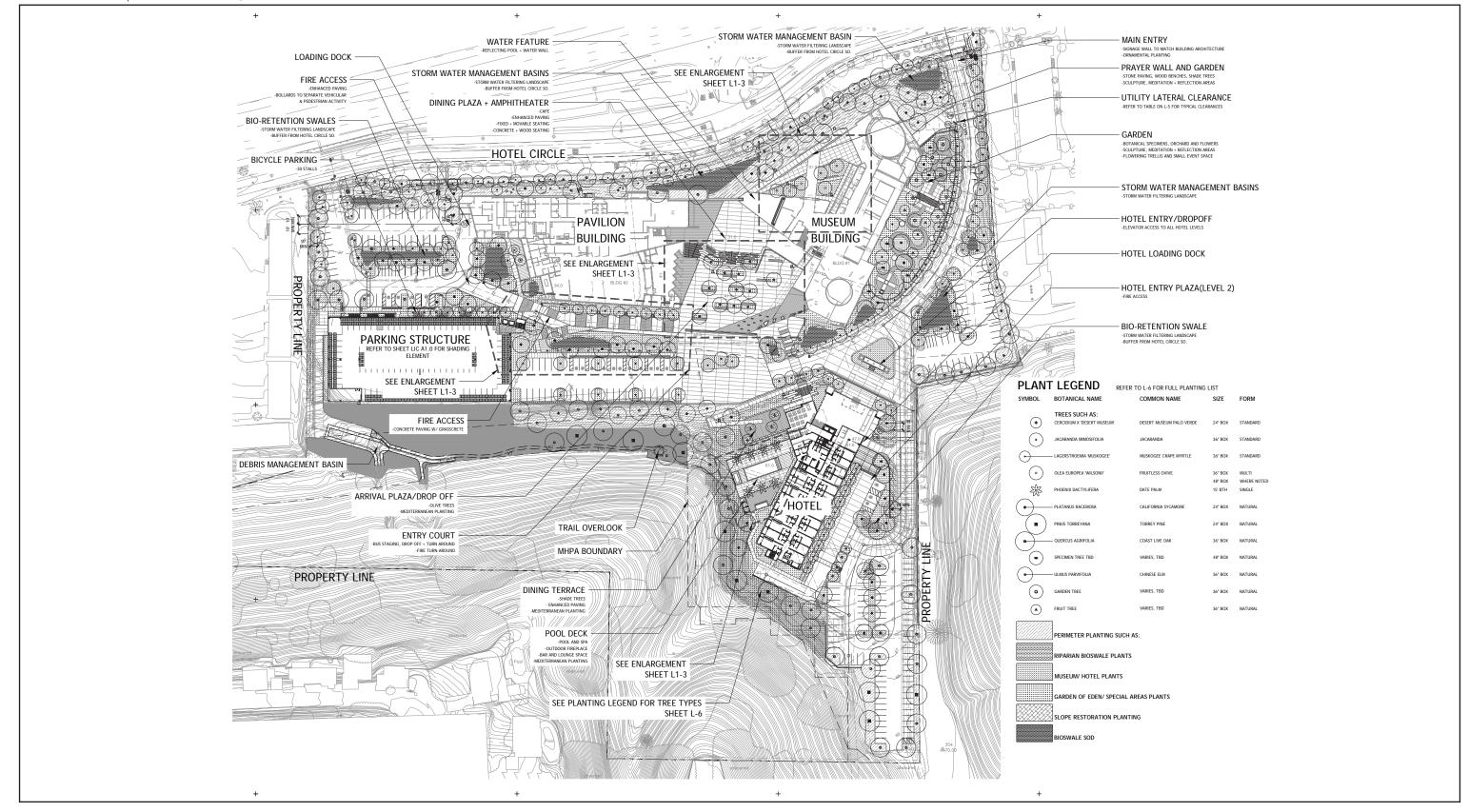
3.0 Project Description

3.4.7 Landscaping and Brush Management

The project would include heavy landscaping adjacent to Hotel Circle South (linear greenbelt), throughout the parking lot, and around the village timeshare. Garden-like areas are specifically proposed around the pools at the wellness center and village, as well as behind the executive offices. Landscaping is also focused along walkways to promote pedestrian use. Landscape screening of retaining walls and landscaping within the parking areas would also be provided. Proposed landscaping includes a variety of groundcover, shrubs, vines, grass, and tree species. The landscape plan and plant palate are detailed on Figures 3-7a and 3-7b, respectively.

As the project includes structures located within 100-feet of natural vegetation, the project is required to include brush management. The brush management plan is shown on Figure 3-8. There are two zones of vegetation in the brush management plan. Brush management Zone 1 (BMZ 1; 35 to 79-foot width) would be designed to be the least flammable area around the proposed structures, with permanently irrigated ornamental planting consisting of turf and low-growing shrubs that would not exceed 4 feet in height. Brush management Zone 2 (BMZ 2; zero to 65-foot width) planting would be composed of thinned native or non-irrigated vegetation. Brush management alternatives would be completed at an area where a 100-foot brush management zone is not possible due to the property line limits along the eastern property line. The equivalent fire protection measures in areas of reduced brush management zones are proposed to include extended BMZ 1 areas and fire-rated building faces on Buildings 3, 4, and 61, 2, and 3 (Figure 3-8). The proposed brush management plan would comply with the City's brush management requirements.

3.0 Project Description





3.0 Project Description

LANTING PLAN L-1 MON NAME SIZE MUSEUM PALO VERDE 24° BOX NIDA 36° BOX GEE CRAPE MYRTLE 36° BOX 48° BOX 48° BOX ALM 15° BTH RINIA SYCAMORE 24° BOX V PINE 24° BOX LIVE OAK 36° BOX TBD 48° BOX TBD 36° BOX TBD 36° BOX TBD 36° BOX TBD 36° BOX	FORM STANDARD STANDARD STANDARD MULTI WHERE NOTED SINGLE NATURAL NATURAL NATURAL NATURAL NATURAL	MATURE HEIGHT AND SPREAD 20' X 20' 30' X 30' 15' X 15' 25' X 30' 40' X 40' 40' X 35' 40' X 40'	ALOE SPP. AGAVE SPP. CACTUS SPP. FLOWERS SPP. FRUIT TREES SPECIES ORNAMENTAL GRASSES LAVANDULA SPP. ROSA SPP.	CIAL AREAS PLANTS SUCH AS: ALOE SPECIES AGAVE SPECIES CACTUS SPECIES FLOWER VARIETIES FRUIT VABIETY MIXED GRASSES LAVENDER SPECIES	1 GALLON 5 GALLON 5 GALLON 1 GALLON 15 GALLON	
MNDA 36° BOX GEE CRAPE MYRTLE 36° BOX ESS OVIVE 36° BOX 48° BOX ALM 15° BTH RINIA SYCAMORE 24° BOX V PINE 24° BOX LIVE OAK 36° BOX . TED 48° BOX E ELM 36° BOX	STANDARD STANDARD MULTI WHERE NOTED SINGLE NATURAL NATURAL NATURAL	20' X 20' 30' X 30' 15' X 15' 25' X 30' 40' X 40' 40' X 35'	ALOE SPP. AGAVE SPP. CACTUS SPP. FLOWERS SPP. FRUIT TREES SPECIES ORNAMENTAL GRASSES LAVANDULA SPP. ROSA SPP.	ALOE SPECIES AGAVE SPECIES CACTUS SPECIES FLOWER VARIETIES FRUIT VARIETY MIXED GRASSES	5 GALLON 5 GALLON 1 GALLON	
GEE CRAPE MYRTLE 36° BOX ESS OVIVE 36° BOX 48° BOX ALLM 15° BTH RNNA SYCAMORE 24° BOX / PINE 24° BOX LIVE OAK 36° BOX TED 48° BOX	STANDARD MULTI WHERE NOTED SINGLE NATURAL NATURAL NATURAL NATURAL	30' X 30' 15' X 15' 25' X 30' 40' X 40' 40' X 35'	ALOE SPP. AGAVE SPP. CACTUS SPP. FLOWERS SPP. FRUIT TREES SPECIES ORNAMENTAL GRASSES LAVANDULA SPP. ROSA SPP.	ALOE SPECIES AGAVE SPECIES CACTUS SPECIES FLOWER VARIETIES FRUIT VARIETY MIXED GRASSES	5 GALLON 5 GALLON 1 GALLON	
GEE CRAPE MYRTLE 36° BOX ESS OVIVE 36° BOX 48° BOX ALLM 15° BTH RNNA SYCAMORE 24° BOX / PINE 24° BOX LIVE OAK 36° BOX TED 48° BOX	STANDARD MULTI WHERE NOTED SINGLE NATURAL NATURAL NATURAL NATURAL	15' X 15' 25' X 30' 40' X 40' 40' X 35'	CACTUS SPP. FLOWERS SPP. FRUIT TREES SPECIES ORNAMENTAL GRASSES LAVANDULLA SPP. ROSA SPP.	CACTUS SPECIES FLOWER VARIETIES FRUIT VARIETY MIXED GRASSES	5 GALLON 1 GALLON	
### 24" BOX ####################################	MULTI WHERE NOTED SINGLE NATURAL NATURAL NATURAL NATURAL	25' X 30' 40' X 40' 40' X 35'	FLOWERS SPP. FRUIT TREES SPECIES ORNAMENTAL GRASSES LAVANDULA SPP. ROSA SPP.	FLOWER VARIETIES FRUIT VARIETY MIXED GRASSES	1 GALLON	
48° BOX 15° BTH PRINA SYCAMORE 24° BOX P PINE 24° BOX LIVE OAK 36° BOX TED 48° BOX E ELIM 36° BOX	WHERE NOTED SINGLE NATURAL NATURAL NATURAL NATURAL	40° X 40° 40° X 35°	FRUIT TREES SPECIES ORNAMENTAL GRASSES LAVANDULA SPP. ROSA SPP.	FRUIT VARIETY MIXED GRASSES		
ALM 15 BTH RNNA SYCAMORE 24* BOX / PINE 24* BOX LIVE OAK 36* BOX . TBD 48* BOX	SINGLE NATURAL NATURAL NATURAL NATURAL	40' X 35'	ORNAMENTAL GRASSES LAVANDULA SPP. ROSA SPP.	MIXED GRASSES		
RNIA SYCAMORE 24° BOX / PINE 24° BOX LIVE OAK 36° BOX . TBD 48° BOX	NATURAL NATURAL NATURAL NATURAL	40' X 35'	ROSA SPP.	LAVENDER SPECIES	1 GALLON	
Y PINE 24° 80X LIVE OAK 36° 80X TBD 48° 80X E ELM 36° 80X	NATURAL NATURAL NATURAL	40' X 35'		ROSE SPECIES	1 GALLON 5 GALLON	
LIVE OAK 36" BOX TBD 48" BOX E ELM 36" BOX	NATURAL NATURAL		SALVIA SPP.	SAGE SPECIES	1 GALLON	
TBD 48° BOX	NATURAL	40' X 40'	VITUS VINIFERA	GRAPE SPECIES	5 GALLON	
TBD 48° BOX	NATURAL	10 11 10			CIZE	
E ELM 36" BOX			SLOPE RESTORATION P	PLANTING SUCH AS:	SIZE LB/AC	SPACING
	NATURAL	VARIES	MUHLENBERGIA RIGENS	DEER GRASS	1 GALLON	AREA TO BE 15 GALLO
TRD 36" BOY		40' X 40'	HETEROMELES ARBUTIFOLIA	TOYON	1 GALLON	
	NATURAL	VARIES	RHAMNUS CALIFORNICA RHUS INTEGRIFOLIA	COFFEEBERRY LEMONADEBERRY	1 GALLON 1 GALLON	
	THI OIGH	VILLE	KIIDS INTEGRITOLIA	LEMONADEBERKI	TORLLON	
, TBD 36" BOX	NATURAL	VARIES	SOUTHERN CHAPARRAL HYDROS	GEED MIX		%PURITY/
			ARTEMESIA CALIFORNICA	COASTAL SAGEBRUSH	2	GERMINATION 15 / 50
SIZE	SPACING	ESTIMATE 60% 1 GALLON @ 30"	ENCELIA CALIFORNICA	BUSH SUNFLOWER	4	40 / 60
NITA 1 GALLO		O.C.	ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	6	10 / 65
HOPSEED 15 GALL RNIA SUNFLOWER 1 GALLO			ERIOPHYLLUM CONFERTIFLORUI	M GOLDEN YARROW	3	30 / 60
TY WEED 1 GALLO			ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1	98 / 75
GRASS 5 GALLO RASS 1 GALLO			LOTUS SCOPARIUM LUPINUS BICOLOR	DEERWEED PYGMY-LEAF LUPINE	6	90 / 60
5 GALLO	N 4' O.C.		LUPINUS BICOLOR LUPINUS NANUS	SKY LUPINE	4	98 / 80 98 / 85
BERRY 1 GALLO ADEBERRY 5 GALLO			MIMULUS PUNICEUS	RED MONKEYFLOWER	2	2 / 55
			STIPA PULCHRA	PURPLE NEEDLE GRASS	8	90 / 60
S: SIZE THREE AWN 1 GALLO	SPACING N 18" O.C.	ESTIMATE 50% 1 GALLON @ 30"	BIOSWALE SOD			
GO SEDGE 1 GALLO		O.C. 50% 5 GALLON @ 60*	BIOFILTRATION SOD	S & S SEEDS WWW. SSSEEDS.COM		
USH 5 GALLO		O.C.				
OSE 1 GALLO						
GHT LILY 5 GALLO TY WEED 1 GALLO						
N PRINCE WILD RYE 1 GALLO						
GRASS 5 GALLO RASS 1 GALLO						
SIZE L FERN 1 GALLO	SPACING N 2' O.C.					
L FERN 1 GALLO DX TAIL AGAVE 5 GALLO						
DX TAIL AGAVE 5 GALLO US AGAVE 5 GALLO						
OKE AGAVE 5 GALLO	N 30° O.C.					
ERA 5 GALLO THREE AWN 1 GALLO						
INVILLEA 5 GALLO	N 48" O.C.					
DSE 1 GALLO NSATION CORDYLINE 5 GALLO						
ATED FLAX LILY 1 GALLO	N 18" O.C.					
TY WEED 1 GALLO						
N PRINCE WILD RYE 1 GALLO						
AT GH TU CC	ED FLAX LILY 1 GALLO IT LILY 5 GALLO S SHEMP 15 GALLO A 5 GALLO WEED 1 GALLO WHICE WILD FYE 1 GALLO RRINGE WILD FYE 5 GALLO FRANS 5 GALLO YELLOW-WOOD 15 GALLO	ED FLAX LILY 1 GALLON 18°O.C. IT LILY 5 GALLON 2°O.C. S SHEMP 15 GALLON 4°O.C. A 5 GALLON 30°O.C. WEED 1 GALLON 30°O.C. WEED 1 GALLON 30°O.C. RRINCE WILD RYE 1 GALLON 30°O.C. RASS 5 GALLON 30°O.C. YELLOW-WOOD 15 GALLON 30°O.C.	ED FLAX LILY 1 GALLON 18° O. C. IT LILY 5 GALLON 2 ° O. C. S EMEMP 15 GALLON 4° O. C. A 5 GALLON 30° O. C. WEED 1 GALLON 30° O. C. WRINGE WILD RYE 1 GALLON 30° O. C. RRASS 5 GALLON 30° O. C. YELLOW-WOOD 15 GALLON 30° O. C.	ED FLAX LILY 1 GALLON 18° O.C. TI LIV 5 GALLON 2° O.C. SHEMP 15 GALLON 3° O.C. A 5 GALLON 30° O.C. WEED 1 GALLON 30° O.C. WHICE WILD TYE 1 GALLON 30° O.C. WHICE WILD TYE 5 GALLON 30° O.C. VELLOW-WOOD 15 GALLON 30° O.C.	ED FLAX LILY 1 GALLON 18° O. C. TI LIV 5 GALLON 2° O. C. SHEMP 15 GALLON 3° O. C. WEED 1 GALLON 30° O. C. WHICE WILD TYPE 1 GALLON 30° O. C. WHICE WILD TYPE 5 GALLON 30° O. C. VELLOW-WHOOD 15 GALLON 30° O. C.	ED FLAX LILY 1 GALLON 18° O.C. TI LIV 5 GALLON 2 O.C. SHEMP 15 GALLON 30° O.C. WEED 1 GALLON 30° O.C. WHICH WILD YE 1 GALLON 30° O.C. WHICH WILD YE 5 GALLON 30° O.C. WHICH WILD YE 1 GALLON 30° O.C. VELLOW-WOOD 15 GALLON 30° O.C.

FIGURE 3-7b Landscape Plan (Plant List) 3.0 Project Description

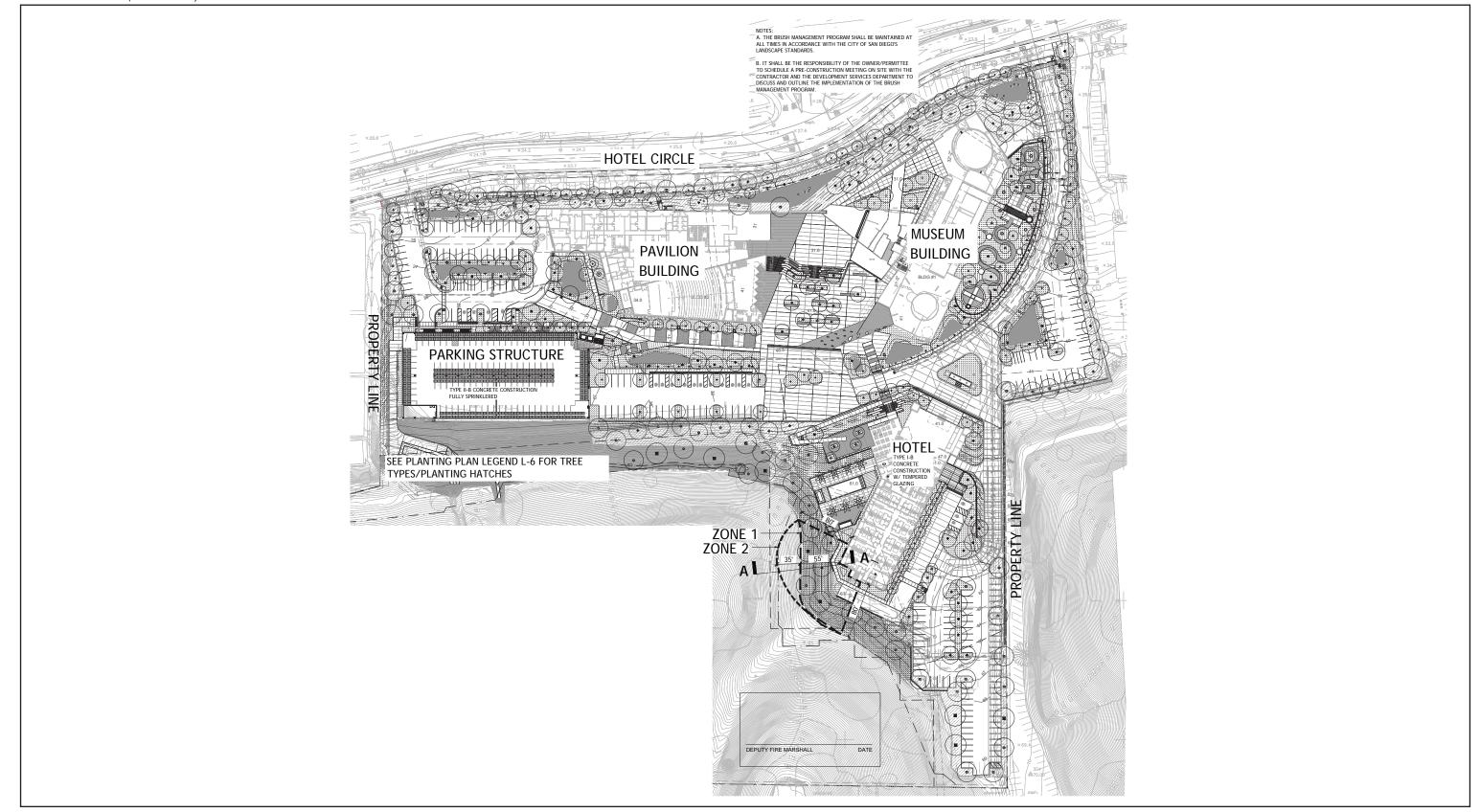




FIGURE 3-8
Brush Management Plan

3.0 Project Description

4.0 Environmental Analysis

The following sections analyze the potential environmental impacts that may occur as a result of project implementation. The environmental issues subject to detailed analysis in the following sections include those that were identified by the City of San Diego through preliminary project review and in response to the Notice of Preparation as potentially significant.

Sixteen environmental issues are addressed in the following sections, and in accordance with the City of San Diego's December 2005 Environmental Impact Report Guidelines.

Each issue analysis section is formatted to include a summary of existing conditions, including the regulatory context, the criteria for the determination of impact significance, evaluation of potential project impacts, a list of required mitigation measures, and conclusion of significance after mitigation for impacts identified as requiring mitigation.

All potential direct and indirect impacts in Section 4.0 are evaluated in relation to applicable City of San Diego, state, and federal standards, as reflected in the City's 2011 Significance Determination Thresholds.

4.0 Environmental Analysis

4.1 Land Use

This section addresses the consistency of the project with the City of San Diego (City) General Plan, the Mission Valley Community Plan (MVCP), City of San Diego Land Development Code (LDC), the Multiple Species Conservation Program (MSCP) Subarea Plan, and the Multi-Habitat Planning Area (MHPA) Adjacency Guidelines.

4.1.1 Existing Conditions

4.1.1.1 Existing Land Use Plans and Development Regulations

The Planning Context of the Environmental Setting, Section 2.4 of this report, provides an overview of the land use plans and development regulations that apply to development of the project. The following provides an expansion of the planning context discussion of relevant plans and development regulations.

a. City of San Diego General Plan

The City of San Diego's General Plan sets forth a comprehensive, long-term plan for development within the City of San Diego. A comprehensive update of the City's General Plan was adopted March 10, 2008, and was based on a new planning strategy for the City developed in the 2002 Strategic Framework Element. Known as the City of Villages strategy, the General Plan aims to focus growth into mixed-use activity centers that are pedestrian friendly centers of the community that provide housing, goods and services, employment, and civic uses that are linked to the regional transit system. This development strategy mirrors regional planning and smart growth principles intended to preserve remaining open space and natural habitat, and focus development within areas with available public infrastructure.

The General Plan land use designation for the project area is "Commercial Employment, Retail, and Services". The General Plan addresses issues that apply to the city as a whole. However, due to the diversity of San Diego and its many "villages", city-wide policies and land use designations are refined and applied at a more local level through community plans, as described below.

b. Mission Valley Community Plan

The project site is within the MVCP area. The Mission Valley Community Plan designates the site as Commercial Recreation (it would remain Commercial Recreation) and identifies the property as <u>being located within an adopted Specific Plan.</u> most likely to develop under the multiple use development option identified in the plan. A "multi-use development" means

a relatively large-scale development project, which is implemented as part of a comprehensive development plan and characterized by the following:

- Two or more significant revenue-producing uses (such as retail, office, residential—either as rentals or condominiums), hotel/motel, and/or commercial recreation) that, in well-planned projects, are financially supportive of the other uses;
- Significant functional and physical integration of project components including uninterrupted pedestrian connections, if available, to adjacent developments;
- Development in conformance with a coherent plan (which frequently stipulates the type and scale of uses, permitted densities and related items); and
- Public transit opportunities and commitments.

The multi-use option is intended to encourage comprehensive developments, which will minimize the need for an overreliance on automobile access and emphasize pedestrian orientation and proximity to public transit. Mixed-use activity centers are pedestrian friendly, centers of community, and linked to the regional transit system. They are characterized by inviting, accessible, and attractive streets and public spaces, which may consist of: public parks or plazas, community meeting spaces, outdoor gathering spaces, passive or active open space areas that contain desirable landscape and streetscape design amenities, or outdoor dining and market activities. The combination of uses within a multi-use project is intended to create a 24-hour cycle of activity.

The MVCP also establishes Development Intensity Districts. The districts were created "to ensure compatibility between the street carrying capacity and the maximum development intensity that can be increased along a "high accessibility corridor" represented by the development and implementation of a future public transit system in the form of a light rail system (LRT)", which today is the Metropolitan Transit System trolley. The Development Intensity Districts are regulated by the development intensity overlay, as described in more detail below.

c. Atlas Specific Plan

The property is referred to as the Mission Valley Inn site within the Atlas Specific Plan (P&D Technologies, Inc. 1998), which provides standards and guidelines for the development of the property. The specific plan calls for a total of 306 hotel rooms, 20,000 square feet of banquet space, and 27,000 square feet of health club for the project site.

d. Land Development Code Regulations

Chapters 11 through 15 of the City's Municipal Code are defined as the LDC and contain the City's planning, zoning, subdivision, use, and building regulations that dictate how land is to be developed and used within the City. The LDC contains city-wide base zones that specify permitted land use; development standards, such as density, floor-area ratio, and other requirements for given zoning classifications; overlay zones; and other supplemental regulations that provide additional development requirements.

Mission Valley Planned District Ordinance

The Mission Valley Planned District Ordinance (MVPDO) was adopted to ensure that development and redevelopment in Mission Valley will be accomplished in a manner that enhances and preserves sensitive resource areas; improves the vehicular, bicycle, pedestrian and public transit circulation network; provides reasonable use of property; and contributes to the aesthetic and functional well-being of the community. These regulations link development intensity to the traffic levels allowed under the adopted community plan, and respond to the unique topography and biology of Mission Valley through land use and design criteria.

The regulations of the MVPDO implement the MVCP through the use of: (a) overlay districts regulating development intensity community-wide and providing additional development criteria for projects in the San Diego River and Hillside Subdistrict; (b) residential, commercial, industrial, and multiple land use zones providing basic development criteria; (c) special development regulations which address unique Mission Valley needs and are applied to all land uses; and (d) continued application of the city-wide OF-1-1 (Open Space-Floodplain) Zone and Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

Base Zone

The project site is zoned MVPD-MV-M/SP. This is a multiple use zone within the Mission Valley Planned District, which is applied in conjunction with a specific plan.

General Regulations – Retaining Walls

City of San Diego Municipal Code Chapter 14, General Regulations, provides city-wide regulations regarding various topics. Pertinent to this project, this chapter includes regulations regarding retaining wall height limits. More specifically, LDC §142.0340(e) states that "[r]etaining walls located outside of the required yards shall not exceed 12 feet in height." Within the side and rear yards, LDC §142.0340(f)(3) states that retaining walls shall not exceed 9 feet within commercial and industrial zones. Currently, the site includes 15 retaining walls all located outside of the side and rear yards. Two of the existing walls located in the southern area of the site are up to 15 feet in height, with the remaining 13 walls located in the northern area of the site range from 2 to 12 feet in height.

Hillside Conservation, Design and Height Limitation Subdistrict ("Hillside Subdistrict")

The site also falls within the Hillside Subdistrict (LDC §1514.0303), which establishes limits on building height, limits on development within steep slope lands, signage regulations, and general development parameters.

Height Limitation

The Hillside Subdistrict regulations specify that buildings and structures located south of Interstate 8 shall be limited to a maximum height of 40 feet above pre-existing or finished grade, whichever is lower.

Exceptions may be approved up to 65 feet provided that all of the following standards are met:

- i. All natural existing hillside vegetation and topography shall be preserved.
- ii. Any previously graded hillsides shall be recontoured into a naturalistic form and revegetated with indigenous plants.
- iii. Buildings and structures shall be designed and sited so that a minimum 30-feet-wide open public view corridor is created to the hillside from adjacent public streets and freeways.

Structures over the 65-foot building height level may be permitted to allow construction of unique architectural features, such as a steeple, and which do not contain occupied floor area, mechanical equipment, or signage.

Steep Slope Lands

Steep slope lands are defined as all land having a naturally formed or naturally appearing gradient of 25 percent or greater, based on 5-foot contour intervals, with a minimum elevation differential of 25 feet. Steep slopes do not include manufactured slopes that have been graded pursuant to a validly issued development permit.

The Hillside Subdistrict also indicates the following relative to the "Southern Slopes":

i. Development shall not be permitted in steep slope lands, except as indicated in Table 4.1-1 below:

TABLE 4.1-1
ENCROACHMENT INTO STEEP SLOPES

	Maximum Encroachment Allowance
Percentage of Parcel in	as Percentage of Area in Steep
Steep Slopes	Slopes
75% or less	10%
80%	12%
85%	14%
90%	16%
85%	18%
100%	20%

- ii. Development, including road construction above the 150-foot contour line, shall not occur
- iii. Landscaping slopes disturbed during construction shall be revegetated in accordance with City-wide standards

Signage

Ground signs greater than 40 feet and roof top signs are prohibited.

Hillside Subdistrict Guidelines for Discretionary Review

A. General

- i. Orient development towards the valley and take access to Mission Valley projects from roads that do not extend above the 150-foot elevation contour.
- ii. Preserve the natural landform and greenbelt of the southern hillsides and rehabilitate the northern hillsides.
- iii. Cluster development to retain as much open space as possible.
- iv. Preserve natural topographic features such as drainage courses, rock outcroppings, slopes and trees.
- v. Design buildings and parking areas to fit the natural terrain and improve the appearance of understructures.
- vi. Design buildings at the base of slopes to emphasize a low profile rather than a vertical orientation. Buildings should step or slope with landscaping to protect views of and from the hillsides.

B. Southern Slopes

i. Preserve existing natural slopes, use the natural slopes as a backdrop and guide to building form.

- ii. Cluster, contour, and terrace structures into sites to preserve the form of the slopes.
- iii. Cluster development in disturbed or sparsely vegetated portions of the slope.
- iv. Design automobile access to minimize hillside disruption. To avoid excessive grading, locate automobile access adjacent to street access and separated from habitable building sections. Linkages from the street to the building should be made through pedestrian ways or bikeways.

Development Intensity Overlay District

Section §1514.0301 of the LDC outlines the regulations pertaining to the Development Intensity Overlay District. The Development Intensity Overlay District covers the entire MVCP area, which is composed of three traffic areas and thirteen traffic districts. Development intensity is limited by the number of average daily traffic (ADT) generated by the existing and proposed land uses of any development proposal. Each district has two development intensity thresholds. The project site is located within District D, which has thresholds of 200 ADT and 380 ADT per gross acre.

Land that is located within a steep hillside area is not used to calculate the ADT allocation. Projects that exceed the first threshold of 200 ADT per gross acre are required to be processed as a discretionary Mission Valley Development Permit. Projects that exceed the second threshold of 380 ADT per gross acre are required to be processed as a Community Plan Amendment and are required to submit a traffic study identifying the traffic impacts and mitigation required by the project as well as an environmental study prepared in accordance with the California Environmental Quality Act. The development intensity factors identified in LDC Table 1514-03B are used to calculate the number of ADTs generated by a given land use. An amendment to the zoning ordinance is required to revise any trip generation rates listed in this table.

Transit Area Overlay

Section §132.100 of the LDC includes the regulations of the Transit Area Overlay Zone. The purpose of the Transit Area Overlay Zone is to provide supplemental parking regulations for areas, including the project site, receiving a high level of transit service. The intent of this overlay zone is to identify areas with reduced parking demand and to lower off-street parking requirements accordingly. The site is located in the Transit Area Overlay Zone.

General Development Regulations

Chapter 14 of the LDC includes the general development regulations, supplemental development regulations, building regulations, and electrical/plumbing/mechanical regulations that govern all aspects of project development. The grading, landscaping, parking, signage, fencing, and storage requirements are all contained within the Chapter 14,

General Regulations. Also included within the general regulations of Chapter 14 are the Environmentally Sensitive Lands (ESL) regulations, discussed below. All other applicable land development regulations are discussed throughout this report, particularly in Sections 3.0 (Project Description) and 4.0 (Environmental Analysis).

Environmentally Sensitive Lands Regulations

The purpose of the ESL regulations is to protect and preserve environmentally sensitive lands (e.g., sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and special flood hazard areas), along with the viability of the species supported by those lands. The regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area. (Municipal Code, Chapter 14, Article 3: Supplemental Regulations, Division 1: ESL Regulations, Section 143.0101 et seq.). If proposed development does not comply with all applicable development regulations of the ESL, a deviation may be requested with the approval of a Site Development Permit in accordance with Process Four.

Historical Resources Regulations

The purpose of the City's Historical Resources Regulations found in Section §143.0251 of the LDC is to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to assure that development occurs in a manner that protects the overall quality of historical resources. The Historic Resources Regulations require that development affecting designated historical resources or historical districts shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Code, as a condition of approval. If development cannot to the maximum extent feasible comply with the development regulations for historical resources, a Site Development Permit in accordance with Process Four is required. A more detailed description of the regulatory setting related to historical resources is provided in Section 4.3, Historical Resources.

e. Multiple Species Conservation Program Subarea Plan

The City of San Diego's MSCP Subarea Plan was approved in March 1997, and provides a process for the issuance of incidental take permits under the federal and state Endangered Species Act and the California Natural Communities Conservation Planning Act. The primary goal of the City's MSCP Subarea Plan is to conserve viable populations of sensitive species and regional biodiversity while allowing for reasonable economic growth. To carry out this goal, the City's MSCP Subarea Plan establishes a 52,727-acre area in which a permanent MSCP preserve, known as the MHPA, is assembled. For parcels 100 percent within the MHPA, development or other discretionary actions are allowed in the least environmentally sensitive 25 percent of the property. If more developable area is desired, the applicant may request a MHPA boundary line adjustment without the need to amend the City's MSCP

Subarea Plan, provided the boundary adjustment results in an area of equivalent or higher biological value. To meet this standard, the area proposed for addition into the MHPA must meet the six functional equivalency criteria set forth in Chapter 5.4.2 of the Final MSCP Plan (August 1998). Essentially, these require that the land to be taken out of the MHPA be replaced with land of at least equal if not more valuable habitat. The adjustment must be approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (wildlife agencies).

f. MHPA Land Use Adjacency Guidelines

The City's MSCP Subarea Plan provides MHPA Land Use Adjacency Guidelines, which aim to avoid or reduce significant indirect impacts from adjacent uses. These guidelines address the issues of drainage, toxics, lighting, noise, barriers, invasive species, brush management, and grading/development and are intended to be incorporated into the Mitigation Monitoring and Reporting Program and applicable permits during the development review phase of future proposed projects. New development adjacent to the MHPA is required to address means of reducing these indirect impacts through implementation of the MHPA Land Use Adjacency Guidelines.

The designated MHPA within and surrounding the project site is shown in Figure 4.1-1; the project is adjacent to MHPA on the southeast corner and a small portion (0.06 acre) of the project site is within the MHPA boundary.

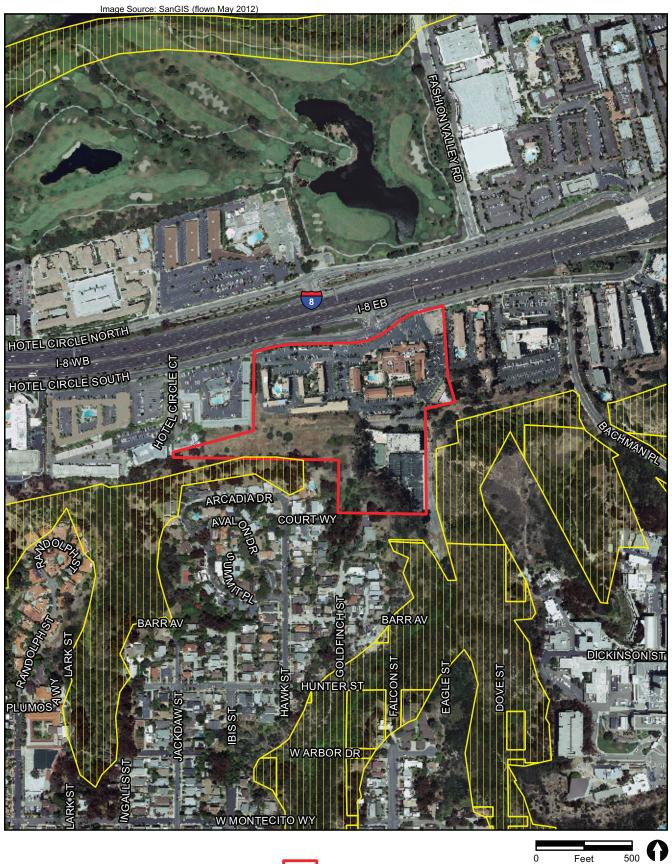
4.1.1.2 On-site and Surrounding Land Use

a. On-site Land Use

As described in Chapter 2, Environmental Setting, the project site is currently developed with a vacant pad for a former gasoline station, a mini mart, a former health club, and a low-rise hotel complex with associated parking and utilities. The project site is located along the southern slopes of Mission Valley and is accessed by Hotel Circle South. The site is currently zoned as a Multiple Use Zonedesignated Commercial Recreation – Tourist Related in the Atlas Specific Plan, and there is an Open Space easement along the southern portion of the site. Figure 4.1-2 illustrates the current multiple uses of the site.

b. Surrounding Land Use

As shown in Figure 4.1-3, the site is surrounded by commercial development to the north and west and partially to the east. This mixed-use development consists of similar components to the project site: hotels and retail stores with associated parking and utilities in addition to office spaces and restaurants. Undeveloped land borders the site on the southeast and southwest corners. The site is directly adjacent to Hotel Circle South, which forms its northern boundary and which is immediately adjacent to I-8. State Route 163 lies less than a mile to the east of the site, and Interstate 5 is approximately 1 ¾ miles to the west.



Project Boundary

City of San Diego MHPA

FIGURE 4.1-1

Project Location in Relation to City of San Diego MHPA

4.1 Land Use





FIGURE 4.1-2
On-site Land Uses

4.1 Land Use



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FIGURE 4.1-3
Off-site Land Uses

4.1 Land Use

4.1.2 Issue 1: Plan Consistency

Would the project be consistent with the adopted Mission Valley Community Plan, and Atlas Specific Plan or conflict with any applicable land use plan (City of San Diego General Plan), policy, or regulation of an agency with jurisdiction over the project?

As stated in the City's Thresholds, a project's inconsistency or conflict with a plan does not in and of itself constitute a significant environmental impact. The plan or policy inconsistency would have to result in a secondary physical effect on the environment to be considered significant pursuant to the City's guidelines and California Environmental Quality Act.

4.1.2.1 Impacts

a. General Plan

Land Use Designation

The project site is designated as "Commercial Employment, Retail, and Services" in the General Plan Land Use Element. The project includes elements that are supportive of these uses (e.g., meeting/gathering space, theaters, retail shops, a restaurant, a spawellness center, and lodging units) and is therefore consistent with the General Plan land use designation.

Goals and Policies

The General Plan provides goals and policies that guide the development of Community Plans, as well as growth and development City-wide. Most of the General Plan's goals are implemented through policy established in the MVCP; however, there are also some General Plan policies that relate directly to the project. General Plan elements and issues that relate specifically to the project include Land Use, Mobility, Conservation, Public Facilities, Services and Safety, Urban Design, Noise, and Historic Preservation. Table 4.1-2 identifies relevant goals and policies of these General Plan elements and provides an analysis of the project's consistency. Additional detail is provided in Chapter 3, Project Description, and under relevant issue areas in Chapter 4.0. In summary, the project would be consistent with the environmental goals, policies, and objectives of the City of San Diego General Plan. No secondary land use impacts would result.

TABLE 4.1-2 GENERAL PLAN – PROJECT CONSISTENCY

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
	Land Us	e Element	
	Approve plan amendments that better implement the General Plan and community plan goals and policies.	As discussed below for each policy, the project would be consistent with the General Plan goals and policies. The project's consistency with the applicable community plan has been evaluated in Table 4.1-2, Mission Valley Community Plan (MVCP) – Project Consistency.	Yes
	Allow for changes that will assist in enhancing and implementing the community's vision.	The objectives, proposals, and guidelines found in the MVCP convey the intent to continue to encourage commercial development in Mission Valley, including that which is visitor-oriented and multi-use. The project's provision of lodging, retail, entertainment, recreational, and administrative/office uses, designed to attract religious tourists, would be consistent with these core MVCP goals.	Yes
		/ Element	
	A safe and comfortable pedestrian environment.	As shown in the Site and Pedestrian Circulation Plans and described in Chapter 3, Project Description, the project would invite pedestrian activity with both above-ground and underground pedestrian networks, landscaping, public art, and architectural features. With public access trails and walkways connecting with the existing sidewalk on Hotel Circle South, the project would invite safe pedestrian movement between the project site and the public sidewalk.	Yes
	A complete, functional, and interconnected pedestrian network, that is accessible to pedestrians of all abilities.	As shown in the Site and Pedestrian Circulation Plans, the project would provide an interconnected pedestrian network, both above and below ground, and would follow Americans with Disabilities Act (ADA) accessibility standards.	Yes
ME- A.6	Work toward achieving a complete, functional and interconnected pedestrian network. Routinely accommodate pedestrian facilities and amenities into private and public plans and projects.	As shown in the Site and Pedestrian Circulation Plans, the project would provide an interconnected pedestrian network, both above and below ground.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
ME- A.7	Improve walkability through the pedestrian-oriented design of public and private projects in areas where higher levels of pedestrian activity are present or desired. a. Enhance streets and other public rights-of-way with amenities such as street trees, benches, plazas, public art or other measures including, but not limited to those described in the Pedestrian Improvement Toolbox, Table ME-1. b. Design site plans and structures with pedestrian-oriented features	The Site and Pedestrian Circulation Plans provides a detailed plan for outdoor and landscaping features designed to attract pedestrian activity, including walkways, shade trees, outdoor art, an open plaza, an outdoor fountain—and cascading water feature, underground catacombs, a hiking trail, and a public access and overlook trail.	Yes
ME- A.8	Encourage a mix of uses in villages, commercial centers, transit corridors, employment centers and other areas as identified in community plans so that it is possible for a greater number of short trips to be made by walking.	As shown in the Site Plan and described in Chapter 3, Project Description, the project would incorporate a mix of lodging, retail, entertainment, recreational, and administrative/office uses intended to provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing vehicle miles traveled. The project would provide above- and below-ground pathways to invite pedestrian access to these mixed uses within the site. The pathways would also allow for pedestrian connectivity with surrounding uses by safely linking up with the sidewalk on Hotel Circle South.	Yes
ME- E.3	Emphasize the movement of people rather than vehicles.	See ME-A.8 and CE-F.6.	Yes
ME- E.6	Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle-friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing TDM strategies such as car sharing vehicles and parking spaces, bike lockers, preferred rideshare parking, showers and lockers, on-site food service, and child care, where appropriate.	As shown in the Site and Pedestrian Circulation Plans and described in Chapter 3, Project Description, the project would provide multiple pedestrian pathways. In addition, the project would provide 3530 total bicycle parking spots. To reduce automobile reliance, a shuttle service would transport visitors to and from major transportation hubs and other popular San Diego tourist destinations. The project would incorporate a mix of lodging, retail, entertainment, recreational, and administrative/office uses intended to provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing vehicle trips relative to a single-use project (see EIR Section 4.2.2.1(b) and Appendix B-1 and Appendix K).	Yes

ID#		Project Consistency Evaluation sign Element	Consistent?
	A built environment that respects San Diego's natural environment and climate.	As can be seen in the Site Plan, the project would conform to the previous development footprint to the greatest extent possible, thus preserving the natural hillsides to the south. The project would support the City's sustainability and infill development goals by intensifying what is currently an underutilized and auto-dominated site. Underground parking also would help to minimize the development footprint. The Site Plan also states and shows that throughout the site, plant materials would be from the palette of plants known to perform well in this climatic zone and amended soil type, and would include drought-tolerant plants. Revegetation of disturbed slopes and the landscaping on the retaining wall would incorporate native planting to reflect the adjacent open space. In addition, the project's proposed fountain would be designed so that the water could be removed and replaced with potted xeriscape or silk plants-to be used without water during drought conditions when water conservation is mandatory.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
	A pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respect desirable community character and context.	As shown in the Site Plan, the project would incorporate a mix of lodging, retail, entertainment, recreational, and administrative/office uses intended to provide a wide range of activities and amenities for visitors and employees on-site. As described in Chapter 3, Project Description, the project would create a religious tourism destination with replicas of religious architectural features including Jerusalem's Wailing Wall and catacombs. According to their use and architectural design, the project's buildings would provide visual diversity in that while most buildings would incorporate domes, these would be of different scales. The roofline and the unique, three-pointed design of the timeshare village would add visual diversity to the project. Outdoor public art, fountains, trees, and landscaping would be visually differentiable from the project's architecture. The incorporation of architectural features such as columns, pedestals, and window framings, and the use of Jerusalem stone and stucco, would provide some pattern to the buildings' façades.	Yes
	Maintenance of historic resources that serve as landmarks and contribute to the City's identity.	The existing Mission Valley Resort complex was found to not be eligible as a historical resource under any of the applicable local or state criteria. Therefore, the project would not adversely impact a historical resource.	Yes
UD- A.3	Design development adjacent to natural features in a sensitive manner to highlight and complement the natural environment in areas designated for development. a. Integrate development on hillside parcels with the natural environment to preserve and enhance views, and protect areas of unique topography. b. Minimize grading to maintain the natural topography, while contouring any landform alterations to blend into the natural terrain. p. Design structures to be ignition and fire-resistant in fire prone areas or at-risk areas as appropriate. Incorporate fire-resistant exterior	a, b. As shown in the Site Plan, the project includes an open space easement on most of the steep slopes in the southern portion of the site. Most construction would be concentrated on the existing developed portion of the site, on previously graded ground, thereby preserving the natural topography of the site. The upper portion of the amphitheater, which would include stepped seating built into the steep slope on the project site, has been designed to conform to the existing or finished slope. The hiking trail would be graded to meet the existing terrain.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
	building materials and architectural design features to minimize the risk of structure damage or loss due to wildfires.	p. The incorporation of Jerusalem stone and stucco and (for the dome) either glass and steel or shotcrete system and stucco would render the project's buildings fire-resistant. The Site Plan further shows that because some project buildings would be within 100 feet of natural vegetation, brush management would be included as part of the project.	
UD- A.4	Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.	The project would be constructed to consistent with 2013 Title 24 Parts 6 and 11, which would increase energy and water use efficiencies.	Yes
UD- A.6	Create street frontages with architectural and landscape interest to provide visual appeal to the streetscape and enhance the pedestrian experience. a. Locate buildings on the site so that they reinforce street frontages. b. Relate buildings to existing and planned adjacent uses. c. Ensure that building entries are prominent, visible, and well-located. d. Maintain existing setback patterns, except where community plans call for a change to the existing pattern.	As shown and described in the Site Plan, the project would incorporate architectural features, such as arches of triumph at the access gates and columns, pedestals, and capitals on the buildings in order to provide visual appeal to the streetscape along Hotel Circle South and throughout the site. Landscaping features that would provide visual appeal include the project's proposed walkways, shade trees, outdoor art, an open plaza, an outdoor fountain and cascading-water feature, a hiking trail, and a public access and overlook trail. The following design features address this policy: a. Buildings would be primarily oriented towards the access street, Hotel Circle South. b. The use of stucco and glass would relate the buildings to existing and planned adjacent uses, and the light tone of Jerusalem stone would have a similar visual effect as stucco. However, the incorporation of architectural features such as domes and columns would differentiate the project from adjacent uses. c. Building entries would be easily accessible to pedestrians as well as emergency vehicles, as is shown in the Fire Access Plan sheet of the Site Plan. d. The existing setback would be preserved.	Yes

 "			
ID # UD- A.8	General Plan Goal or Policy Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits. a. Maximize the planting of new trees, street trees and other plants for their shading, air quality, and livability benefits. b. Use water conservation through the use of drought-tolerant landscape, porous materials, and reclaimed water where available. c. Use landscape to support storm water management goals for filtration, percolation and erosion control. d. Use landscape to provide unique identities within neighborhoods, villages and other developed areas. f. Design landscape bordering the pedestrian network with new elements, such as a new plant form or material, at a scale and intervals appropriate to the site. h. Shade paved areas, especially parking lots. i. Demarcate public, semi-public/private, and private spaces clearly through the use of landscape, walls, fences, gates, pavement treatment, signs, and other methods to denote boundaries and/or buffers.	a. The Site Plan states and shows that throughout the site, trees would be incorporated into outdoor areas to provide shade on parking lots and in pedestrian areas. b. Plant materials would be from the palette of plants known to perform well in this climatic zone and amended soil type. In addition, the project's proposed fountain would be designed se that the water could be removed and replaced with potted xeriscape or silk plants to be used without water during drought conditions when water conservation is mandatory. c. As shown in the Site Plan, a bioretention area would collect and filter stormwater. d. The Site Plan provides a detailed plan for unique outdoor and landscaping features, including a replica wailing wall and a large fountain. f. Whereas the landscaping of the site currently includes only a few standard plant species such as palm, dwarf palm, ficus, banana trees and trimmed bushes and mown grass, the landscape concept shown on pages L-1 and L-3 of the Site Plan conveys a landscaping scheme along the pedestrian network dominated by a diverse array of drought-tolerant plants. The project's landscaping would incorporate a range of plant sizes and forms to provide an appropriate landscaping scale. h. Shade trees would be incorporated into all surface parking and paved areas. i. The entire site is open to the public with the exception of the timeshare hotel village. Landscaping and/or fencing would be used to direct and demarcate private areas associated with the timeshare village (pool, tennis courts, etc.). Also, fencing would be used adjacent to the MHPA to prevent encroachment into the open space. Two entryway arches would demarcate the property boundary, yet allow and invite the public to enter the site. Bollards would separate vehicular and pedestrian activity.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
	 j. Use landscaped walkways to direct people to proper entrances and away from private areas. l. Utilize landscape adjacent to natural features to soften the visual appearance of a development and provide a natural buffer between the development and open space areas. 	j. As shown in the Site and Pedestrian Circulation Plans, the project would provide an interconnected pedestrian network, both above and below ground. I. Landscaping provided adjacent to the MHPA and open space would consist of native, drought-tolerant, non-irrigated (after establishment) vegetation. No invasive plant species would be located adjacent to natural open space. A transitional landscape planting will be provided on the south and west side of the development meet brush management requirements while integrating into an undisturbed hillside.	
UD- A.11	Encourage the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking	The incorporation of underground parking and parking structure, shown in the Site Plan, would reduce the project's surface parking.	Yes
UD- A.12	Reduce the amount and visual impact of surface parking lots a. Encourage placement of parking along the rear and sides of street- oriented buildings. b. Avoid blank walls facing onto parking lots by promoting treatments that use colors, materials, landscape, selective openings or other means of creating interest. For example, the building should protrude, recess, or change in color, height or texture to reduce blank facades. c. Design clear and attractive pedestrian paseos/pathways and signs that link parking and destinations. d. Locate pedestrian pathways in areas where vehicular access is limited. e. Avoid large areas of uninterrupted parking especially adjacent to community public view sheds. f. Build multiple small parking lots in lieu of one large lot.	 a. As shown in the Site and Landscape Plans, surface parking would be split up into smaller lots, all of which would be screened from the street by either buildings, landscaping, or fountains. b. The project would incorporate architectural features such as columns, framed windows, and the use of Jerusalem stone to provide variation in the appearance of building walls throughout the site, including those that face onto parking lots. c. The project would incorporate both above-ground and underground pedestrian networks, made visually appealing by landscaping, fountains, and public art. d. The Site Plan provides an illustration of pedestrian circulation on page L-1.12, showing the designated pedestrian pathways where vehicle access is limited. e. The incorporation of underground parking and a parking structure, shown in the Site Plan, would reduce the project's surface parking. f. As shown in the Site Plan, surface parking would be split up into smaller lots; a parking garage and subterranean parking 	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
	h. Promote the use of pervious surface materials to reduce runoff and infiltrate storm water. i. Use trees and other landscape to provide shade, screening, and filtering of storm water runoff in parking lots.	also would be provided. h. As can be seen in the Site Plan, the project would feature a bioretention basin adjacent to Hotel Circle South to collect stormwater runoff, and landscaping throughout the project site would absorb runoff. i. Trees and other landscaping adjacent to the parking structure would provide screening on the north and east sides of the structure, facing the street and the interior of the site. Shade trees would be planted on the top of the parking structure and throughout the surface parking lots.	
UD- A.13	Provide lighting from a variety of sources at appropriate intensities and qualities for safety. a. Provide pedestrian-scaled lighting for pedestrian circulation and visibility. b. Use effective lighting for vehicular traffic while not overwhelming the quality of pedestrian lighting. c. Use lighting to convey a sense of safety while minimizing glare and contrast. d. Use vandal-resistant light fixtures that complement the neighborhood and character. e. Focus lighting to eliminate spill-over so that lighting is directed, and only the intended use is illuminated.	a. Landscape lighting would be included with the linear park along the project's frontage, around the swimming pool at the timeshare-village tower and within other dispersed landscaped areas throughout the project site. Landscape lighting would comprise low-intensity ground-level lights to accent plantings and provide a safe path of travel for pedestrians. b. Several types of lighting would be included within the project. First, security lighting would be installed within parking lots and loading docks and along walkways and the access road to provide safety to pedestrians and employees at night. c. Parking lot lighting would include low-pressure sodium bulbs, which would be shielded and oriented downward to avoid nighttime lighting impacts to the adjacent open space, the Multi-Habitat Preservation Area, and residences located on the hillside above. No signage lighting or spot lights would be employed. d. The structures would include some vandal-resistant accent/up-lighting-in-connection with building columns, the arches of triumph, and the fencing atop the parking structure. e. The project would be required to comply with the San Diego Municipal Code, Sections 142.0740 and 1514.0407, which	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
		mandate that lighting be directed and controlled. In accordance with these regulations, the project would be required to provide and maintain adequate lighting for public safety.	
UD- A.14	Design project signage to effectively utilize sign area and complement the character of the structure and setting. a. Architecturally integrate signage into project design. b. Include pedestrian-oriented signs to acquaint users to various aspects of a development. Place signs to direct vehicular and pedestrian circulation. c. Post signs to provide directions and rules of conduct where appropriate behavior control is necessary. d. Design signs to minimize negative visual impacts.	Project signage would be required to comply with the San Diego Municipal Code, Article 2, Division 12: Sign Regulations.	Yes
UD- A.16	Minimize the visual and functional impact of utility systems and equipment on streets, sidewalks, and the public realm. b. Design and locate public and private utility infrastructure, such as phone, cable and communications boxes, transformers, meters, fuel ports, back-flow preventors, ventilation grilles, grease interceptors, irrigation valves, and any similar elements, to be integrated into adjacent development and as inconspicuous as possible. To minimize obstructions, elements in the sidewalk and public right of way should be located in below grade vaults or building recesses that do not encroach on the right of way (to the maximum extent permitted by codes). If located in a landscaped setback, they should be as far from the sidewalk as possible, clustered and integrated into the landscape design, and screened from public view with plant and/or fencelike elements.	As shown in the Site Plan, the project's utility systems and equipment would utilize existing infrastructure where possible and, where necessary, locate new infrastructure underground. In the course of the project's required compliance with the San Diego Municipal Code, Section 142.0910, all mechanical and utility equipment would be screened from public view.	Yes
	Public Facilities, Servi	ces and Safety Element	
PF- G.2	Install infrastructure that includes components to capture, minimize, and/or prevent pollutants in urban runoff from reaching receiving waters and potable water supplies.	As can be seen in the Site Plan, the project would feature a bioretention basin adjacent to Hotel Circle South to collect stormwater runoff.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
	Conserva	tion Element	
CE- A.5	Employ sustainable or "green" building techniques for the construction and operation of buildings. Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens; Reducing levels of non-essential lighting, heating and cooling; and using energy efficient appliances and lighting.	The project would be constructed to be consistent with 2013 Title 24 Part 6 requirements, which represent a 25 percent increase in energy efficiency over the previous 2008 Title 24.	Yes
CE- A.8	Reduce construction and demolition waste in accordance with the Public Facilities Element, Policy PF-I.2, or by renovating or adding on to existing buildings, rather than constructing new buildings.	Project construction and waste will be reduced in accordance with PF-1.2 by incorporating BMPs such as construction debris separation and recycling. Green waste generated by the approximately one acre to be graded would be recycled during the grading phase.	Yes
CE- A.10	Include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas. a. Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material. b. Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection and storage of paper, glass, plastic, metals, yard waste and other materials as needed.	In compliance with the San Diego Municipal Code, Article 6, Division 7: Recycling Ordinance, the project would be required to implement a recycling program. The recycling services would include providing designated recycling containers and collecting and temporarily storing recyclable materials.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
CE- A.11	Implement sustainable landscape design and maintenance. a. Use integrated pest management techniques, where feasible, to delay, reduce, or eliminate dependence on the use of pesticides, herbicides, and synthetic fertilizers.	a. The proposed plant palette provides species which are resilient to pests and diseases thereby minimizing the need for chemical applications. The plant palette is of a native and naturalized character which will adapt to our Mediterranean climate minimizing the need for synthetic fertilizers.	
	c. Decrease the amount of impervious surfaces in developments, especially where public places, plazas and amenities are proposed to serve as recreation opportunities d. Strategically plant deciduous shade trees, evergreen trees, and drought tolerant native vegetation, as appropriate, to contribute to sustainable development goals. e. Reduce use of lawn types that require high levels of irrigation. f. Strive to incorporate existing mature trees and native vegetation into site designs.	c. As shown in the Site and Landscape Plans, landscaping throughout the project site would decrease amount of impervious surfaces. d. The project would incorporate deciduous shade trees, evergreen trees, and drought tolerant native vegetation. e. The landscaping plan, found on page L-1.1 of the Site Plan, lists a drought-tolerant species of fescue as the sole lawn species. f. The project proposes to remove all trees from the previously-developed portion of the site. However, native vegetation will be preserved on the sloped portion of the property, and revegetated where grading occurs on the lower portion of the	Yes
	g. Minimize the use of landscape equipment powered by fossil fuels.	slope. g. The applicant would use battery powered or electric landscaping equipment where feasible.	
	 h. Implement water conservation measures in site/building design and landscaping. i. Encourage the use of high efficiency irrigation technology, and recycled site water to reduce the use of potable water for irrigation. Use recycled water to meet the needs of development projects to the maximum extent feasible. 	h. The project would be consistent with 2013 Title 24 Part 11 requirements, which require a 20 percent water reduction. i. The irrigation system will provide smart controller technology including rain shut-off devices and operating efficient irrigation heads to minimize run-off.	

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
CE- A.12	Reduce the San Diego Urban Heat Island, through actions such as: • Using cool roofing materials, such as reflective, low heat retention tiles, membranes and coatings, or vegetated eco-roofs to reduce heat build-up; • Planting trees and other vegetation, to provide shade and cool air temperatures. In particular, properly position trees to shade buildings, air conditioning units, and parking lots; and • Reducing heat buildup in parking lots through increased shading or use of cool paving materials as feasible	As shown in the Site Plan, the project would incorporate shade trees throughout the site, including on the rooftop parking of the parking structure, and extensive landscaping and garden areas.	Yes
CE- E.2	Apply water quality protection measures to land development projects early in the process-during project design, permitting, construction, and operations-in order to minimize the quantity of runoff generated on-site, the disruption of natural water flows and the contamination of storm water runoff. a. Increase on-site infiltration, and preserve, restore or incorporate natural drainage systems into site design. b. Direct concentrated drainage flows away from the MHPA and open space areas. If not possible, drainage should be directed into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA or open space areas. c. Reduce the amount of impervious surfaces through selection of materials, site planning, and street design where possible. d. Increase the use of vegetation in drainage design. e. Maintain landscape design standards that minimize the use of pesticides and herbicides. f. Avoid development of areas particularly susceptible to erosion and sediment loss (e.g., steep slopes) and, where impacts are unavoidable, enforce regulations that minimize their impacts.	 a. As can be seen in the Site Plan, the project would feature a bioretention basin adjacent to Hotel Circle South to collect stormwater runoff. b. The project is downhill from the adjacent MHPA and open space. c. The incorporation of landscaping throughout the site, and the construction of the project's buildings on previously-developed ground, would reduce the amount of impervious services. d. Landscaping throughout the project site would collect and absorb stormwater. e. The proposed plant palette provides species which are resilient to pests and diseases thereby minimizing the need for chemical applications. f. The project's development primarily follows the existing development footprint and would not involve substantial development on the site's steep slopes. 	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
CE- F.6	Encourage and provide incentives for the use of alternatives to single-occupancy vehicle use, including using public transit, carpooling, vanpooling, teleworking, bicycling, and walking. Continue to implement programs to provide City employees with incentives for the use of alternatives to single-occupancy vehicles.	The project is located in an area that is served by local transit, which would encourage the use of public transportation to reduce vehicle trips. Additionally, a main project objective is to provide a mix of timeshare, retail, entertainment, recreational, and administrative/office uses that would provide a range of activities and amenities for visitors and employees on site. It is anticipated that most visitors of the project would have extended stays at the project site and visit a variety of buildings and uses within the site, thus reducing vehicle trips. The project would also provide shuttle services to transfers visitors between major transportation hubs as well as other popular tourist destinations. The project would also encourage pedestrian activity through the provision of walkways/trails, a linear greenbelt with water features, courtyards/plazas, an outdoor bazaar and underground educational catacombs that serve as pedestrian passageways between buildings.	Yes
CE- 1.4	Maintain and promote water conservation and waste diversion programs to conserve energy.	The project would be consistent with 2013 Title 24 Part 11 requirements.	Yes
		Element	
	Consider existing and future noise levels when making land use planning decisions to minimize people's exposure to excessive noise.	Noise due to construction of the project would not exceed the limits of the City's Noise Abatement and Control Ordinance. Traffic noise would be reduced to an acceptable level inside buildings on the site. The project is not anticipated to produce unacceptable levels of operational noise, but because Heating, Ventilating, and Air Conditioning (HVAC) technology has not yet been determined for the project, Noise Mitigation Measure 1 (NM-1) would be required.	Yes
NE- A.1	Separate excessive noise-generating uses from residential and other noise-sensitive land uses with a sufficient spatial buffer of less sensitive uses.	As discussed in the Noise Analysis prepared by RECON, the land use would be compatible with the General Plan standards, and the project would not generate excessive noise.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
NE- A.2	Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise-compatible land use (shown on Table NE-3) to minimize the effects on noise-sensitive land uses.	As discussed in the Noise Analysis prepared by RECON, the land use would be compatible with the General Plan standards.	Yes
NE- A.3	Limit future residential and other noise-sensitive land uses in areas exposed to high levels of noise.	As discussed in the Noise Analysis prepared by RECON, the land use would be compatible with the General Plan standards.	Yes
NE- B.1	Encourage noise-compatible land uses and site planning adjoining existing and future highways and freeways.	As discussed in the Noise Analysis prepared by RECON, the land use would be compatible with the General Plan standards.	Yes
NE- B.3	Require noise reducing site design, and/or traffic control measures for new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits.	As discussed in the Noise Analysis prepared by RECON, the traffic noise experienced by the site would be reduced to below the acceptable decibel limit inside the site buildings.	Yes
NE- B.4	Require new development to provide facilities which support the use of alternative transportation modes such as walking, bicycling, carpooling and, where applicable, transit to reduce peak-hour traffic.	The Site Plan shows the project's extensive pedestrian walkway network and its incorporation of 3530 bicycle parking spots. In addition, Chapter 3, Project Description, describes the project's inclusion of a shuttle service to transport visitors to and from major transportation hubs and other popular San Diego tourist destinations. The project would incorporate a mix of lodging, retail, entertainment, recreational, and administrative/office uses intended to provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing vehicle miles traveled.	Yes
NE- B.7	Promote the use of berms, landscaping, setbacks, and architectural design where appropriate and effective, rather than conventional wall barriers to enhance aesthetics.	As shown in the Site Plan, the project incorporates extensive landscaping and its retaining wall would incorporate both native and colorful ornamental planting for screening.	Yes
NE- E.1	Encourage the design and construction of commercial and mixed-use structures with noise attenuation methods to minimize excessive noise to residential and other noise sensitive land uses.	As discussed in the Noise Analysis prepared by RECON, the project would incorporate Noise Mitigation Measure 1 (NM-1) to ensure the HVAC system used by the project does not exceed acceptable noise levels.	Yes

ID#	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
NE- E.2	Encourage mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from the residential component of the development.	Although the project incorporates a mix of uses related to providing amenities for visitors, the project does not include a residential component, and the land use in the immediate vicinity is commercial.	Yes
NE- E.3	Encourage daytime truck deliveries to commercial uses abutting residential uses and other noise-sensitive land uses to minimize excessive nighttime noise unless there is no feasible alternative or there are overriding transportation benefits by scheduling deliveries at other hours.	The project does not include a residential component, and the land use in the immediate vicinity is commercial.	Yes
NE- E.4	Encourage commercial/entertainment uses to utilize operational measures that minimize excessive noise where it affects abutting residential and other noise-sensitive uses.	As discussed in the Noise Analysis prepared by RECON, the project would incorporate Noise Mitigation Measure 1 (NM-1) to ensure the HVAC system used by the project does not exceed acceptable noise levels with regards to the noise-sensitive timeshare-village.	Yes
NE- E.5	Implement night and daytime on-site noise level limits to address noise generated by commercial uses where it affects abutting residential and other noise-sensitive uses.	As discussed in the Noise Analysis prepared by RECON, the project would incorporate mitigation features to limit noise levels.	Yes
NE- E.6	Encourage disclosure of potential noise problems for mixed-use and residential developments adjacent to commercial/entertainment uses at the time of sale. This would include notification of noise from related activities such as music, delivery vehicles, pedestrian and vehicular traffic, and other urban noise that may affect them.	As discussed in the Noise Analysis prepared by RECON, the project would incorporate mitigation features to limit noise levels, and the project is not anticipated to generate excessive noise.	Yes
		rvation Element	
	Preservation of the City's important historical resources.	The existing Mission Valley Resort complex was found to not be eligible as a historical resource under any of the applicable local or state criteria. Therefore, the project would not adversely impact a historical resource.	Yes

ID #	General Plan Goal or Policy	Project Consistency Evaluation	Consistent?
HP-	Designate and preserve significant historical and cultural resources	The existing Mission Valley Resort complex was found to not be	
A.5	for current and future generations	eligible as a historical resource under any of the applicable local or state criteria. Therefore, the project would not adversely	
	 a. Due to their importance, designate historical resources using the City's adopted designation criteria, State Register criteria, and National Register criteria. 	impact a historical resource.	Yes

b. Mission Valley Community Plan

Land Use Designation

The Mission Valley Community Plan designates the site as Commercial Recreation and identifies the property as most likely to develop under the multiple use development option identified in the planwithin an adopted Specific Plan. The adopted MVCP also identifies various Development Intensity Districts, as regulated by the Development Intensity Overlay, described in greater detail in Section 4.1.4 below. The ADT thresholds per gross acre established by the MVCP for the project site would not be exceeded by the proposed development. The project would be consistent with the Commercial Recreation designation, and no land use designation change is necessary.

Objectives, Proposals, and Guidelines

The MVCP contains several objectives, proposals and guidelines that apply to the project site. Table 4.1-3 states or summarizes applicable and relevant polices in the MVCP and provides an evaluation of the consistency of the project with each objective, proposal, or guideline. The MVCP also includes objective, etc. that are not applicable to the project or are not relevant to the analysis and, therefore, are not discussed in this section. The project would be consistent with relevant goals and policies of the MVCP, as detailed in Table 4.1-3. No secondary land use impacts would result.

c. Atlas Specific Plan

A Specific Plan Amendment would be processed as part of the project and would remove the project site from the Atlas Specific Plan area. Because the project would no longer be subject to the policies and standards of the Specific Plan, no inconsistencies would result.

d. Historical Resources Regulations

According to the Letter of Expert Opinion prepared by Heritage Architecture and Planning, found in Appendix D of this report, the Mission Valley Inn Complex is not eligible as a historical resource under any of the applicable local or state criteria. A complete evaluation of the project's impacts on historical resources is provided in Section 4.3, Historical Resources. The project would not result in significant impacts to historical resources, and mitigation for potential subsurface resources would be implemented during project construction. Therefore, the project would not result in any conflict with the Historic Resources Regulations.

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
Multi-UseCon	MMERCIAL RECREATION OBJECTIVES	
Encourage continuation of existing and development of new	Chapter 3, Project Description, discusses the intent of the project to	
commercial-recreational uses, particularly along the San Diego	provide lodging, retail, entertainment, recreational, and	Yes
River. Provide new development and redevelopment which	administrative/office uses on-site.	165
integrates various land uses into coordinated multi-use projects.		
	Proposals	
Encourage commercial-recreational uses and other related uses	The project's lodging, retail, entertainment, and recreational uses would	
(restaurants, sports facilities and equipment, specialty shops, etc.) to	each produce revenue. The site is located south of Interstate 8 and is not	
locate adjacent to the riverInclude a variety of revenue-producing	adjacent to the river. This objective is not applicable.	Yes
uses in each large-scale multi-use project.		
Ensure functional and physical integration of the various uses within the multi-use project and between adjacent uses or projects.	As shown in the Site Plan, the project would be designed to integrate its multiple uses through above-ground and underground pedestrian networks, landscaping, and architectural features. With public access trails and walkways connecting with the existing sidewalk on Hotel Circle South, the project would invite pedestrian movement between the project site and the adjacent uses. However, the project's vehicular access points would not directly connect with adjacent sites, which are comprised of commercial development to the north and west and partially to the east, primarily consisting of hotels, restaurants, and office spaces. In addition, an adjacent parking lot that is currently only accessible through the project site would be inaccessible through the site, as no access rights through the site to that lot exist.	Yes
Combine uses within a multi-use project to create a 24-hour cycle of activity.	The project's guest lodging, combined with its daytime retail, restaurant, entertainment, recreational, and administrative/office uses, would create a 24-hour cycle of activity on-site.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
De	velopment Guidelines	
Multi-use development projects should include all of the following design elements:	In the course of the project's mandatory compliance with the San Diego Municipal Code, Section 1514.0307, it would be required to separate	
a. Separate vehicular access and delivery loading zones.	vehicular access from delivery loading zones. As shown in the Site Plan, the project is designed to encourage pedestrian activity and enjoyment	
b. People-oriented spaces.	of on-site trails, fountains, an amphitheater, and public art features. The	Yes
c. Compatibility with adjacent development.	project, as a commercial development, would be compatible with existing adjacent development. As illustrated on Pedestrian Circulation	
d. Uninterrupted pedestrian connections.	Site Plan page L-1.1, the project would provide an interconnected pedestrian network, both above and below ground.	
Encourage activity on a 24-hour basis within a development project by including one or more of the following types of uses in addition to office and retail:	As shown in the Site Plan, the project would incorporate a restaurant, theater, and wellness center, and timeshare/lodging units, in addition to office and retail.	
a. Restaurants. b. Theatres. c. Hotels. d. Residences.		Yes
Multi-use development projects should be processed and evaluated through the use of Planned Commercial Development (PCD) permits and/or Specific Plans.	The project would be processed through a Planned Development Permit (PDP; formerly a "PCD") in conformance with this requirement.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
	TRANSPORTATION	
	evelopment Guidelines	
Implement all means of reducing dependency on the automobile. In addition to public transit, bicycles, and new pedestrian facilities, private development should be encouraged to participate in the following modes of transportation and Transportation Systems Management Program (TSMP) techniques: a. Van-pooling b. Car-pooling c. Park-and-ride (public and private) d. Bicycle park-bus ride (public and private) e. Piggyback bicycle-bus transportation f. Jitney Service g. Taxis h. Employer subsidies of transit passes for employees i. Ridesharing j. Flextime (staggered work hours) k. Preferential parking programs l. Any other current TSMP techniques which are available and may be applicable at the time of project review	As shown in the Site Plan and described in Chapter 3, Project Description, the project would provide multiple pedestrian pathways and a new pedestrian linkage to the south to promote pedestrian travel. In addition, the project would provide 3530 total bicycle parking spots. To reduce automobile reliance, a shuttle service would transport visitors to and from major transportation hubs and other popular San Diego tourist destinations. The project would incorporate a mix of lodging, retail, restaurant, entertainment, recreational, and administrative/office uses intended to provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing vehicle trips relative to a single-use project. The project would also include flexible work hours, an employee parking cash-out program, transit pass subsidies, and bike sharing or ride sharing. The project doesn't include the remaining features encouraged by this development guideline. In conclusion, the project is considered consistent with this guideline, because it makes a best faith effort to reduce vehicle trips and the dependency on the automobile.	Yes
	Parking	
De	evelopment Guidelines	
Provide attractively designed parking structures or underground facilities to reduce the area of a site which must be devoted to parking.	The incorporation of underground parking and a parking structure, shown in the Site Plan, would reduce the project's surface parking.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
Design parking facilities to ensure proper access and specify if for use by residents, employees, customers, visitors, goods deliveries or the handicapped.	As shown in the Site Plan, the project would provide parking facilities for use by visitors and employees, differentiated for individual uses within the project by the location of these parking spots. The surface parking and subterranean structure in the center of the site would serve the project's pavilion, welcoming center, history center/outreach pavilion, and central plaza, while the surface parking in the eastern portion of the site would serve the welcoming center and the administrative offices. Subterranean parking in the eastern portion of the site would also serve the administrative offices. In the southeastern portion of the site both subterranean and surface parking would serve the timeshare village. The parking structure, located in the western portion of the site, would satisfy additional parking needs for the entirety of the project site. The Site Plan incorporates 1819 ADA parking spots into the project design, as shown on Page C-3.	Yes
Provide landscaping in parking areas in the form of mature trees and screening hedges and shrubs. Parking area landscaping should consist of large canopied trees and parking area edges should be mounded and be landscaped with shrubbery.	Trees and other landscaping adjacent to the parking structure would provide screening on the north and east sides, facing the street and the interior of the site. Shade trees would be planted on the top of the parking structure and throughout the surface parking lots.	Yes
Provide for safe and convenient pedestrian movement both within and to and from parking areas. Pedestrian ways should be incorporated into the design of parking areas so as to provide pedestrian passage through parking areas to pedestrian destinations (buildings, streets, etc.)	As shown in the Site Plan, the project would provide an interconnected pedestrian network that would enable pedestrian passage through parking areas to designated walkways.	Yes
Design parking facilities to be adequate for both initial development and future expansion of land uses in terms of size and intensity. For example, initial parking facilities could be surface lots capable of eventually accommodating parking structures. Surface lots could also reserve land for future development and provide multi-purpose parking areas and urban plazas through the use of decorative paving, kiosks, and other pedestrian and visual amenities.	No phasing would occur. The project reflects the ultimate buildout of the site. Adequate parking facilities have been provided to accommodate all on-site land uses.	Yes

ı	MVCP Objective, Proposal or Guideline	Project Consistency Evaluation DESTRIAN CIRCULATION	Consistent?
1_		velopment Guidelines	
_	Projects should front on the public street and provide identifiable pedestrian access from the street into the project, even in areas where parking lots are located between the street and the buildings.	As shown in the Site Plan, the project would provide public pedestrian access to the property along Hotel Circle South.	Yes
	Large development projects (PCDs or Specific Plans) should provide not only internal pedestrian circulation, but should ensure continuity community-wide by connecting the internal system with adjacent projects and the community-wide pedestrian system.	The project will be processed through a PDP, as described above. As shown in the Site Plan, the project would be designed to integrate its multiple uses through above-ground and underground-pedestrian networks, landscaping, and architectural features. With public access trails and walkways connecting with the existing sidewalk on Hotel Circle South and a trail to the south, the project would invite pedestrian movement between the project site and the adjacent uses. See Section 3.4.6.4 for additional details.	Yes
_	Handicapped access must be provided to all areas of pedestrian activity, parking areas, buildings, pedestrian linkages and the community-wide pedestrian system.	As shown in the Site Plan, the project would provide handicapped access in conformance with ADA standards.	Yes

		T
MVCD Objective Proposal or Cuideline	Project Consistency Evaluation	Canaistant?
MVCP Objective, Proposal or Guideline	Project Consistency Evaluation OPEN SPACE	Consistent?
Can Diago	River Development Guidelines	
All development within the floodway and floodplain shall be	As detailed in the Site Plan, the project would incorporate the following	
consistent with the Land Development Code, Section 143.0145,	flood prevention and mitigation building techniques: prohibition of	
Flood Hazard Areas and the Design Guidelines of the San Diego	building any portion of a below-grade parking garage in the special flood	
River Park Master Plan.	hazard area; adherence to Federal Emergency Management Agency's	
Triver Fair Master Flam.	Technical Bulletin for flood proofing designs; elevation of the entrance to	Yes
	the below grade garage to above the base flood elevation or installation	
	of a flood shield; and compaction of fill placed in the special flood hazard	
	area for a building pad.	
Hillside	es Development Guidelines	<u>'</u>
Grading required to accommodate any new development should	As shown in the Site Plan, the project includes an open space easement	
disturb only minimally the natural terrain. This can be achieved by:	on most of the steep slope in the southern portion of the site. Most	
a. Contouring as naturally as possible to maintain the overall	Construction would be concentrated on the existing developed portion of	
landform.	the site, on previously graded ground, thereby preserving the natural	
b. Blending graded features into remaining natural terrain.	topography of the site. The upper portion of the amphitheater, which	
c. Replanting with native, drought-resistant plants to restore natural	would include stepped seating built into the steep slope on the project	
appearance and prevent erosion.	site, has been designed to conform to the existing or finished slope. The	Yes
d. Adapting buildings and parking areas to the natural terrain (i.e.,	hiking trail would be graded to meet the existing terrain. The Site Plan	
tucking into hillsides, utilizing small pad areas, utilizing compatible	also states and shows that throughout the site, plant materials would be	
site design).	from the palette of plants known to perform well in this climatic zone and	
	amended soil type. On the retaining wall, landscaping at the top of the	
	slope would incorporate native planting to reflect the adjacent open	
Wherever possible, preserve and incorporate mature trees and other	space and screen walls. The landscape plan legend should indicate which trees and shrubs are	
established vegetation into the overall project design.	existing and would remain. As shown in the Site Plan, page L-3, the	
established vegetation into the overall project design.	project proposes removing all trees and landscaping from the previously-	
	developed portion of the site, and replanting with the species listed in the	
	Site Plan. Along the current southern extent of the developed portion of	Yes
	the site, natural chaparral that would be disturbed would be replanted to	
	the specifications described. No mature trees currently grow in the	
	naturalized portion of the site which would be disturbed.	

MVCD Objective Proposal or Cuideline	Draiget Consistency Evaluation	Consistent?
MVCP Objective, Proposal or Guideline Large-scale development (commercial, office, or commercial- recreation) at the base of the slopes should not cut or grade, nor extend above the 150-foot elevation contour on the southern slopes.	Project Consistency Evaluation As shown in the Site Plan, page C-7, the project's development on the sloped portion of the property would be limited to the area between the previously graded portion of the property and the upper slopes on the site. The highest extent of this grading would occur below the 110-foot elevation contour.	Yes
Development at the base of the slopes should utilize the following design principles: a. Emphasize a horizontal rather than a vertical orientation for building shape. b. Step back each successive floor of the structure to follow the natural line of the slope. c. Set the rear of the structure into the slope to help blend the structure into the site. d. Utilize building materials and colors that are of earth tones, particularly dark hues. e. Utilize landscape materials compatible with the natural hillside vegetation. f. Design roof areas to minimize disruption of views from the crest of the hillsides. Sloped or landscaped roofs and enclosed mechanical equipment can help to achieve this effect.	 a. As shown in the Site Plan, all buildings would be constructed in a horizontal orientation, as their lengths would be greater than their heights. b. Building construction on the project site would occur entirely on previously graded ground; no structure would be built on a slope. c. Same as previous. d. The Site Plan and Chapter 3, Project Description, show the project facade materials to consist of Jerusalem stone, which would be light beige, and stucco, of a similar hue. These materials would be of earth tones, though not dark hues, and would fulfill this MVCP development guideline. The project's domes, which would be either glass and steel or gold-toned shotcrete and stucco, would potentially be inconsistent with this MVCP development guideline. e. Plant materials would be from the palette of plants known to perform well in this climatic zone and amended soil type. f. The building with the highest elevation on-site would be the timeshare villageLegacy hotel building, which would rise to 11934 feet above mean sea level in elevation. The hillside to the south of this structure ranges in elevation from 140 to 200 feet above mean sea level-in elevation; therefore, the structure would not obscure views from the crest of the hillside behind it. 	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
	CONSERVATION	
De	evelopment Guidelines	
Mitigate noise impacts on land uses which are incompatible with the annual community noise equivalent levels, according to General Plan standards, should be mitigated through the following measures: 1. Screening freeways and other heavily traveled roads through the use of walls and/or berming with landscaping. Where solid walls are necessary, the design of the wall and surrounding land should soften the visual effect of the wall. Landscaping materials and sculptural forms should be incorporated into the design. 2. Orienting the structures, including the placement of windows, away from roads or noise sources. 3. Utilizing noise-absorbing building materials in all new construction. Mechanical ventilation should be installed in residential developments to supplement or replace air conditioning where insulation is the chief means of reducing noise. Mechanical systems should be designed to use as little energy as possible, and to provide as many aesthetic elements as possible. For instance, cooling towers can become fountains, stream exhausts can have sculptured expressions, and landscaping can be used for energy and noise protection purposes.	As discussed in the Noise Analysis prepared by RECON, the land use would be compatible with the General Plan Community Noise Equivalent Level standards. Landscaping would screen the project from Hotel Circle South and Interstate 8, as shown in the Site Plan. The project would be required to comply with San Diego Municipal Code noise regulations.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
Improve water quality through the following measures:	1. As described in the Water Quality Technical Report (WQTR), which	
	can be found in Appendix M of this EIR Storm Water Quality	
1. Practice erosion control techniques when grading or preparing	Management Plan (Appendix M-1), BMPs such as desilting basins, silt	
building sites.	fences, gravel bags, fiber rolls, and other erosion control measures will	
2. Utilize ground cover vegetation when landscaping a development in a drainage area to help control runoff.	be employed during construction.	
3. Upgrade aging sewer and water lines as part of a capital	2. As can be seen in the Site Plan, the project would feature a	
improvements program in the Valley.	bioretention basin adjacent to Hotel Circle South to collect storm water	
4. Incorporate sedimentation ponds as part of any flood control or runoff control facility.	runoff.	
•	3. The project would connect to existing sewer and water lines where	Yes
	possible, and construct new infrastructure to meet any additional	
	demands of the project, in compliance with the San Diego Municipal	
	Code.	
	4. During construction both erosion control and sediment control BMP's	
	will be utilized to avoid siltation impacts. Permeant sediment ponds will	
	not fit with the commercial uses of the project, however permanent	
	BMP's will be provided as outlined in the WQTR Storm Water Quality	
	Management Plan. The permanent BMPs will capture sediment and other pollutants in perpetuity of the project.	
Conserve water through the following measures:	The Site Plan states and shows that throughout the site, plant	
	materials would be from the palette of plants known to perform well in	
Landscape with native, drought-resistant vegetation.	this climatic zone and amended soil type, as required by the Landscape	
2. Use water saving devices in all new development projects.	Regulations detailed in Article 2, Division 4 of the San Diego Municipal	
3. Utilize water from the water reclamation project for irrigation of	Code	Yes
landscaping.	2. In addition, the project would be consistent with 2013 Title 24 Part 11	
	requirements calling for water conservation methods.	
	3. No reclaimed water from the Public Utilities Department is available at	
	the project site.	

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MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
Encourage new development to make the best use of available energy through the following measures:	The project will incorporate energy efficiency measures into project design, as feasible.	
 Clustering buildings in order to use a common heating/cooling source. Use a north-south orientation to take advantage of passive solar energy and provide the option of installing active solar equipment. Design the building to allow flow-through ventilation of air from outside, thus reducing mechanical ventilation costs and energy requirements. Utilize building materials which will act as insulators or conductors, depending on the energy people. 	2. As shown in the Site Plan, the pavilion (the building with the single largest footprint) would be constructed with a north-south orientation (i.e. the north and south sides of the building would be the longest). The parking garage, welcoming center, and history center would have approximately the same width as their length, while the shape of the timeshare-village would be three rectangles joined into a building with three points and no clear orientation. The administrative building would have a northwest-southeast orientation.	
depending on the energy needs. 5. Use architectural designs, forms, materials and orientations which lend themselves to solar heating and cooling. For example, sloped roofs, if properly oriented and angled, can readily be retrofitted for solar heating.	3. As shown in the Site Plan, each of the building designs incorporates multiple windows. The pavilion and welcoming center include windows on their main and upper floors, with most windows on the upper floors. The administrative building would incorporate windows on all three floors. The underground areas would not have natural ventilation; however, they would connect with the welcoming and history centers.	Yes
	4. The project will comply with CalGreen or the building code in place at the time construction commences. Energy efficiency features will be incorporated in project design.	
	5. The Site Plan shows that the buildings would be flat-roofed, except where domes would be incorporated into the structure and on the sloped portion of the timeshare village roof. The project's incorporation of light-toned Jerusalem stone and stucco would reduce the heat absorbed by the buildings in summer, but also reduce the buildings' ability to absorb natural solar heat in winter.	

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
CULTURA	L AND HERITAGE RESOURCES	
Conduct archaeological and paleontological surveys, when warranted, for projects requiring a discretionary permit.	Proposals An Archaeological Resources Survey was conducted by RECON in February 2013. The results of this survey can be found in Appendix C of this EIR.	Yes
Should a site worthy of preservation be found, institute appropriate measures for its protection or for the salvage of the artifacts.	The existing Mission Valley Resort complex was found to not be eligible as a historical resource under any of the applicable local or state criteria. Mitigation for buried cultural material is included in Section 4.3.	Yes
Design Cuid	URBAN DESIGN elines for Hillsides: North Slopes	
Regraded areas should maintain a slope ratio of 2:1. Grading should be sculptured in an effort to recreate natural slopes and contours.	As shown in the Site Plan, the construction would be concentrated in the existing developed portion of the site, on previously graded ground.	Yes
Slope areas should be seeded with native local vegetation.	As shown in the Site Plan, the construction would be concentrated in the existing developed portion of the site, on previously graded ground, thereby preserving the natural topography of the site and leaving undisturbed its native vegetation. The Site Plan also states and shows that the landscaping at the top of the site's retaining wall would incorporate native planting.	Yes
Development should occur at the base of the slope in order to leave the slope area to mirror the greenbelt effect of the southern hillsides.	As shown in the Site Plan, the construction would be concentrated in the existing developed portion of the site, on previously graded ground, thereby preserving the natural topography of the site and leaving undisturbed its native vegetation.	Yes
When development occurs beyond the base of the hillsides, in the terraces formed by the recreated grading, the development profile should be very low.	Construction would be restricted to the existing development footprint, except in the case of the upper portion of the amphitheater, which would have a very low development profile.	Yes
Buildings and parking areas should be adapted to the terrain. This includes the terracing of buildings either up or down a slope.	As shown in the Site Plan, the construction would be concentrated on the existing developed portion of the site, on previously graded ground.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent
Variable slope gradients are encouraged in reconstructed slope areas.	As shown in the Site Plan, the project would involve building construction only in the existing developed portion of the site. Where minimal grading occurs at the base of the property's slope, retaining walls would be installed, as shown on page C-4 of the Site Plan. The graded slopes will be re-vegetated to stabilize them for erosion control and screening of the walls.	Yes
In general, sharp angular forms should be rounded and smoothed to blend with the natural terrain.	As shown in the Site Plan, the three-pointed Building 4Legacy hotel building, which would contain time shares, would be placed according to the natural contour of the site (i.e. the narrower portion of the building would be adjacent to the projection of the nearby slope), allowing the building to tuck into the natural recesses of the landscape.	Yes
During construction, measures shall be taken to control runoff from construction sites. Filter fabric fences, heavy plastic earth covers, gravel berms or lines of straw bales are a few of the techniques that should be considered.	The project would adhere to the San Diego Municipal Code and to the 2010 California Green Building Standards, as adopted by the City of San Diego. As described in the WQTR Storm Water Quality Management Plan, which can be found in Appendix M-1 of this EIR, BMPs such as desilting basins, silt fences, gravel bags, fiber rolls, and other erosion control measures will be employed during construction.	Yes
Grading shall be phased so that prompt revegetation or construction can control erosion. Only those areas which will later be resurfaced, landscaped or built on, should be disturbed. Resurfacing of parking lots and roadways should take place as soon as possible and not wait until the completion of construction.	As described in the Site Plan, all graded, disturbed, or eroded areas that will not be permanently paved or covered by structures shall be permanently revegetated and irrigated. Graded, disturbed, or eroded areas that will not be permanently paved, covered by structure, or planted for a period over 90 calendar days will be temporarily revegetated with a non-irrigated hydroseeed mix, ground cover, or equivalent material.	Yes
Graded slopes shall be promptly revegetated with groundcover or a combination of groundcover, shrubs and trees. Hydro-seeding may substitute for container plantings. Groundcovers should have moderate to high erosion control qualities.	As described in the Site Plan, all graded, disturbed, or eroded areas that will not be permanently paved or covered by structures shall be permanently revegetated and irrigated. Graded, disturbed, or eroded areas that will not be permanently paved, covered by structure, or planted for a period over 90 calendar days will be temporarily revegetated with a non-irrigated hydroseeed mix, ground cover, or equivalent material.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
Design G	Guidelines for Parking Areas	
 Trees and other plants should be dominant elements of major entries into projects, particularly those entries into parking areas. Round headed, rather than upright trees should be utilized in parking areas. Parking lot trees should have a mature height and spread of at least 30 feet. They should also be long-lived (60 years), clean, require little maintenance, and be structurally strong, insect and disease-resistant, and require little pruning. A minimum ten percent of the parking lot area should be landscaped. Landscaping areas should be distributed between the periphery and interior landscaping islands and be designed to break up large paved areas. Landscaping islands should be a minimum ten feet wide. Parking lot landscaping should include primarily ground cover and tall-canopied trees, instead of bushes or short bushy trees. To screen parking lots and structures from the street, large dense shrubs may be massed at the edge of the parking area. Trees and shrubs can be combined with earth berms to screen adjacent parking areas. Turf areas should be minimized except where recreation areas are required. Turf for strict visual reasons (except at major entries) should be minimized because of the high water use and maintenance costs. Instead of extensive parking lot landscaping, development proposals may want to utilize the option of using patterned paving. If a parking lot is designed with patterned paving, interior-landscaping requirements may be reduced, based on the requirements of individual projects. 	 As shown in the Site Plan, page L-1, trees and other plants will be placed at the entryway arches and entrances to parking areas. Round headed trees will constitute most of the trees in the parking areas, with some upright trees for accent. The tree species listed on page L-36 of the Site Plan that would be planted in the parking lots all have a mature height and spread of at least 30 feet, with the exceptions of the Jacaranda (spread of 25 feet) and African Sumac (height and spread of 25 feet) desert museum palo verde and Muskogee crape myrtle. The plant materials specified for use in the project would be from the palette of plants known to perform well in the local climatic zone and amended soil type. As shown in the Site Plan, page L-1, the planting area for the Vehicular Use Area inside the street yard would be 7,547 square feet in excess of the required area. The vegetation listed on page L-3 of the Site Plan and shown in the parking lot areas in the Landscape Concept Plan on page L-1 consists of ground cover and tall-canopied trees. As shown in the Site Plan, trees and other landscaping adjacent to the parking structure would provide screening on the north and east sides of the parking structure, facing the street and the interior of the site. Shade trees would be planted on the top of the parking structure and throughout the surface parking lots. The Site Plan shows that turf does not factor prominently in the project's landscaping, and the proposed turf species would be a drought-resistant fescue. No permeable pavers are proposed within the project 	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
Design Gui	delines for Pedestrian Areas	
• Pedestrian areas should include safe routes between developments, preferably separated from vehicular traffic. They should provide interest to the walker so as to promote their use. Interest can be created by paving materials, undulating slopes, landscaping, retail uses, public events (concerts, sidewalk sales, other gatherings, etc.), selling of food (cafes or vendors), and public art such as urban sculpture. Pedestrian areas should also include sitting areas and adequate lighting.	The project would incorporate architectural features such as arches of triumph at the access gates and columns, pedestals, and capitals on the buildings in order to provide visual appeal to the streetscape and the site. Buildings would be primarily oriented towards the access street, Hotel Circle South. Landscaping features that would provide visual appeal include the project's proposed walkways, shade trees, outdoor art, an open plaza, an outdoor fountain and cascading water feature, and a hiking trail, and a public access and overlook trail. Building entries would be easily accessible to pedestrians as well as emergency vehicles, as is shown in the Fire Access Plan sheet of the Site Plan. The existing setback would be preserved. These design features are shown and described in the Site Plan.	Yes
 All pedestrian walks should have a minimum width of six feet in order to encourage pedestrian use. In areas of higher development intensity, widths of ten feet to 20 feet should be considered. Pedestrian sidewalk width guidelines are incorporated in the street design section of this section. 	As shown in the Site Plan, the meandering sidewalk adjacent to Hotel Circle South is designed to be five feet wide; however, the project would provide a linear park along the project's frontage, which would serve as a public amenity. The public access trail at the southern portion of the project site would also be five feet in width. The public access and overlook trail would be eight feet wide.	Partially
Pedestrian crossings of streets or parking lots should be identified through special paving and design materials. This technique should be used to provide access pedestrian areas across low volume and low speed streets.	The project would comply with the San Diego Municipal Code, Section 1514.0408, and pedestrian crossings would be identified through special paving and design materials.	Yes
Pedestrian areas should incorporate patterned paving to give them more visual prominence, human scale, and beauty.	The incorporation of the flagstone stamped concrete walks or the equivalent mentioned in the materials lists of the Site Plan would provide pattern to the project's paving areas.	Yes
	Guidelines for Solar Access	
Building location and height should be carefully considered in relation to public spaces. Plazas and other public spaces should not be totally kept in shadows, and should be protected from excessive wind conditions.	The Site Plan shows that the project's buildings would not shade the site's plazas and outdoor spaces. Shade trees, which would include both evergreen and deciduous varieties, would provide some sun and wind protection for these spaces.	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
and deciduous trees should be located on that southern facade. This allows sun to warn the building in winter, when it is highly desirable, while providing shade in the warmer summer months.	The project's pavilion would orient a majority of the building's glass areas to the north, but a nearly equal portion of the glass would be oriented to the south. Deciduous trees would be sparsely planted along the southern edge of the timeshare village hotel, while evergreen trees would be planted to the south of the welcoming center, the history center, and the parking structure. The landscaping plan for the administrative office building includes deciduous trees to the south of the building. No trees are proposed to be planted along the southern exposure of the pavilion.	Yes
 reduce solar roof loads, unless a passive heat system is employed. Sloped roof surfaces ideally should be located facing the south, and at an angle that can accommodate later retrofitting for solar energy. Building colors should be carefully considered in order to minimize heat transfer into building structures. Building facades should incorporate overhangs or canopies to shade direct sun and reduce heat gain. In commercial buildings, nearly 50 percent of the energy is used for lighting purposes. Approximately 33 percent of the total building energy is consumed by environmental comfort systems. Natural daylight should be used as a conservation technique. Buildings should not solely depend on mechanical systems for ventilation. Building design should encourage natural ventilation. To reduce solar reflection on buildings, parking areas with large paved surfaces should be located to the east and north of adjacent buildings. Evergreen trees should be placed on the west side of buildings to provide protection from prevailing winds. The installation of active solar hot water and solar heating systems should be considered for buildings. Rooftop solar energy collectors should be designed as an integral part of the building form. 	 The incorporation of steel or gold-toned shotcrete and stucco into the domes of the pavilion, welcoming center and history center would provide a reflective quality; however, the potential use of glass would increase the solar roof load. The other roof surfaces would be covered in light colored EIFS stucco, which has a higher reflective quality than darker stucco. As required by the Climate Action Plan Checklist Strategy 1, the project would include roofing materials with a minimum 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code. The project's buildings would incorporate a light-colored Jerusalem stone façade, reducing heat absorption. As shown in the Site Plan, most of the project's buildings would not incorporate an overhang. The project's timeshare-hotel building would feature a 2.5 foot roof overhang for shade. The building designs include numerous windows to let in natural light, and arches would provide shaded recesses on the buildings' exteriors. The incorporation of numerous windows into the building designs, particularly on the upper floors, would allow for natural ventilation, as shown in the Site Plan. The underground areas would not directly receive natural ventilation; however, these would be connected with buildings containing windows on both lower and upper floors. The project's parking areas would be located primarily to the north of the project's buildings, reducing solar reflection. 	Yes

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
	The welcoming center would feature evergreen trees on its west side.	
	The administrative building would be shielded from prevailing winds by	
	the history center to its west. The history center is not directly adjacent	
	on most of its western side to either buildings or trees, but would be	
	shielded somewhat by the pavilion across the open plaza. The pavilion	
	would be protected by the parking structure and by trees to its west. The	
	open-air parking structure would not be shielded by trees. Sparsely	
	planted deciduous trees would provide some protection from prevailing	
	winds to the timeshare village during spring, summer, and fall. Buildings	
	would be shielded from winds by evergreen trees as well as other	
	structures.	
	Energy efficiency features will be incorporated into project design, as	
	feasible.	
	idelines for Water Conservation	
 Buildings should be designed with mechanisms that will reduce 	The project would be required to adhere to the 2010 California Green	
water consumption. The following water saving devices should be	Building Standards, as adopted by the City of San Diego, which guide	
considered: Low flow plumbing fixtures; cycle adjustment machines;	water conservation by new development.	
pressure regulators to maintain water pressure to desirable	As shown in the Site Plan and described in Chapter 3, Project	
conservation levels; hot water pipe insulation; and, automatic	Description, drought tolerant plants would be incorporated into the site's	
sprinkler systems.	landscaping and the fountain's water would be removed and replaced	
Water should be conserved by using low maintenance drought	with potted xeriscape plants or silk plants in drought conditions may be	
tolerant plant material, and the use of inert landscape materials	<u>used without water</u> when water conservation is mandatory.	Yes
(rocks, gravel, ornamental paving) and sculptured forms.	Ornamental landscape areas will be served by a permanent, automatic	
Drip irrigation systems should be encouraged.	multiple-valve irrigation system, which will use low precipitation heads,	
Reclaimed water use should be encouraged, particularly for large	segregated based on plant material type and aspect, and be designed to	
master planned projects.	minimize overspray onto any native areas and hardscape surfaces (see	
Mechanical equipment in buildings should either be buffered and	Site Plan page L-3).	
hidden from view, or should be sculptural. For example; cooling	No reclaimed water is presently available within Mission Valley.	
towers, when necessary, could be designed as	Mechanical equipment would be screened with fencing and/or	
fountains.	landscaping.	

MVCP Objective, Proposal or Guideline	Project Consistency Evaluation	Consistent?
 Landscaped earthen berms should be constructed to reduce noise effects. Earthen berms of the same height as a wall are as effective in reducing noise, but have greater design appeal and appearance when fully landscaped. Other effective methods are building setbacks, or elevation differences. Non-sensitive land uses, such as garages, parking lots, or recreational areas should be sited adjacent to major noise producing roadways and freeways. 	 As discussed in the Noise Analysis prepared by RECON, traffic noise is not anticipated to exceed the acceptable interior noise levels according to the General Plan. To ensure on-site generated noise is below the acceptable limit, the project would incorporate the following mitigation measure to limit noise levels: conducting an acoustical study of proposed mechanical equipment. All of the buildings would be set back from the northern edge of the property, which faces Hotel Circle South and, beyond it, I-8, with the exception of the welcoming center and the parking structure. Trees planted to the north of these structures would provide buffering from vehicle noise, and a wall would provide additional shielding for the welcoming center. Surface parking and the fountain compose the remaining areas adjacent to the northern edge of the property and the source of roadway-generated noise. The timeshare Legacy village would be constructed in the southern portion of the property, providing sufficient set back from the noise-producing roadway (Hotel Circle South) and freeway (Interstate 8) to the north of the property. 	Yes

4.1.2.2 Significance of Impacts

a. General Plan

No inconsistencies with the General Plan would occur. Therefore, there would be no secondary land use impacts associated with plan inconsistencies.

b. Mission Valley Community Plan

The MVCP would be amended to reflect the fact that the project is being removed from the Atlas Specific Plan; however, no inconsistencies with the MVCP would occur. The project would below both the ADT thresholds per gross acre established by the MVCP for the project site. Also, the project would be consistent with relevant goals and policies of the MVCP, as detailed in Table 4.1-3. Therefore, there would be no secondary land use impacts associated with plan inconsistencies.

c. Atlas Specific Plan

With removal of the project site from the Atlas Specific Plan, no inconsistencies with the plan would occur. Therefore, there would be no secondary land use impacts associated with plan inconsistencies.

4.1.2.3 Mitigation, Monitoring, and Reporting

No impacts would occur; therefore, no mitigation is required.

4.1.3 Issue 2: Consistency with Environmentally Sensitive Land Regulations

Would the project result in a conflict with the purpose and intent of the Environmentally Sensitive Land (ESL) regulation of the City of San Diego Land Development Code (LDC)?

4.1.3.1 Impacts

The southern portion of the property contains sensitive biological resources and steep hillsides. Also, the northern portion of the project site lies within the Special Flood Hazard Area (100-year floodplain) of the San Diego River. Therefore, the project is subject to the ESL Regulations of the City of San Diego LDC. (Other sensitive resources covered under ESL, including coastal beaches and sensitive coastal bluffs do not apply within the project site.)

a. Steep Hillsides

Approximately 5 acres of the project site (27 percent) contain steep natural hillsides, defined as areas of natural topography in excess of 25 percent slope. The project would <u>avoid these slopes grade into approximately 1.6 acres of these slopes, which are located within the southern portion of the property, as illustrated on Figure 4.7-5. As shown in Table 4.1-4, below, the project would <u>not exceed the permitted encroachment allowance.</u></u>

TABLE 4.1-4
SENSITIVE SLOPE ANALYSIS

	Areas Containing	Maximum	Proposed	Meets
Gross Site	Slopes Greater	Encroachment	Disturbance to	Encroachment
Acreage	Than 25%	Allowance	Hillside Slopes	Allowance?
18.13	5 acres/27%	0 acre/0%	<u>0</u> 1.6 acre/ <u>0</u> 32%	<u>Yes</u> No

According to the ESL Regulations, for areas outside of the MHPA (such as the project site), the allowable development area includes all portions of the premises *without* slopes greater than 25 percent (steep hillsides). The regulations require that steep hillsides be preserved in their natural state, except where development is permitted in steep hillsides if necessary to achieve a maximum development area of 25 percent of the premises. Since no development is proposed within the steep slopes encumber only 27 percent of the project site, 73 percent of the project site is available for development. Therefore, the project would be inconsistent with the ESL development regulations for naturally steep hillsides.

Since the project site is located outside of the Coastal Overlay Zone, deviations to the steep hillside regulations can be considered, subject to the findings criteria outlined in the Steep Hillsides Guidelines of the LDC. The encroachment into the steep slopes would require a deviation from Municipal Code, Section §143.0142(a). The Municipal Code allows that if a proposed development does not comply with all applicable development regulations of the ESL, a deviation may be requested with the approval of a Site Development Permit, in accordance with Process Four.

The rational for the deviation can be supported by the following considerations. Specifically, grading that would take place within the steep slopes is necessitated by several factors, including:

- The City requires the project to provide additional right-of-way for Hotel Circle South along the project's northern frontage. For this reason, on-site development has been moved further to the south, thereby resulting in some encroachment into the southern hillsides.
- The project will provide a linear park space along the project's street frontage consistent with the multiple-use zone guidelines that require a pedestrian-oriented development that promotes pedestrian use. This also necessitates that on-site

development be moved further to the south, thereby resulting in some encroachment into the southern hillsides.

- The project will provide an improved and Americans with Disabilities Act-accessible trail at the southwestern portion of the project site that will provide access to the open space and southern hillsides. This trail will also provide access to storm drain and sewer systems for maintenance and repair. Installation of the trail will result in grading into the southern hillside and steep slopes.
- The project is required to provide fire truck access along the southern perimeter of the structures. Grading for this access road will require encroachment into steep slopes.
- The project is conditioned to relocate some of the larger public sewer and storm drain systems with a required access easement located in the southeastern portion of the project site from the rear of the amphitheater to the project site's southern boundary.

The ESL regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area. Although the project would deviate from the ESL regulations, no significant visual landform alteration impact would result, as detailed in Section 4.7.2. Therefore, The project would not result in a conflict with the purpose and intent of the ESL regulations, and secondary land use impacts associated with the requested ESL deviation would be less than significant.

b. Sensitive Biological Resources

Three sensitive habitats under the City of San Diego's MSCP Subarea Plan (City of San Diego 1997) occur within the survey area: southern mixed chaparral (Tier III-A habitat), disturbed southern mixed chaparral (Tier III-A habitat), and non-native grassland (Tier III-B habitat). One sensitive avian species, Cooper's hawk (*Accipiter cooperii*), was detected within the survey area in the eucalyptus woodland. Also, although it was not detected onsite, there is moderate potential for the Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*) to occur due to the presence of suitable southern mixed chaparral habitat. These sensitive biological resources occur in the southern portion of the project site and are generally coincident with the steep hillside areas described above. (Biological resources are described in greater detail in Section 4.4 of this report.)

According to the City's ESL regulations, development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by a qualified biologist in accordance with the Biology Guidelines in the Land Development Manual. A site-specific biological survey and impact analysis has been prepared for the project and is included as Appendix E-1 and E-2 to this EIR.

Pursuant to the biological analysis, all impacts to sensitive on-site biological resources would be mitigated consistent with ESL requirements. Mitigation of 0.035 acre of Tier III-A or better habitat and 0.085 acre of Tier III-B or better habitat within the MHPA would be accomplished through satisfied through the purchase of 0.12 mitigation credits through the City's Habitat Acquisition Fund (HAF) program. The receipt for credits purchased shall be provided to the City prior to issuance of any grading or construction permit.

on-site preservation by placing the remaining habitats outside of the development footprint (2.15 acres of southern mixed chaparral, 0.58 acre of disturbed southern mixed chaparral, and 0.19 acre of non-native grassland) in a covenant of easement (City of San Diego 2012), which would exceed the required mitigation for the project. Therefore, with the implementation of the mitigation as detailed in Section 4.4, the project would be consistent with the ESL relative to sensitive biological resources, and no secondary land use impacts would result.

c. Floodplain

The northern boundary of the project site is within a 100-year floodplain (Federal Emergency Management Agency Zone AE and Zone X) (refer to Figure 4.11-1). ESL regulations and all other applicable requirements and regulations of Federal Emergency Management Agency apply to all developments proposing to encroach into a *Special Flood Hazard Area*, including both the *floodway* and *flood fringe* areas, or that do not otherwise qualify for an exemption under ESL. The project would not adversely affect sensitive biological resources, as further described in Section 4.4. Also, as detailed in Section 4.11, the project would not cause adverse impacts related to flooding of properties located upstream or downstream nor would it increase or expand a Flood Insurance Rate Map Zone A; the development would neither significantly increase or contribute to downstream bank erosion and sedimentation nor would it cause an increase in flood flow velocities or volume; and there would be no significant adverse water quality impacts to downstream wetlands, lagoons, etc. Grading and filling would be limited to the minimum amount necessary to accommodate the proposed development. Therefore, the project would be consistent with the City's ESL relative to floodplains, and no secondary land use impacts would result.

4.1.3.2 Significance of Impacts

a. Steep Hillsides

While The project <u>would not</u> requires a deviation from ESL Regulations found within the City's LDC, <u>and</u> no secondary impacts to steep slopes and natural land forms would occur, as discussed in Section 4.7.2 of this EIR. Therefore, secondary land use impacts would be less than significant.

b. Sensitive Biological Resources

With the implementation of the mitigation as detailed in Section 4.4 of this EIR, the project would be consistent with the ESL relative to sensitive biological resources. No secondary impacts associated with sensitive biological resources would occur.

c. Floodplain

The project would be consistent with the City's ESL relative to floodplains. No secondary impacts associated with floodplains would occur.

4.1.3.3 Mitigation, Monitoring, and Reporting

a. Steep Hillsides

Impacts would be less than significant, and no mitigation is required.

b. Sensitive Biological Resources

While there is biological mitigation proposed (BR-1 and BR-2) as discussed in Section 4.4.2, the mitigation is required in order to avoid impacts to nesting birds and raptors rather than to avoid ESL impacts. As discussed in Section 4.4, impacts to 0.035 acre of Tier III-A habitat and 0.085 acre of Tier III-B habitat would be satisfied through the purchase of 0.12 mitigation credits through the City's HAF program (BR-3). The receipt for credits purchased shall be provided to the City prior to issuance of any grading or construction permit. With respect to the ESL, no secondary land use impacts would occur, and no mitigation is required.

c. Floodplain

No secondary impacts would occur, and no mitigation is required.

4.1.4 Issue 3: Development Standards

Would the project require a deviation or variance, which would in turn result in a physical impact on the environment?

4.1.4.1 Impacts

a. Mission Valley Planned District Ordinance

The MVPDO regulations link development intensity to the traffic levels allowed under the adopted community plan through the development intensity overlay district. The regulations of the MVPDO also implement the MVCP through the use of: (a) overlay districts regulating

development intensity communitywide and providing additional development criteria for projects in the San Diego River and Hillside Subdistrict; (b) residential, commercial, industrial, and multiple land use zones providing basic development criteria; (c) special development regulations which address unique Mission Valley needs and are applied to all land uses; and (d) continued application of the citywide OF-1-1 (Open Space—Floodplain) Zone and Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations). Compliance of the project with all of the applicable regulations including the base zone and applicable overlays are described in greater detail in the following sections.

b. Base Zones

As a result of the Community Plan Amendment for the project, which would remove the project site from the Atlas Specific Plan, the project site also would be rezoned to remove the Specific Plan designation for the site. The proposed base zone for the site is the MV-CV, which allows for commercial visitor-oriented development such as those establishments catering to the lodging, dining, and shopping needs of visitors. No deviations to the base zone are requested; therefore, no impacts relative to a required deviation would result.

c. General Regulations – Retaining Walls

As indicated above, the City's Municipal Code states that retaining walls located outside of the required yards shall not exceed 12 feet in height (LDC §142.0340(e)) and retaining walls within the required yards shall not exceed 9 feet in height within commercial and industrial zones (LDC §142.0340(f)(3)). In order to reduce grading, the proposed project would include 16 retaining walls ranging in height from 0.5 feet tall to 16.5 feet tall (see EIR Section 3.4.5). Four of these proposed walls (walls 11, 12, 15 and 16) would exceed the City's Municipal Code General Regulations regarding retaining walls and would require deviations to be approved through a Planned Development Permit (PDP). In accordance with the City's requirements, the proposed project would include a PDP.

The proposed retaining wall deviations would not result in a significant secondary environmental impact, as these walls would not be visible from public vantage points due to the intervening topography and structures. The proposed wall 11 abuts the southern hillside, and would not be visible from the public trail considering the trail would be located at a higher elevation than the wall. In addition, proposed wall 11 would not be visible from Hotel Circle South given then intervening buildings. Proposed walls 12, 15, and 16 would also not be visible from the trail or Hotel Circle South due to the intervening Legacy Village Hotel (building 3). While not protected views, the walls would also not be highly visible from the adjacent properties due to the topography and the location of the walls. No secondary land use impacts would result.

de. Hillside Subdistrict

Height Limitation

The project proposes structures in excess of 40 feet above finished grade (up to 65 feet) and would therefore require exceptions to the Hillside Subdistrict height limitation regulations. In order for these exemptions to be made, the specified standards would be met as follows:

i. All natural existing hillside vegetation and topography shall be preserved.

As described in Section 4.1.3.1, the project would preserve the majority of existing hillside vegetation and topography; however, some grading wouldand there would be no encroachment into steep natural hillsides subject to the City's ESL regulations. The encroachment is generally necessitated by City requirements and public improvements/benefits provided by the project, including additional right-of-way for Hotel Circle South; a linear park along the project's frontage; construction of an Americans with Disabilities Act-accessible trail; provision of a fire access road south of the structures; and a sewer/storm drain easement. Grading for the amphitheater would also minimally encroach into steep hillsides.

ii. Any previously graded hillsides shall be recontoured into a naturalistic form and revegetated with indigenous plants.

The project would re-contour graded hillsides, as feasible, and they would be restored to their natural form and re-vegetated with a native hydroseed mix. To minimize grading and to blend the finished landform with the existing adjacent topography, all graded, disturbed, or eroded areas that would not be permanently paved or covered by structures would be permanently re-vegetated and irrigated to the extent possible and in accordance with the standards in the LDC.

iii. Buildings and structures shall be designed and sited so that a minimum 30' wide open public view corridor is created to the hillside from adjacent public streets and freeways.

Two public view corridors would be retained through the site from Hotel Circle South and I-8 (refer to Figures 3-14.7-8 and 4.7-9). The view corridors would be protected through the dedication of open space easements.

Conclusion

Although the project proposes structures in excess of the Hillside Subdistrict ordinance height limitation, all of the above standards can be demonstrated to be met. Furthermore, the project would not result in significant visual impacts relative to the height of the proposed structures, as detailed in Sections 4.7.3 and 4.7.4.

Steep Slope Lands

The Hillside Subdistrict specifies that:

i. Development shall not be permitted in steep slope lands, except as indicated in Table 4.1-1.

Less than 75 percent of the project site is constrained by steep slope lands. Therefore, consistent with Table 4.1-1, a maximum encroachment allowance of 10 percent would be permitted. As illustrated on the slope analysis (Figure 4.7-5), approximately 5 acres or 28 percent of the site contains steep slope lands; therefore, the maximum encroachment allowance is 0.5 acre. The project would <u>not</u> encroach into <u>1.6 acres of steep</u> slope lands.

ii. Development, including road construction above the 150-foot contour line shall not occur

No development would occur above the 150-foot contour line.

iii. Landscaping – slopes disturbed during construction shall be revegetated in accordance with City-wide standards

As indicated on the landscape plans, revegetation of all slopes disturbed during grading would occur in accordance with City standards.

Conclusion

Although-The project <u>does not proposes</u> encroachment into steep slopes in excess of the Hillside Subdistrict ordinance steep slope lands regulations; thus, all of the above standards have been demonstrated to be met. Furthermore, the project would not result in visual impacts relative to the height of the proposed structures, as detailed in Sections 4.7.3 and 4.7.4.

Signage

Ground signs greater than 40' and roof top signs are prohibited.

No signs in excess of 40 feet or rooftop signs are proposed.

Hillside Subdistrict Guidelines for Discretionary Review

The project would be consistent with the Guidelines as follows:

General:

i. Orient development towards the valley and take access to Mission Valley projects from roads that do not extend above the 150-foot elevation contour.

The project would take access from and would be oriented toward Hotel Circle South within the valley.

ii. Preserve the natural landform and greenbelt of the southern hillsides and rehabilitate the northern hillsides.

The project would preserve the majority of the southern hillsides, as described above.

iii. Cluster development to retain as much open space as possible.

The project would cluster the structures within the existing graded/developed portion of the site and retain the majority of the steep natural hillsides.

iv. Preserve natural topographic features such as drainage courses, rock outcroppings, slopes and trees.

The project would not impact any drainage course or rock outcroppings. Slopes would be preserved to the greatest extent feasible. Only non-native landscape trees would be removed with redevelopment of the site.

v. Design buildings and parking areas to fit the natural terrain and improve the appearance of understructures.

Development associated with the project would be concentrated on the already graded/developed portions of the project site.

vi. Design buildings at the base of slopes to emphasize a low profile rather than a vertical orientation. Buildings should step or slope with landscaping to protect views of and from the hillsides.

The majority of the proposed structures would have a horizontal (as opposed to vertical) orientation. Buildings would be oriented in a way to preserve on-site corridors of the hillsides to the south, as illustrated on Figures 4.7-10 through 4.7-12.

Southern Slopes:

i. Preserve existing natural slopes, use the natural slopes as a backdrop and guide to building form.

The project would concentrate new development in the already graded/developed portions of the site. Grading within the natural slopes in the southern portion of the site would be

limited to what is necessary to accommodate public amenities and required infrastructure, as described in Section 4.1.3 above.

ii. Cluster, contour and terrace structures into sites to preserve the form of the slopes.

The project would cluster and terrace proposed structures to be sited within already existing developed/graded portions of the site, thereby preserving the form of the slopes to the south.

iii. Cluster development in disturbed or sparsely vegetated portions of the slope.

The project would cluster and terrace proposed structures to be sited within already existing developed/graded portions of the site, thereby minimizing impacts to native vegetation within the hillsides.

iv. Design automobile access to minimize hillside disruption. To avoid excessive grading, locate automobile access adjacent to street access and separated from habitable building sections. Linkages from the street to the building should be made through pedestrian ways or bikeways.

Access to the project site would be from Hotel Circle South, along the project's northern frontage. Access to the site would be separated from habitable building sections. Also, the project would provide several pedestrian access points to the site and a comprehensive pedestrian circulation plan within the project.

Conclusion

In conclusion, the project would require exceptions from the Hillside Subdistrict regulations for height limit exceedances and steep slope land encroachment. The exceptions would not, however, result in secondary land use impacts relative to neighborhood character or landform alteration, as described in Section 4.7 of this report.

ed. Development Intensity Overlay District

The project site is located within District D, which has thresholds of 200 ADT and 380 ADT per gross acre (excluding steep slope lands). Pursuant to the traffic report_addendum (Appendix B_2), the project would generate a net total of 2771,512 ADT, and the site would generate a total of 2,873 ADT with the implementation of the project. The project site excluding steep slope areas is approximately 13 acres; therefore, the trip generation rate would be 116-221 ADT/gross acre. This is below As the ADT falls between 200 ADT threshold and 380 ADT threshold, the project would be subject to a Mission Valley Development Permit that is processed as a Site Development Permit (Municipal Code Section 1514.0301). the threshold identified in the Development Intensity Overlay District, and tTherefore, the project would not result in an inconsistency with these regulations. No secondary land use impacts would result.

fe. Transit Area Overlay

The traffic <u>impact</u> analysis prepared for the project (Appendix B<u>-2</u>) includes a parking analysis (Section <u>5.0</u>14.0). The maximum projected parking demand (<u>858–524</u> spaces) would be expected to occur at 12:00 P.M., given the "convention-type" use of the project, where patrons attend religious seminars, trainings, and other functions during the day combined with other mid-day peak land uses such as restaurant and retail. <u>The project would exceed the minimum of 524 parking stalls (approximately 300 in the parking structure and 224 surface stalls), with a target of 665 spaces. <u>The project proposes a total of 878 659 parking stalls, including 195 224 surface parking spaces, and 683 435 spaces that would be either subterranean or housed within a lighted and secured five-story parking structure. The project would provide adequate parking for proposed land uses and would comply with the transit area overlay parking requirements specified in LDC §142.0530. No secondary land use impacts would result.</u></u>

gf. General Development Regulations

Environmentally Sensitive Lands Regulations

As described in Land Use Section 4.1.3.1, the project is subject to the ESL regulations of the San Diego LDC, because the project site includes naturally steep hillsides. The project would not deviates from the ESL development regulations for steep hillsides, because project grading would avoid encroachment into 1.6 acres of ESL steep slopes (8.66 percent of the total project area), wherein no encroachment is permitted. The project would exceed the permitted encroachment allowance of zero. A detailed description of the ESL deviation relative to steep slopes is included in Section 4.7.2.1, under Visual Impacts (Landform Alteration). Because no adverse landform alteration impact would result from the deviationTherefore, no significant land use impact would occur.

Historical Resources Regulations

As detailed in Section 4.3.3, the project would not result in any significant historical resources impacts; therefore, the project would comply with the City's Historical Resources Regulations. No land use impact would result.

4.1.4.2 Significance of Impacts

a. Mission Valley Planned District Ordinance

No significant secondary land use impacts would result relative to the project's compliance with any applicable base zone or overlay regulation.

b. Base Zones

No deviations to the base zone are requested. Therefore, no secondary impacts would occur.

c. General Regulations - Retaining Walls

The project would require deviations from the City's General Regulations through a PDP for four retaining walls that would exceed the height limits identified in LDC §142.0340. As these walls would not be visible from public vantage points due to the intervening topography and structures, secondary environmental impacts would be less than significant.

d. Hillside Subdistrict

The project would require exceptions from the Hillside Subdistrict regulations, because: 1) it proposes structures in excess of 40 feet in height; and 2) would encroach into 1.1 acres of steep slopes in excess of the 0.5-acre maximum encroachment allowance. However, because no significant neighborhood character/landform alteration impacts would occur, as detailed in Section 4.7, secondary land use impacts would be less than significant.

e.d. Development Intensity Overlay District

Project development would be below the threshold identified in the Development Intensity Overlay District and would therefore be consistent with these regulations. No secondary impacts would occur.

fe. Transit Area Overlay

The project would provide adequate parking for proposed on-site land uses and would comply with the transit area overlay parking requirements. Therefore, no secondary impacts would occur.

gf. General Development Regulations

No adverse visual (landform alteration) impacts would result from the project's deviation from the City's ESL; therefore, no secondary land use impacts would occur.

4.1.4.3 Mitigation, Monitoring, and Reporting

a. Mission Valley Planned District Ordinance

No secondary impacts would occur; therefore, no mitigation is required.

b. Base Zones

No secondary impacts would occur; therefore, no mitigation is required.

c. General Regulations - Retaining Walls

No secondary impacts would occur; therefore, no mitigation is required.

ed. Hillside Subdistrict

No secondary impacts would occur; therefore, no mitigation is required.

ed. Development Intensity Overlay District

No secondary impacts would occur; therefore, no mitigation is required.

fe. Transit Area Overlay

No secondary impacts would occur; therefore, no mitigation is required.

gf. General Development Regulations

No secondary impacts would occur; therefore, no mitigation is required.

4.1.5 Issue 4: MSCP and MHPA Consistency

Would the project result in a conflict with adopted environmental plans, including the City of San Diego's MSCP Subarea Plan and the MHPA adopted for the purpose of avoiding or mitigating an environmental effect for the area?

4.1.5.1 Impacts

As shown in Figure 4.1-1, a small portion (0.06 acre) of the project site along the southern perimeter is within the MHPA, and the property is adjacent to MHPA on the southeastern corner. Due to the site's location in relation to the MHPA, indirect effects to the adjacent habitat could result from the development of the project.

The MHPA has been designed to maximize conservation of sensitive biological resources, including sensitive species. When land is developed adjacent to the MHPA, there is a potential for indirect impacts, or edge effects, that may degrade the habitat value or disrupt animals within the preserve area. These impacts could be short-term, resulting from construction activities, or long-term. Short-term construction impacts could result in disruption of nesting and breeding and could thus affect the population of sensitive species. Long-term impacts would be associated with drainage, toxins, lighting, noise, invasives, brush management, access to MHPA, and grading/land development. Impacts to the MHPA as a result of edge effect would be considered significant.

The MHPA Land Use Adjacency Guidelines contain policies related to controlling edge effects on the MHPA (i.e., drainage, toxins, lighting, noise, barriers, invasives, and brush

management). A description of the MHPA Land Use Adjacency Guidelines policies and a description of the project's compliance are provided below.

a. Drainage

All new developed areas within and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. If this is not possible, runoff should be filtered before draining into MHPA land. This can be accomplished using a variety of methods, including natural detention basins, sedimentation basins, grass swales, or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

The project has been designed to MHPA adjacency standards and would not drain directly into the MHPA. Although water from the hillsides would flow onto the project site, no runoff from the project site would be drained into the MHPA. All drainage would be routed to storm drains located in Hotel Circle South. The on-site private storm drain and best management practices would be maintained by the property owner. The public storm drain would remain the maintenance responsibility of the City.

b. Toxics

Land uses, such as recreation and agriculture, that use chemicals or generate byproducts, such as manure, that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by application or drainage of such materials into the MHPA.

The project has been designed to MHPA adjacency standards and would not drain directly into the MHPA; therefore, no toxins from urban runoff would result in impacts to habitat or wildlife. The project would incorporate measures to reduce impacts caused by the application and/or drainage of chemicals or generate byproducts such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) into the MHPA. Construction best management practices (BMPs), such as silt fencing and straw wattle, would be used, thereby ensuring that toxins from construction would not impact the MHPA. The project has been designed to limit post-development storm water runoff discharge rates and velocities to maintain or reduce pre-development erosion and to reduce nutrients, organic compounds, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides by applying BMPs.

c. Lighting

Lighting of all developed areas within and adjacent to the MHPA should be directed away from the MHPA. When necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Understanding that some species rely on darkness for shelter, feeding patterns, migrating, etc., lighting adjacent to the MHPA would be shielded.

d. Noise

Uses within or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife use of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

To avoid indirect noise impacts to sensitive avian species (i.e., Cooper's hawk), construction would to be limited to outside the typical bird breeding season (i.e., February 1– September 15). With the project's proximity to Interstate 8, ambient noise levels hourly average may already be higher than 60 A-weighted decibels. Additionally, once the project is complete, the new buildings would also help shield the MHPA from excessive noise.

e. Brush Management

All brush management Zone 1 areas must be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation.

Brush management is required within 100 feet of all habitable structures. Brush management consists of Zone 1 and Zone 2 which are shown on the Landscape Plans. Both zones would be outside of the MHPA and farther than 100 feet. Vegetation clearing would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible.

f. Invasives

No invasive plant species shall be planted in or adjacent to the MHPA.

The planting palette for the project does not include any invasive plant species adjacent to the MHPA. Additionally, according to City of San Diego standards for brush management, new plantings within Zone 2 would be native.

g. Grading/Land Development

Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

The proposed manufactured slopes for the project would be within the development footprint and would not encroach into the MHPA. Native plants would be installed on manufactured slopes created by the project and in brush management Zone 2 areas. A temporary abovegrade irrigation system may be used to facilitate establishment; however, no permanent irrigation would be allowed within the MHPA or Zone 2 brush management areas. The plants would be installed in late winter to early spring, as this is the optimal time for native plant growth and seed germination. A 120-day plant establishment period is necessary and ongoing maintenance of non-permanently irrigated areas for a period of no less than 25 months, or until success criteria is met, is required. Maintenance activities would involve control of non-native plant species, maintenance and removal of the temporary irrigation system, and replacement planting (if necessary).

h. Barriers/Access

New developments within or adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation. Access to the MHPA, if any, should be directed to minimize impacts and reduce impacts associated with domestic pet predation.

Signage would be installed to discourage pedestrians from entering into the MHPA native areas. A vegetated slope adjacent to the MHPA would also function as a deterrent to pedestrian access into the MHPA.

4.1.5.2 Significance of Impacts

Indirect impacts to the adjacent MHPA from project construction and operation could be potentially significant. To preclude such impacts, the project would incorporate design features consistent with the City's MHPA Land Use Adjacency Guidelines. In order to assist City staff in determining that these impact-avoiding design features have been included in the project's final plans, verification by a qualified biologist would be required. This verification has been included in the mitigation measure stated below.

As discussed in Section 4.3, Biological Resources, the project has the potential to result in direct and indirect impacts to nesting raptors protected by the California Fish and Game Code 3503.5 and nesting bird species protected by the Migratory Bird Treaty Act (MBTA) during construction activities. These construction-related sensitive species impacts would be potentially significant and would be mitigated through the implementation of BR-1 and BR-2.

4.1.5.3 Mitigation, Monitoring, and Reporting

MHPA Adjacency

LU-1: Prior to issuance of any construction permit or notice to proceed, Development Services Department and/or MSCP staff shall verify that the applicant has accurately represented the project's design in or on the Construction Documents (CDs), consisting of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects, in conformance with the associated discretionary permit conditions and Exhibit "A" and the City's MSCP MHPA Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CDs of the following:

- A. **Grading/Land Development/MHPA Boundaries.** MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. Development Services Department planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- B. **Drainage.** All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, and exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- C. Toxics/Project Staging Areas/Equipment Storage. Projects that use chemicals or generate byproducts such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CDs that states: "All construction-related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- D. Lighting. Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740. Specifically, under Section 142.0740 (a)(1) it states "Outdoor lighting fixtures shall be installed in a manner that minimizes negative impacts from

light pollution including light trespass, glare, and urban sky glow in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination". Additionally, under Section 142.0740 (c)(2) more specific information is provided on how to use required shields and flat lenses to control and direct light away from the conservation easement.

- E. Barriers. New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot-high, vinyl-coated, chain-link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- F. **Invasives.** No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- G. **Brush Management.** New development adjacent to the MHPA shall be set back from the MHPA to provide required BMZ 1 area on the building pad outside of the MHPA. BMZ 2 may be located within the MHPA provided the BMZ 2 management will be the responsibility of a homeowners' association or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones shall not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done, and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1 to August 15 except where the City Assistant Deputy Director / Mitigation Monitoring Coordinator has documented the thinning would be consistent with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.
- H. Noise. To avoid indirect impacts to nesting coastal California gnatcatchers, no grading should occur within or adjacent to occupied habitat in the MHPA during their breeding season of March 1 through August 15. If this is not feasible, protocol surveys for active nests should be conducted within the Diegan coastal sage scrub within the MHPA by a qualified biologist. Three surveys shall be conducted no less than one week apart. Surveys for coastal California gnatcatchers should be conducted pursuant to the recommended protocol survey guidelines as established by the U.S. Fish and Wildlife Service (USFWS; 1997).

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- 1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:
 - a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - b. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generate by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - c. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented

in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- 2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

4.1.5.4 Significance of Impacts after Mitigation

Implementation of the mitigation measure listed above would reduce potentially significant impacts associated with the adjacent MHPA to below a level of significance.

4.1.6 Issue 5: General Plan Noise/Land Use Compatibility

Would the proposal result in the exposure of people to noise levels which are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?

4.1.6.1 Impacts

Exterior noise impacts of projects are evaluated in relation to consistency with General Plan land use noise compatibility guidelines. The City's exterior noise level compatibility standards are shown in Table 4.1-5. The project could result in the exposure of people to excessive noise levels through the placement of land uses adjacent to significant sources of traffic-generated noise (major roadways and freeways). RECON prepared a noise analysis for the subject site (Appendix I), and the analysis below is based on the findings of that study.

TABLE 4.1-5 CITY OF SAN DIEGO – LAND USE/NOISE COMPATIBILITY GUIDELINES

					xterio Expo	sure		
			Jse Category	60	65	70	75	
		nd Recreational						
		od Parks; Passi						
			s, Golf Courses; Athletic Fields; Outdoor					
	orts, Water F	Recreational Fac	cilities; Horse Stables; Park Maint. Facilities					
Agricultural		0.14	110:11	ı				
	ng, Maintain (& Keeping; Com	mercial Stables					
Residential	NA 1 11 11	0 . 11	•	45				
		es; Senior Housi		45				
			esidential; Live Work; Group Living	45	45 [*]			
	tions "For use	es arrected by ar	ircraft noise, refer to Policies NE-D.2. & NE-D.3.					
Institutional	roina Engilitie	as Intermediate	Cara Equilities: Kindergorten through Crade 12					
Educational F	Facilities; Libi	raries; Museums	Care Facilities; Kindergarten through Grade 12 s; Places of Worship; Child Care Facilities	45				
			acilities; Higher Education Institution Facilities or Universities)	45	45			
Cemeteries		<u> </u>						
Sales								
			rages & Groceries; Pets & Pet Supplies; e Sales; Wearing Apparel & Accessories		50	50		
Commercial		,	3 11 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	ı				
Building Serv	ices; Busine	ss Support; Eati	ng & Drinking; Financial Institutions; Assembly		50			
			ios; Golf Course Support		50	50		
Visitor Accon			•	45	45	45		
Offices								
Business & F Corporate He		Government; M	edical, Dental & Health Practitioner; Regional &		50	50		
		uipment Sales a	nd Services Use			•		
Commercial	or Personal \	/ehicle Repair &	Maintenance; Commercial or Personal Vehicle pplies Sales & Rentals; Vehicle Parking					
		torage Use Cate		<u>l</u>				
Equipment &	& Materials		s; Moving & Storage Facilities; Warehouse;					
Wholesale Di	istribution							
Industrial	Carata ada an Ilian	la (NA = a cof = a (comba	n Maria a la dustria Trackia a O Tracana atatian	l				
Terminals; M	lining & Extra	ctive Industries	g; Marine Industry; Trucking & Transportation					
Research & I	Development					50		
	Sama a 1961a	Indoor Uses	Standard construction methods should attenua acceptable indoor noise level. Refer to Section I		erior r	oise	to an	
	Compatible	Outdoor Uses	Activities associated with the land use may be c		out.			
		Indoor Uses	Building structure must attenuate exterior nois level indicated by the number for occupied areas					
	onditionally Compatible	Outdoor Uses	Feasible noise mitigation techniques should be analyzed a incorporated to make the outdoor activities acceptable. Refer Section I.					
		Indoor Uses						
In	compatible	Outdoor Uses	Severe noise interference makes outdoor activit	ies un	ассер	table		

Source: City of San Diego Noise Element (2008)

The noise metric used for the evaluation of noise/land use compatibility is the Community Noise Equivalent Level (CNEL). The CNEL is a 24-hour A-weighted average sound level [dB(A) $L_{\rm eq}$] obtained after the addition of 5 decibels (dB) to sound levels occurring between 7:00 P.M. and 10:00 P.M., and 10 dB to sound levels occurring between 10:00 P.M. and 7:00 A.M. Adding 5 dB and 10 dB to the evening and nighttime hours, respectively, accounts for the added sensitivity of humans to noise during these time periods. A-weighting is a frequency correction that often correlates well with the subjective response of humans to noise.

The project includes several different uses, including religious, restaurant, a television studio/theaters, administrative offices, and lodging-(timeshare units). The noise land use compatibility threshold for exterior usable areas of the land use most closely fitting this description is visitor accommodations, which is 65 CNEL.

The main source of traffic noise at the project site is I-8 and Hotel Circle South. Traffic noise is also generated on Bachman Place. Noise generated by future traffic was modeled using the SoundPLAN program which calculates noise levels at selected receiver locations using hourly average traffic rates; vehicle mix, distribution, and speed; roadway lengths and gradients; distances between sources, barriers, and receivers; and shielding provided by intervening terrain, barriers, as well as structures. Existing and future (year 2035) traffic volumes on Hotel Circle South and Bachman Place were obtained from the project traffic impact analysis prepared for the project (see Appendix B-1).

Future noise contours on the project site were calculated and are shown in Figure 4.1-4. Noise levels were also modeled for a series of 4619 receivers to determine noise levels at the façade of the proposed buildings. Receiver locations are shown in Figure 4.1-5. The results are shown in Table 4.1-6.

The dedicated exterior use <u>areas areas associated with the hotel</u> include the <u>amphitheater</u>, tennis courts, and pools. As shown Figure 4.1-4 and Table 4.1-6, exterior noise levels at the dedicated exterior use areas would <u>be 54 to 58 CNEL and not exceed 65 CNEL.</u>, and <u>Thus, the project exterior use areas would be compatible with City standards.</u>

As shown in Table 4.1-6, noise levels at potential outdoor use areas associated with the commercial portion of the project (Legacy Vision Center and Pavilion) would range from 56 to 65 CNEL. Commercial services and office land uses are compatible with exterior noise levels up to 65 CNEL and are conditionally compatible with noise levels between 65 and 75 CNEL. Thus, noise levels at these exterior uses would be consistent with the City's exterior noise standard of 65 CNEL.

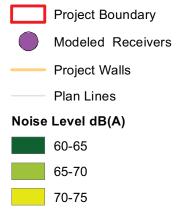
TABLE 4.1-6 FUTURE EXTERIOR NOISE LEVELS (CNEL)

				CNEL		
Receiver	<u>Location</u>	1 st Floor	2 nd Floor	3 rd Floor	4 th Floor	5 th Floor
1	Legacy Vision Center	<u>76</u>	<u>77</u>	<u>=</u>	<u>=</u>	<u>-</u>
<u>1</u>	Northwest Façade					
<u>2</u>	Legacy Vision Center	<u>72</u>	<u>74</u>	<u> </u>	Ξ.	<u>=</u>
	Northeast Façade					
<u>3</u>	Legacy Vision Center	<u>62</u>	<u>65</u>	<u>=</u>	Ξ.	<u>=</u>
	West Façade					
<u>4</u>	Eastern Garden North End	<u>65</u>	<u>-</u>	<u>=</u>	<u>=</u>	<u>-</u>
<u>5</u>	Eastern Garden Central Patio	<u>63</u>	_	_	_	<u>-</u>
<u>6</u>	Eastern Garden South End	<u>62</u>	_	<u>-</u>	<u>-</u>	<u>=</u>
<u>7</u>	Wailing Wall	<u>63</u>	_	<u>-</u>	<u>-</u>	<u>-</u>
<u>8</u>	Souk	<u>64</u>	_	_	_	<u>-</u>
<u>9</u>	Pavilion Eastern Outdoor Area	<u>65</u>	_	_	_	<u>-</u>
<u>10</u>	Central Plaza	<u>64</u>	_	-	=	-
<u>11</u>	Pavilion North Façade East end	<u>74</u>	<u>75</u>	-	=	-
<u>12</u>	Pavilion North Façade West end	<u>75</u>	<u>76</u>	_	_	<u>-</u>
<u>13</u>	Pavilion Western Outdoor Area	<u>63</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>14</u>	Area South of Pavilion	<u>56</u>	_	-	=	-
<u>15</u>	Legacy Village North Façade	<u>58</u>	<u>62</u>	<u>65</u>	<u>67</u>	<u>68</u>
<u>16</u>	Legacy Village North Patio Area	<u>58</u>	_	_	_	<u>-</u>
<u>17</u>	Legacy Village Pool Area	<u>54</u>	_	<u>-</u>	_	<u>-</u>
<u>18</u>	Legacy Village West Façade	<u>59</u>	<u>61</u>	<u>63</u>	<u>65</u>	<u>66</u>
<u>19</u>	Legacy Village Southeast Façade	<u>45</u>	<u>51</u>	<u>53</u>	<u>54</u>	<u>55</u>

TABLE 4.1-6
FUTURE EXTERIOR NOISE LEVELS
(CNEL)

				CNEL		
			Second	Third	Fourth	Fifth
Receiver	Location	First Floor	Floor	Floor	Floor	Floor
4	Building 1 Façade	68	71	72	NA	NA
2	Building 3 Façade	72	NA	NA	NA	NA
3	Building 2 Façade	65	NA	NA	NA	NA
4	Building 6 Façade	63	67	68	NA	NA
5	Building 5 Entrance	67	70	70	NA	NA
6	Building 4 Facade	69	65	65	66	67
7	Building 4 Façade	60	64	64	64	64
8	Grass along Hotel Circle	74	NA	NA	NA	NA
9	Swimming Pool	53	NA	NA	NA	NA
10	Top of Waterfall	69	NA	NA	NA	NA
11	Grass along Hotel Circle	70	NA	NA	NA	NA
12	Wailing Wall Display	62	NA	NA	NA	NA
13	Water Feature	63	NA	NA	NA	NA
14	Building 4 Facade	62	NA	NA	NA	NA
15	Building 4 Facade	63	NA	NA	NA	NA
16	Small Pool	30	NA	NA	NA	NA
17	Time Share pool	4 5	NA	NA	NA	NA
18	Tennis Courts	39	NA	NA	NA	NA





75+



FIGURE 4.1-4
Future Traffic Noise Contours

4.1 Land Use

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4.1.6.2 Significance of Impacts

Noise levels were also modeled at building façades to determine compliance with the City's interior noise standard. These receiver locations were modeled at elevations corresponding to each floor of the proposed building. Based on the energy- and insulation-efficiency requirements of the 2013 California Building Code, it was assumed the project design would include the use of double-glazed windows. Concrete tilt-up and masonry construction with double-glazed windows would provide a minimum of a 35 dB exterior to interior noise level reduction (FHWA 2011). Therefore, noise levels interior noise levels would be 35 dB less than that reported at the building façades.

Noise levels at the façades of the Legacy Vision Center and pavilion would range from 62 to 77 CNEL. Thus, interior noise levels are not anticipated to exceed 42 CNEL. Commercial services and office land uses are compatible with interior noise levels up to 50 CNEL. Therefore, the Legacy Vision Center and pavilion would be consistent with the City's interior noise standards.

Noise levels at the façades of the Legacy Village would range from 45 to 68 CNEL. Thus, interior noise levels are not anticipated to exceed 34 CNEL. Visitor accommodations are compatible with interior noise levels up to 45 CNEL. Therefore, the Legacy Village would be consistent with the City's interior noise standards.

All exterior and interior noise levels would be consistent with the City's land use and noise compatibility standards. Therefore, on-site traffic noise impacts would be less than significant.

The interior threshold for commercial/research structures is 50 CNEL. Noise levels were modeled at the building façades to determine compliance with the City's interior noise standard. As shown in Table 4.1-6, exterior noise levels at the building façades would range from 60 to 72 CNEL. Based on the energy- and insulation-efficiency requirements of the 2013 California Building Code, the project design would include the use of double-glazed windows. Concrete tilt-up and masonry construction with double-glazed windows would provide a minimum of a 35 dB exterior-to-interior noise level reduction. Based on potential sound level attenuation provided by the structure, interior noise levels would not exceed 50 CNEL and would comply with the City's "compatible" interior standard.

Exterior noise levels at the dedicated exterior use areas, including the amphitheater, tennis courts, and pools, _would not exceed 65 CNEL and would be compatible with City standards. Exterior noise impacts would be less than significant. Additionally, based on structural attenuation of 35 dB from exterior sources for commercial structures, interior noise levels due to exterior sources are not projected to exceed the City's interior noise standards of 50 CNEL. Interior noise impacts would be less than significant.

4.1.6.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant, and no mitigation is required.

4.2 Transportation/Circulation

The following discussion is based on the traffic impact analysis (TIA) prepared by Linscott, Law & Greenspan Engineers (LLG) on October 29, 2015 and associated updates for the proposed project on November 21, 2016. The TIA is included in this EIR as Appendix B-1 and the 2016 update addendum as Appendix B-2. The traffic analysis evaluates project traffic impacts using three scenarios; existing conditions, near-term opening day 2017, and a horizon year 2035.

4.2.1 Existing Conditions

4.2.1.1 Level of Service Standards

Level of service (LOS) is a professional industry standard by which to measure the operating conditions of a given roadway segment or intersection. Level of service is defined on a scale of A to F, where LOS A through C represents free-flowing traffic conditions with little or no delay. LOS D represents limited congestion and some delay; however, the duration of periods of delay is acceptable to most people. LOS E and F represent significant delay on local streets, which are generally unacceptable for urban design purposes. These definitions are from Chapter 9 of the Highway Capacity Manual (Transportation Research Board 2000).

a. Street and Freeway Segment LOS

The City has developed LOS threshold tables based on the different functional street classifications and their ability to carry traffic. Actual capacity on some segments may be higher due to intersection widening, restricted access, and lane widening. For the City, LOS D is the acceptable LOS standard for roadways and freeway segments.

b. Intersection LOS

The City of San Diego and Regional Congestion Management Plan (CMP) guidelines, as adopted by the San Diego Association of Governments (SANDAG), determine the procedures to be used for intersection peak hour analysis. To determine an intersection peak hour LOS, the CMP guidelines require the use of the most recent procedure from Chapter 9 of the Highway Capacity Manual (Transportation Research Board 2000). The procedure in Chapter 9, which is used to analyze signalized intersections, is the "operational method." This method determines LOS based on total vehicle delay expressed in seconds. A computer program is used to complete the analysis. The City and CMP guidelines have established LOS D as the objective for intersections.

c. Congestion Management Plan

The CMP regional guidelines were developed by SANDAG to provide a set of procedures for completing enhanced California Environmental Quality Act review for certain projects. The guidelines stipulate that any development project generating 2,400 or more Average Daily Traffic (ADT) or 200 or more peak-hour trips must be evaluated in accordance with the requirements of the regional CMP. The CMP analysis must include the traffic LOS impacts on affected freeways and regionally significant arterial systems, which include all designated CMP roadways. In order to conform to the region's CMP, local jurisdictions must adopt and implement a land use analysis program to assess impacts of land use decisions on the regional transportation system. While the project does meet the CMP criteria for further arterial analysis study, no identified CMP arterials exist within the project area. Thus, no CMP arterial analysis is required.

4.2.1.2 Existing Circulation System

Figure 4.2-1 shows the study area street segments and intersections in the project study area. The study area was determined based on where the project would add more than 50 directional peak-hour trips to intersections and segments and 20 peak hour trips to freeway ramps. Brief descriptions of the area's roadways are listed below.

Interstate 8 (I-8) is an east–west freeway that has four eastbound lanes and five westbound lanes within the study area. The posted speed limit is 65 miles per hour (mph). In the project vicinity, local interchanges are provided at Hotel Circle North and Hotel Circle South, and freeway interchanges are provided between I-8 and State Route 163 (SR-163).

Fashion Valley Road is a north–south, four-lane, undivided roadway between Avenida Del Rio and Hotel Circle North. Within the study area, the posted speed limit for this roadway is 35 mph and the curb-to-curb width is 50 feet. No parking is allowed and no bike lanes are provided, but bus stops are provided. This roadway is classified as a four-lane Major Arterial in the Mission Valley Community Plan.

Camino De La Reina is currently constructed as a two-lane roadway with a two-way left-turn lane between Hotel Circle and Avenida Del Rio. The curb-to-curb width is 38 feet and curbside parking is not permitted. In addition, bike lanes and bus stops are not provided. The Mission Valley Community Plan classifies this road as a four-lane Major Arterial.

Hotel Circle North/South is currently constructed as a two-lane roadway with a two-way left-turn lane west of the I-8 westbound ramps; a three-lane roadway between the I-8 westbound ramps (2 eastbound and 1 westbound) and Fashion Valley Road; and a two-lane roadway with a two-way left-turn lane between Fashion Valley Road and Camino De La Reina. This roadway is primarily east—west, with the exception of the north—south segment under the I-8 during its transition from Hotel Circle North to Hotel Circle South. The curb-to-curb width is generally 36 feet on Hotel Circle North, and 37 to 46 feet on Hotel Circle

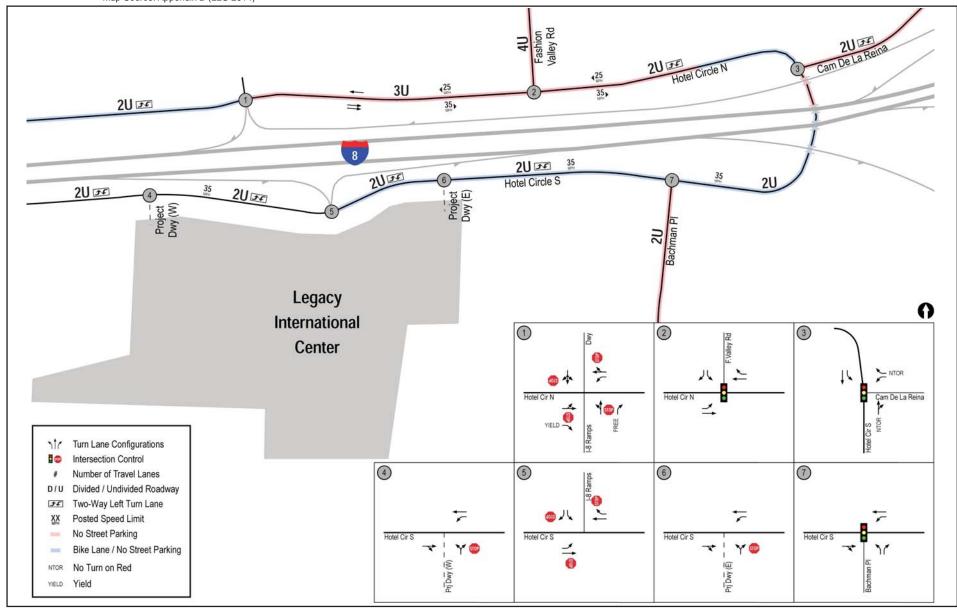


FIGURE 4.2-1
Existing Roadway and Intersection Conditions

South. The posted speed limit is 35 mph. Curbside parking is not permitted. Class II bike lanes are provided on Hotel Circle South, and narrow bike lanes are provided at the Hotel Circle North/Camino De La Reina intersection. This road is classified as a four-lane Collector in the Mission Valley Community Plan within the study area.

4.2.1.3 Existing Traffic Volumes

Peak hour and daily traffic counts were completed in September 2012 during the weekday. Counts were taken on Camino De La Reina, Hotel Circle North, Hotel Circle South, Fashion Valley Road, and Bachman Place. Figure 4.2-2 illustrates the existing traffic volumes. These traffic volumes were utilized to determine the operational LOS for transportation facilities within the study area, as discussed in detail below.

a. Street Segments

The analyzed street segments are identified in Table 4.2-1. As shown in Table 4.2-1, all study area roadways currently operate at LOS D or better with the exception of the following:

- Hotel Circle North, between I-8 westbound ramps and Fashion Valley Road (LOS F)
- Hotel Circle North, between Fashion Valley Road and Camino De La Reina (LOS E)
- Hotel Circle South, between I-8 eastbound ramps and Project Driveway (E) (LOS E)
- Hotel Circle South, between Project Driveway (E) and Bachman Place (LOS E)
- Hotel Circle South, between Bachman Place and Camino De La Reina (LOS E)
- Fashion Valley Road, between Avenida Del Rio and Hotel Circle North. (LOS E)

b. Intersections

As shown in Table 4.2-2, all of the study area intersections currently operate at LOS D or better during the weekday AM and PM peak periods with the following exception:

Hotel Circle South / I-8 eastbound ramps (LOS F during the PM peak hour)

c. Freeway Segments

All I-8 freeway segments analyzed currently operate at LOS D or better. Refer to Table 4.2-3 for the detailed freeway analysis.

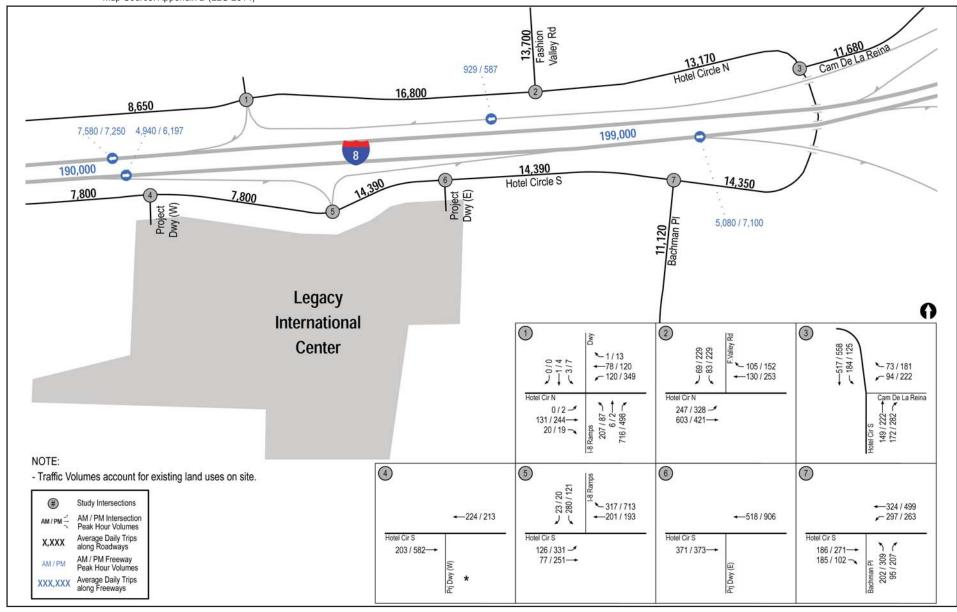


FIGURE 4.2-2 Existing Traffic Volumes

TABLE 4.2-1
EXISTING SEGMENT OPERATIONS

Roadway	Segment	Class	Capacity (LOS E)	ADT	V/C	LOS
Camino De La Reina	Hotel Circle to Avenida Del Rio	2-lane Collector	15,000	11,680	0.779	D
	West of I-8 WB Ramps	2-lane Collector	15,000	8,650	0.577	С
Hotel Circle	I-8 WB Ramps to Fashion Valley Road	3-lane Collector	15,000	16,800	1.120	F
North	Fashion Valley Road to Camino De La Reina	2-lane Collector	15,000	13,170	0.878	E
	West of Project Driveway (W)	2-lane Collector	15,000	7,800	0.520	С
	Project Driveway (W) to I-8 EB Ramps	2-lane Collector	15,000	7,800	0.520	С
Hotel Circle South	I-8 EB Ramps to Project Driveway (E)	2-lane Collector	15,000	14,390	0.959	E
	Project Driveway (E) to Bachman Place	2-lane Collector	15,000	14,390	0.959	E
	Bachman Place to Camino De La Reina	2-lane Collector	15,000	14,350	0.957	Е
Fashion Valley Road	Avenida Del Rio to Hotel Circle N	4-lane Collector	15,000	13,700	0.913	E

Source: Appendix B-1

Bold = a roadway operating at an unacceptable level; ADT=Average Daily Traffic; EB = eastbound; LOS=Level of Service; V/C= volume to capacity; WB = westbound

TABLE 4.2-2 EXISTING INTERSECTION OPERATIONS

		Peak	Exis	ting
Intersection	Control	Hour	Delay	LOS
1. Hotel Circle N. / I-8 WB	AWSC	AM	11.4	В
Ramps	AVVSC	PM	11.0	В
2. Hotel Circle N. / Fashion	Cianal	AM	20.2	С
Valley Road	Signal	PM	54.5	D
3. Hotel Circle N. / Camino De	Signal	AM	11.6	В
La Reina	Signal	PM	17.4	В
4. Hotel Circle S. / Project	owsc	AM	DNE	DNE
Driveway (W)	OVVSC	PM	DNE	DNE
5. Hotel Circle S. / I-8 EB	AWSC	AM	13.5	В
Ramps	AVVSC	PM	54.2	F
6. Hotel Circle S. / Project	owsc	AM	DNE	DNE
Driveway (E)	UVVSC	PM	DNE	DNE
7. Hotel Circle S. / Bachman	Signal	AM	26.8	С
Place	Signal	PM	21.6	С

Source: Appendix B-1

Bold = unacceptable LOS E or F; AWSC = All-way Stop Controlled; Delay = seconds per vehicle; DNE = Does not exist; EB = eastbound; LOS = Level of Service; OWSC = One-way Stop Controlled; WB = westbound

TABLE 4.2-3
EXISTING FREEWAY SEGMENT OPERATIONS

			Peak			Existing	
Interstate 8			Hour	Peak			
Segment	Class	ADT	Capacity	Hour	Vol.	V/C	LOS
	EB	100.000	9,000	AM	4,940	0.618	В
West of Hotel	4M	190,000	8,000	PM	6,197	0.775	С
Circle Ramps	WB	100.000	9,200	AM	7,580	0.824	D
	4M+1A	190,000	9,200	PM	7,250	0.788	С
	EB	100.000	0.200	AM	5,080	0.552	В
Hotel Circle	4M+1A	199,000	9,200	PM	7,100	0.772	С
Ramps to SR-163	WB	100.000	0.200	AM	8,368	0.910	D
	4M+1A	199,000	9,200	PM	7,465	0.811	D

Source: Appendix B-1

A = auxiliary; ADT = Average Daily Traffic; EB = eastbound; LOS = Level of Service; M = mainline;

V/C = volume to capacity; WB=westbound

4.2.1.4 Existing Site Traffic

The existing site is currently developed with the Mission Valley Resort Hotel, which includes a 202-room hotel, 150-seat restaurant, a 1,200 square-foot liquor store, and a health club. As the gas station has been removed and the health club has not been operational for 6 months, they are not considered to currently generate traffic. The operational uses on-site are calculated to generate a total of 2,965 driveway ADT, which includes 2,5965 cumulative ADT. Driveway trips include both pass-by trips and cumulative trips, while cumulative trips consist of trips where the site is the primary destination.

4.2.1.5 Pedestrian, Bicycle, and Public Transit

Pedestrians may access the site via sidewalks located along Hotel Circle South that connect to other sidewalks on local streets. The site is within walking distance of the Fashion Valley Transit center (approximately 3/4 mile away), which can be accessed by walking along Hotel Circle South to Hotel Circle North and ultimately to Fashion Valley Road. The transit center provides connections to the trolley (Blue Line and Green Line) and bus routes. The transit center can also be reached by bus.

Two bus stops exist near the project site on Hotel Circle South; one in front of the project site and one about 700 feet to the east of the site at Hotel Circle South/Bachman Place. These bus stops are served by the Metropolitan Transit Service (MTS) bus routes 20, 88, and 120. Bus service runs on both weekdays and weekends and has a headway time of 10 to 15 minutes on weekdays and 30 minutes on weekends.

A Class II bike lane is located along Hotel Circle South. This bike lane connects to the City's bikeway network, including through Hotel Circle North, Bachman Place, Taylor Street, Fashion Valley Road, and Friars Road.

4.2.2 Issue 1: Traffic Capacity

Would the project result in an increase in projected traffic that is substantial in relation to the capacity of the street system?

Based on the City's 2011 Significance Determination Thresholds, impacts related to street system traffic load and capacity would be significant if:

- any intersection, roadway segment, or freeway segment affected by a project operated at LOS E or F under either direct or cumulative conditions and the project traffic impact exceeded the thresholds shown in Table 4.2-4.
- delays above 15 minutes occurred at any ramp meter location and the project exceeded the thresholds shown in Table 4.2-4.

TABLE 4.2-4 SIGNIFICANCE THRESHOLDS

	ge Due to	Project Impact*				
			Roa	dway		Ramp
	Free	ways	Segi	ments	Intersections	Metering
Level of Service with		Speed		Speed	Delay	Delay
Project†	V/C	(mph)	V/C	(mph)	(seconds)	(minutes)
E						
(or ramp meter delays	0.010	1.0	0.02	1.0	2.0	2.0
above 15 minutes)						
F						
(or ramp meter delays	0.005	0.5	0.01	0.5	1.0	1.0
above 15 minutes)						

^{*}The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS F is 1 minute.

4.2.2.1 Impacts

a. Construction Traffic Trip Generation

Project construction traffic would temporarily affect the external distribution of traffic and traffic volumes. Project construction would be completed over a period of 1.5 years. Construction hours would typically be limited to 7 A.M. to 7 P.M., Monday through Friday. All hauling would be completed outside peak hours. As such, the construction traffic generated by the project would primarily occur during the weekday non-peak hours. Ultimately, the project would be required to complete a traffic control plan. Construction traffic generated would be below the traffic generated by the operations of the project. Thus, this traffic impact analysis focuses on the worst-case operational traffic impacts.

[†]The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS E is 2 minutes.

V/C = volume to capacity

b. Operational Traffic Trip Generation

The project would replace the existing Mission Valley Resort with a mixed-use religious, lodging, administration, recreational, and commercial use project referred to as the Legacy International Center. To determine a trip generation for the project, it is necessary to consider that many of the on-site uses would be intended to serve people staying at the Legacy International Center lodging as well as that most people traveling to the site would go to multiple features on-site during one site visit. Also, many of the features on-site, such as foyers or storage areas, are not considered areas that attract people to the site. Thus, the analysis uses an "attraction rate" and splits the uses on-site into three generation categories; primary generator, secondary generator, and ancillary use. Primary uses generate all external trips, secondary uses only generate a percentage of external trips, and ancillary uses do not generate external trips.

The external trips can be further divided into driveway and cumulative or pass-by trips. Driveway trips are assigned to driveways. Cumulative trips (i.e., driveway minus pass-by trips) represent the trips added to the roadways and are used to determine project impacts. Pass-by trips consist of vehicles that just stop at the site on their way to another destination and are trips considered to already be on the adjacent roadway system. As detailed in Table 4.2-5, the Legacy International Center would generate a total of 4,477 driveway ADT, including 4,4002,873 cumulative ADT. Considering the existing trips generated by the site (see Section 4.2.1.4), the project would result in an additional 1,512 driveway ADT, including a net 1,805277 cumulative ADT. Figure 4.2-3 illustrates the distribution of the net project cumulative traffic ADT and Table 4.2-5 shows the cumulative project traffic generation.

c. Existing Plus Project Impacts

The existing plus project condition analyzes the addition of project traffic to the existing traffic conditions. This analysis identifies direct impacts of the project in the existing condition. The impact analysis is based on data from both Appendix B-1 and B-2, as described below.

The traffic impact analysis included as Appendix B-1 was completed for a larger project (a.k.a. the "original" project or 2015 project), which consisted of a 532,178-square-foot multiuse religious facility that would generate a net total of 1,805 cumulative ADT (see Appendix B-1). Figure 4.2-3 illustrates the distribution of the net cumulative traffic ADT, and Figure 4.2-4 illustrates the existing plus project traffic volumes for the larger project. The proposed project consists of 306,879-square-foot religious facility with hotel that would generate 277 net cumulative ADT. As a transportation facility that was not impacted by the 2015 larger project would also not be impacted by the reduced 2017 project, the updated analysis (see Appendix B-2) for the proposed project only analyzes those facilities significantly impacted by the 2015 project. This combination of data provides the needed information to make a traffic impact determination per the City's 2011 Significance Determination Thresholds.

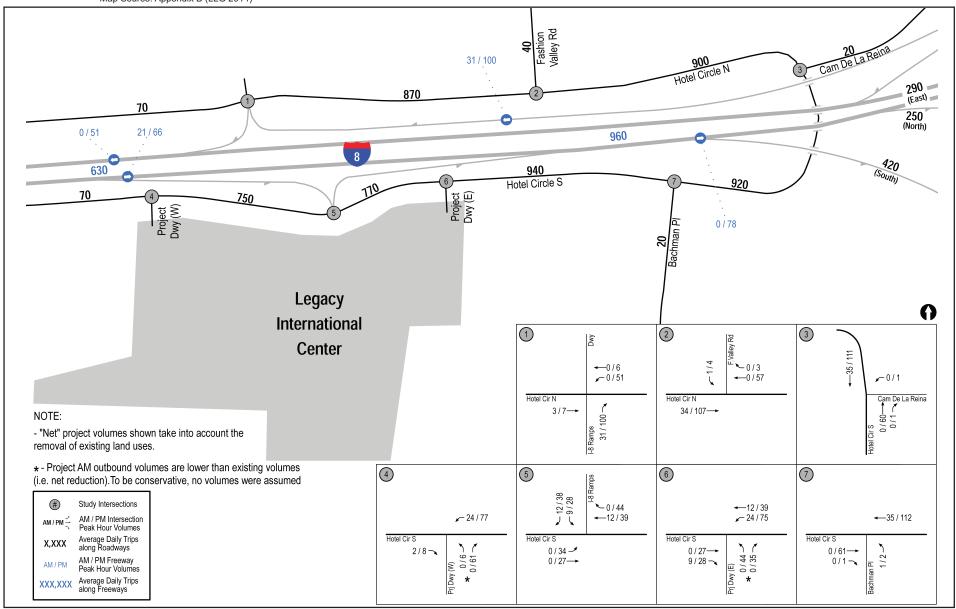


FIGURE 4.2-3

Net Project Traffic Volumes

TABLE 4.2-5 PROJECT TRIP GENERATION

		Da	ily Trip End (ADTs)	AM Pe	eak Hour	PM P	eak Hour
Land Use/ Trip Generator	<u>Total Size</u>	Rate	<u>Volume</u>	<u>In</u>	Out	<u>In</u>	Out
		PROPOSED	<u>PROJECT</u>				
Legacy International Center Pay	ilion						
Gift Shops Retail	<i>Total</i> : 1,052 SF	40/KSF	Cumulative (90%): 15	-	-	1	<u>1</u>
Secondary Generator	Attraction : 40%		Pass-By (10%): 2	=	<u>-</u>	<u>-</u>	<u> </u>
Occordary Concrator	Effective: 421 SF		Driveway (100%): 17	=	<u>=</u>	<u>1</u>	<u>1</u>
Restaurant	Total: 8,569 SF	100/KSF	Cumulative (90%): 231	<u>2</u>	1	<u>13</u>	
Secondary Generator	Attraction: 30%		Pass-By (10%): 26	_	-	<u>1</u>	1
Secondary Generator	Effective: 2,571 SF		Driveway (100%): 257	<u>-</u> 2	<u>1</u>	<u>14</u>	<u>5</u> <u>1</u> <u>6</u>
Theater	Total: 500 seats	1.8/seat	Cumulative (100%): 180	<u>4</u>	<u>3</u>	<u>10</u>	<u>4</u>
Secondary Generator	Attraction: 20%		Pass-By (0%): 0	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
	Effective: 100 seats		Driveway (100%): 180	<u>4</u>	<u>-</u> 3	<u>10</u>	<u>4</u>
Training Center ^e	<i>Total</i> : 13,844 SF	60/KSF	Cumulative (100%): 332	11 0 11	3 0 3	13 0 13	13 0 13
Secondary Generator	Attraction: 40%		Pass-By (0%):0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	Effective: 5,538 SF		<u>Driveway (100%): 332</u>	<u>11</u>	<u>3</u>	<u>13</u>	<u>13</u>
BOH/Public Facilities	<u>Total: 4,323 SF</u>	<u>N/A</u>	Cumulative (0%): 0	Ξ	Ξ.	Ξ	Ξ
Ancillary Use	Attraction: 0%		Pass-By (0%): 0	=	=	Ξ	=
Crand Favor / Circulation	Effective: 0 SF	NI/A	Driveway (0%): 0	= =	=	=	=
Grand Foyer / Circulation Ancillary Use	Total: 7,480 SF Attraction: 0%	<u>N/A</u>	Cumulative (0%): 0 Pass-By (0%): 0	Ξ	=	Ξ	Ξ
Andmary Ose	Effective: 0 SF		Driveway (0%): 0	=	=	=	=
Office	<i>Total</i> : 16,801 SF	Ln formula	Cumulative (0%): 438	<u>-</u> 51	<u>-</u> <u>6</u>	<u>-</u> 12	<u>-</u> 49
	Attraction: 100%	Littoimua	Pass-By (0%): 0	<u> </u>	<u> </u>	<u>12</u> -	43
Primary Generator	Effective: 16,801 SF		Driveway (0%): 438	<u>5</u> 1	6	<u>-</u> 12	<u>4</u> 9
Legacy Welcome Center Rotund			<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u></u>
Grand Fover,	<i>Total</i> : 8,459 SF	N/A	Cumulative (0%): 0	_	_		_
Welcoming & Registration	Attraction: 0%	14/74	Pass-By (0%): 0	_	-	-	-
	Effective: 0 SF		Driveway (0%): 0	_	-	-	-
Ancillary Use Surround Theater /	<i>Total</i> : 16,185 SF	80/KSF	Cumulative (100%): 259	<u>-</u> <u>6</u>	<u>-</u> <u>4</u>	15	<u>-</u> <u>6</u>
d	Attraction: 20%	00/101	Pass-By (0%): 0	<u> </u>	<u> </u>	<u>15</u> -	<u> </u>
Exhibit Gallery	Effective: 3,237 SF		Driveway (100%): 259	<u>-</u> 6	<u>-</u> 4	1 <u>-</u>	<u>-</u>
Secondary Generator Retail Bazaar	<i>Total</i> : 8,879 SF	40/KSF	Cumulative (90%): 128	3	<u>-</u> <u>2</u>		<u>6</u>
Secondary Generator	Attraction: 40%	40/NSF	Pass-By (10%): 14	<u>3</u>	<u> </u>	<u>6</u>	<u>o</u>
<u>Secondary Generator</u>	Effective: 3,552 SF		Driveway (100%): 142	3	<u>-</u> 2	<u>-</u> 6	<u>-</u> 6
	<u></u>		Directivaly (10070). 172		<u> </u>	<u> </u>	

TABLE 4.2-5 PROJECT TRIP GENERATION (continued)

Land Use/ Trip		Dail	y Trip End (ADTs)	AM Pea	k Hour	PM Pea	ak Hour
Generator	Total Size	Rate	Volume	In	Out	In	Out
BOH/Public Facilities	Total: 4,107 SF	N/A	Cumulative (0%): 0	-	-	-	-
Ancillary Use	Attraction: 0%		Pass-By (0%): 0	-	_	-	<u>-</u>
	Effective: 0 SF		Driveway (0%): 0	=	<u> </u>	<u> </u>	<u> </u>
Catacombs	Total: 3,390 SF	40/KSF	Cumulative (90%): 49	<u> 1</u>	1	<u>2</u>	2
Secondary Generator	Attraction: 40%		Pass-By (10%): 5		<u> </u>		
<u>occordary ocherator</u>	Effective: 1,356 SF		Driveway (100%): 54	<u>-</u> <u>1</u>	<u>1</u>	<u>-</u> 2	<u>-</u> 2
History Dome Theater	Total: 100 seats	1.8/seat	Cumulative (100%): 36	<u>1</u>	_	<u>1</u>	<u>1</u>
Secondary Generator	Attraction: 20%		Pass-By (0%): 0	<u>=</u>	=	<u>=</u>	<u>=</u>
-	Effective: 20 seats		Driveway (100%): 36	<u>1</u>	<u>-</u>	<u>1</u>	<u>1</u>
Circulation	<i>Total</i> : 1,138 SF	N/A	Cumulative (0%): 0	-	-	-	=
Ancillary Use	Attraction: 0%		Pass-By (0%): 0	<u>=</u>	<u>=</u>	<u>-</u>	<u> </u>
	Effective: 0 SF		<u>Driveway (0%): 0</u>	<u>=</u>	<u>-</u>	<u>=</u>	<u> </u>
Legacy Hotel							
Hotel Rooms	Total: 127 rooms	8/room	Cumulative (100%): 1,016	<u>30</u>	20	<u>28</u>	43
Hotel Rooms	Attraction: 0%		Pass-By (0%): 0	=	<u> </u>	_	<u> </u>
	Effective: 127 rooms		Driveway (100%): 1,016	<u>30</u>	<u>20</u>	<u>28</u>	<u>43</u>
Wellness Center	Total: 2,517 SF	40/KSF	Cumulative (100%): 50	<u>1</u>	<u>1</u>	<u>3</u>	<u>2</u>
Secondary Generator	Attraction: 50%		Pass-By (0%): 0	<u>=</u>	<u>=</u>	<u>-</u>	
· · · · · · · · · · · · · · · · · · ·	Effective: 1,259 SF		<u>Driveway (100%): 50</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>-</u> <u>2</u>
Grand Plaza Steps	Total: 110 people	<u>1.8/person</u>	Cumulative (100%): 139	<u>=</u>	<u>=</u>	<u>55</u>	<u>14</u>
Gathering Space ^J	Attraction: 70%		<u>Pass-By (0%): 0</u>	Ξ	=	=	<u> </u>
Secondary Generator	Effective: 77 people		Driveway (100%): 139	<u>-</u>	-	<u>55</u>	<u>14</u>
			Cumulative: 2,873	<u>110</u>	<u>41</u>	<u>159</u>	<u>146</u>
	TOTAL Propo	osed Project	<u>Pass-By: 47</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
			<u>Driveway: 2,920</u>	<u>110</u>	<u>41</u>	<u>160</u>	<u>147</u>
	1 =	EXISTING					
Resort Hotel	Total: 202 rooms	<u>10/room</u>	Cumulative (100%): 2,020	<u>73</u>	<u>48</u>	<u>97</u>	<u>65</u>
	Attraction: 100%		Pass-By (0%): 0	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
- N. H. 166 1	Effective: 202 rooms	100/1/05	Driveway (100%): 2,020	<u>73</u>	<u>48</u>	<u>97</u>	<u>65</u>
Valley Kitchen	<i>Total</i> : 5,300 SF	130/KSF	Cumulative (80%): 276	<u>11</u>	11	<u>14</u>	9 2 11
Restaurant	Attraction: 50% ^m		Pass-By (20%): 69	<u>3</u>	<u>3</u> 14	3	<u>2</u>
	Effective: 2,650 SF		<u>Driveway (100%): 345</u>	<u>14</u>	<u>14</u>	<u>17</u>	<u>11</u>
Gas Station	Total: 8 pumps	130/pump	Cumulative (20%): 0	=		=	<u> </u>
(closed) ⁿ	Attraction: 100%		Pass-By (80%): 0	<u>-</u>	<u> </u>	_	<u>=</u>
	Effective: 8 pumps		<u>Driveway (100%): 0</u>	<u>-</u>	<u>-</u>	=	<u>-</u>
Frog's Health Club	Total: 28,000 SF	40/KSF	Cumulative (100%): 0	<u>-</u>	=	_	=
(closed) ⁿ	Attraction: 100%		Pass-By (0%): 0	=	=	=	=
	Effective: 28,000 SF		<u>Driveway (100%): 0</u>	<u>=</u>	_	<u>-</u>	<u>-</u>

TABLE 4.2-5 PROJECT TRIP GENERATION (continued)

Land Use/ Trip		<u>Dail</u>	y Trip End (ADTs)	AM Pea	k Hour	PM Peak Hour	
<u>Generator</u>	Total Size	<u>Rate</u>	<u>Volume</u>	<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>
Liquor Store °	Total: 1,200 SF	500/KSF	Cumulative (50%): 300	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
<u> </u>	Attraction: 100%		Pass-By (50%): 300	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
	Effective: 1,200 SF		Driveway (100%):600	<u>24</u>	<u>24</u>	<u>24</u>	<u>24</u>
			Cumulative: 2,596	<u>96</u>	<u>71</u>	<u>123</u>	<u>86</u>
	<u>TO:</u>	TAL Existing	<u>Pass-By: 369</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>14</u>
			<u> Driveway: 2,965</u>	<u>111</u>	<u>86</u>	<u>138</u>	<u>100</u>
			Cumulative: 277	<u>14</u>	<u>(30)</u>	<u>36</u>	<u>60</u>
	<u>NET NEW PROJ</u>	ECT TRIPS o	<u>Pass-By: (322)</u>	<u>(15)</u>	<u>(15)</u>	<u>(14)</u>	<u>(13)</u>
			<u> Driveway: (45)</u>	<u>(1)</u>	<u>(45)</u>	22	<u>47</u>

Source: Appendix B-2

SF = square feet; KSF = thousand square feet

- a. Trip rate for "specialty retail" used.
- b. External trip attraction (%) indicates external primary trips attracted to the project site. The balance of the land use SF is assumed to be captured internally.
- c. City of San Diego trip rate for "quality restaurant" used.
- d. City of San Diego trip rate for "theater" used. City of San Diego trip rates show 0% AM ADT. AM assumed as 4% to be conservative.
- e. City of San Diego trip rate for "house of worship" used. To be conservative, the typical trip rate of 15 / KSF was quadrupled.
- f. Back-of-house (BOH), circulation and lobby are ancillary uses that support other trip generating uses and do not generate independent trips. Therefore, no trips were assigned for these uses.
- g. City of San Diego trip rate for "commercial office" used by applying the Ln formula: Ln(T) = 0.756 Ln (x) + 3.95. h.
 - City of San Diego trip rate for "resort hotel" used.
- City of San Diego trip rate for "health club" used.
- j. The Grand Plaza Steps is a "gathering space" that will be used as a venue for small intimate events. To be conservative, a rate of 1.8 trips/ person was used with majority of the trips generated in the PM peak hour.
- k. Existing hotel includes 202 guest rooms and 7,000 SF convention space. Hence, City of San Diego trip rate of 10 trips per room was used.
- I. City of San Diego trip rate for "high turnover restaurant (sit-down)" used.
- m. 50% of trips generated by the restaurant assumed to be independent from trips attracted from the resort hotel.
- n. Based on discussions with City staff, no existing trip credits are assumed for the gas station and health club, given that they have been closed for over 6 months.
- o. Square-footage measured from aerial photos. City of San Diego trip rate for "convenience market chain" used.
- p. Net new trips = Proposed Project Existing.

FIGURE 4.2-4

Existing Plus Project Traffic Volumes

Street Segments

Existing plus project street segment traffic conditions are indicated in Table 4.2-6. As indicated in Table 4.2-6, all study area street segments that operate at an unacceptable LOS under the existing conditions would continue to operate unacceptably under the existing plus project conditions. The <u>proposed</u> project would not cause any new segment to operate unacceptably <u>or result in a volume-to-capacity (V/C) change that would be significant per the City's thresholds. Thus, the project would have a less than significant impact to street segments under the existing plus project conditions. , but would cause the three Hotel Circle South segments to further degrade from LOS E to LOS F. The six segments that would operate unacceptably under the existing plus project conditions are listed below on page 4.2-14:</u>

Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)

Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS E)

Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS F)

Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)

Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)

Fashion Valley Road: Avenida Del Rio to Hotel Circle North (LOS E)

Since the project would add more than 0.02 volume to capacity (V/C) to the Hotel Circle North segment operating at LOS E and over 0.01 V/C to all the other Hotel Circle segments operating at LOS F, it would result in significant direct impacts to all the Hotel Circle segments currently operating at LOS E or F. The project would add less than 0.02 to the Fashion Valley Road segment V/C ratio and, therefore, the project direct impacts to Fashion Valley Road would be less than significant.

Intersections

The AM and PM peak hour existing plus project external intersection analysis is shown in Table 4.2-7. As shown, all intersections would operate at LOS D or better under the existing plus project conditions except the following:one.

- Hotel Circle South / I-8 eastbound ramps (LOS F during the PM peak hour)
- Hotel Circle South / Project Driveway (E) (LOS E during the PM peak hour)

TABLE 4.2-6 EXISTING PLUS PROJECT CONDITIONS SEGMENT OPERATIONS

			Capacity	 	Existing		Existi	ng + Pro	ject	Δ	
Roadway	Segment	Class	(LÖS E)	ADT	V/C	LOS	ADT	V/C	LOS	V/C	Sig?
Camino De La Reina	Hotel Circle to Avenida Del Rio	2-lane Collector	15,000	11,680	0.779	D	11,700	0.780	D	0.001	No
	West of I-8 WB Ramps	2-lane Collector	15,000	8,650	0.577	С	8,720	0.581	С	0.004	No
Hotel Circle	I-8 WB Ramps to Fashion Valley Road	3-lane Collector	15,000	16,800	1.120	F	17,670 16,930	1.178 1.129	F	0.058 0.009	Yes No
North	Fashion Valley Road to Camino De La Reina	2-lane Collector	15,000	13,170	0.878	E	14,070 13,310	0.938 0.887	E	0.60 0.009	Yes No
	West of Project Driveway (W)	2-lane Collector	15,000	7,800	0.520	С	7,870	0.525	С	0.005	No
	Project Driveway (W) to I-8 EB Ramps	2-lane Collector	15,000	7,800	0.520	С	8,550	0.570	С	0.050	No
Hotel Circle South	I-8 EB Ramps to Project Driveway (E)	2-lane Collector	15,000	14,390	0.959	E	15,160 14,510	1.011 0.967	F <u>E</u>	0.052 0.008	Yes No
	Project Driveway (E) to Bachman Place	2-lane Collector	15,000	14,390	0.959	E	15,330 14,530	1.022 0.969	F <u>E</u>	0.063 0.010	Yes No
	Bachman Place to Camino De La Reina	2-lane Collector	15,000	14,350	0.957	E	15,270 14,490	1.018 0.966	₽ <u>E</u>	0.061 0.009	Yes No
Fashion Valley Road	Avenida Del Rio to Hotel Circle N	4-lane Collector	15,000	13,700	0.913	Е	13,740	0.916	Е	0.003	No

Source: Appendixes B-1 and B-2x-B-2
Bold = a segment significantly impacted by the project; ADT=Average Daily Traffic; EB = eastbound; LOS=Level of Service; V/C= volume to capacity; WB = westbound

As the project would add more than 1 second of delay to the intersection operating at LOS F in the PM peak hour, the project would have a significant direct impact to the following intersection in the existing plus project conditions:

Hotel Circle South / I-8 eastbound ramps (LOS F during the PM peak hour)

It is noted that on-site project driveway operations are addressed in Section 4.2.4 below, as they are not a street system network capacity issue.

TABLE 4.2-7
EXISTING PLUS PROJECT INTERSECTION OPERATIONS

					Existino	g Plus		
		Peak	Exist	ing	Proj	ect	Δ	
Intersection	Control	Hour	Delay	LOS	Delay	LOS	Delay	Sig?
1. Hotel Circle N. /	AWSC	AM	11.4	В	12.0	В	0.6	No
I-8 WB Ramps	AWSC	PM	11.0	В	12.5	В	1.5	No
2. Hotel Circle N. /	Signal	AM	20.2	С	20.9	C	0.7	No
Fashion Valley Road	Signal	PM	54.4	D	54.6	D	0.1	No
3. Hotel Circle N. /	Cianal	AM	11.6	В	12.0	В	0.4	No
Camino De La Reina	Signal	PM	17.4	В	21.5	С	4.1	No
4. Hotel Circle S. /	owsc	AM	DNE	DNE	13.3	В	13.3	No
Project Driveway (W)	OWSC	PM	DNE	DNE	25.4	D	25.4	No
5. Hotel Circle S. /		AM	13.5	В	13.9	В	0.4 <u>1</u>	No
I-8 EB Ramps	AWSC				<u>13.</u> 6			
	AWSC	PM	54.2	F	181.3	F	127.1	Yes
					<u>141.6</u>		<u>87.4</u>	
6. Hotel Circle S. /	owsc	AM	DNE	DNE	14.3	В	-	No
Project Driveway (E)	UVVSC	PM	DNE	DNE	41.9	E*	-	No
7. Hotel Circle S. /	Cianal	AM	26.8	С	27.6	С	0.8	No
Bachman Place	Signal	PM	21.6	С	24.0	С	2.4	No

Source: Appendixes B-1 and B-2x B

AWSC = All-way Stop Controlled; DNE = Does not exist; EB = eastbound; LOS = Level of Service;

d. Near-term (Opening Day 2017) Impacts

A near-term (opening day 2017) analysis was conducted to determine impacts that would occur when the project becomes operational. As such, the analysis takes into account traffic from any projects anticipated to be in effect in the same time frame as the project. To determine near-term (opening day 2017) traffic volumes, staff from the City were consulted regarding other proposed or approved projects within the project study area. From this information, it was determined that the following six projects with projected ADTs would add traffic the project study area in the near-term (opening day 2017).

 Quarry Falls (Civita) Phase I – 2,477 residential units, 50,000 square feet community commercial, and 50,000 square feet neighborhood commercial generating 17,450 ADT. Note that 1,512 units and no commercial were constructed

^{*}This unacceptable operation occurs on-site, not on the external street system. Thus, this operation is addressed under Section 4.2.4 below.

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle;

OWSC = One-way Stop Controlled; WB = westbound

as of February 2015. Conservatively, all of Quarry Falls Phase I is included in the near-term (2017) conditions.

- Carmel Pacific Ridge Apartments 533 multi-family units generating 3,198 ADT, constructed but not occupied at the time of September 2012 traffic counts.
- Mission Valley Fire Station 16,000 square feet generating 50 ADT. While this
 station is currently operational, it was not operational at the time the traffic counts
 were taken. Thus, this is considered a cumulative project that was added to the
 near-term baseline.
- University of San Diego Master Plan 3,000 full time equivalent students generating 10,200 ADT.
- Union Tribune Master Plan 200 multi-family residential units and 3,000 square feet of specialty retail generating 1,128 ADT.
- Camino Del Rio Mixed Use 305 multi-family residential units, 5,000-square-foot office, and 4,000 square feet of retail generating 1,432 ADT.

Volumes from these projects were added to existing traffic volumes to get near-term (opening day 2017) volumes.

Near-term (Opening Day 2017) without Project

The near-term (opening day 2017) without project weekday volumes is illustrated on Figure 4.2-5.

Street Segments

Table 4.2-8 shows the daily street segment traffic analysis in the near-term (opening day 2017). The same six segments that operate unacceptably under the existing conditions would operate unacceptably under the near-term conditions, which are:

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS E)
- Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS E)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS E)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS E)
- Fashion Valley Road: Avenida Del Rio to Hotel Circle North (LOS E)

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FIGURE 4.2-5 Near-term (2017) Traffic Volumes

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Prj Dwy (E)

AM / PM Freeway

Peak Hour Volumes Average Daily Trips along Freeways

AM / PM

XXX,XXX

TABLE 4.2-8 NEAR-TERM AND NEAR-TERM PLUS PROJECT SEGMENT OPERATIONS

	T						ı				
			Capacity	Ne	ear-term		Near-te	erm + Pr	oject	Δ	
Roadway	Segment	Class	(LOS E)	ADT	V/C	LOS	ADT	V/C	LOS	V/C	Sig?
Camino De La Reina	Hotel Circle to Avenida Del Rio	2-lane Collector	15,000	12,630	0.842	D	12,650	0.843	D	0.001	No
	West of I-8 WB Ramps	2-lane Collector	15,000	8,680	0.579	С	8,750	0.583	С	0.004	No
Hotel Circle North	I-8 WB Ramps to Fashion Valley Road	3-lane Collector	15,000	17,230	1.149	F	18,100 17,360	1.207 <u>1.157</u>	F	0.058 0.008	Yes <u>No</u>
NOITI	Fashion Valley Road to Camino De La Reina	2-lane Collector	15,000	13,640	0.909	E	14,540 13,780	0.969 0.919	E	0.060 0.010	Yes <u>No</u>
	West of Project Driveway (W)	2-lane Collector	15,000	7,840	0.523	С	7,910	0.527	С	0.004	No
	Project Driveway (W) to I-8 EB Ramps	2-lane Collector	15,000	7,840	0.523	С	8,590	0.573	С	0.050	No
Hotel Circle South	I-8 EB Ramps to Project Driveway (E)	2-lane Collector	15,000	14,830	0.989	E	15,600 14,950	1.040 0.997	F <u>E</u>	0.051 0.008	Yes No
	Project Driveway (E) to Bachman Place	2-lane Collector	15,000	14,830	0.989	E	15,770 14,970	1.051 0.998	F <u>E</u>	0.062 0.009	Yes <u>No</u>
	Bachman Place to Camino De La Reina	2-lane Collector	15,000	14,830	0.989	E	15,750 14,970	1.050 0.998	F <u>E</u>	0.061 0.009	Yes No
Fashion Valley Road	Avenida Del Rio to Hotel Circle N	4-lane Collector	15,000	13,740	0.916	Е	13,780	0.919	Е	0.003	No

Source: Appendixes B-1 and B-2x-B
Bold = a segment significantly impacted by the project; ADT=Average Daily Traffic; EB = eastbound; LOS=Level of Service
V/C= volume to capacity; WB = westbound

Intersections

Table 4.2-9 shows the near-term (opening day 2017) without project intersection analysis. Under the near-term (opening day 2017) without project conditions, all intersections would operate at acceptable LOS D or better except the following one:

Hotel Circle South / I-8 eastbound ramps (LOS F during the PM peak hour)

Near-term (Opening Day 2017) with Project

As discussed above under the existing plus project analysis, the impact analysis is based on a combination of data from two reports (see Appendixes B-1 and B-2). The near-term (opening day 2017) plus project volumes for the 2015 project are shown in Figure 4.2-6. The near-term plus proposed project traffic volumes would be less than shown on this figure. This analysis identifies direct impacts of the proposed project in the near-term (opening day 2017) condition.

TABLE 4.2-9
NEAR-TERM AND NEAR-TERM PLUS PROJECT
INTERSECTION OPERATIONS

					Near-term	n Plus		
		Peak	Near-	term	Proje	ct	Δ	
Intersection	Control	Hour	Delay	LOS	Delay	LOS	Delay	Sig?
1. Hotel Circle N. /	AWSC	AM	11.6	В	12.2	В	0.6	No
I-8 WB Ramps	AVVSC	PM	11.2	В	12.9	В	1.7	No
2. Hotel Circle N. /	Signal	AM	20.5	С	21.2	С	0.7	No
Fashion Valley Rd	Signal	PM	54.5	D	54.6	D	0.1	No
3. Hotel Circle N. /	Signal	AM	12.3	В	13.6	В	1.3	No
Camino De La Reina	Oigilai	PM	21.1	С	28.1	С	7.0	No
4. Hotel Circle S. /	owsc	AM	DNE	DNE	13.3	В	13.3	No
Project Driveway (W)		PM	DNE	DNE	25.6	D	25.6	No
5. Hotel Circle S. /		AM	14.2	В	35.4	<u>ED</u>	21.2	Yes
I-8 EB Ramps	AWSC				32.3		18.1	No
	AVVSC	PM	62.5	F	194.4	F	131.9	Yes
					<u>154.4</u>		<u>91.9</u>	
6. Hotel Circle S. /	owsc	AM	DNE	DNE	14.8	В	-	No
Project Driveway (E)	0,000	PM	DNE	DNE	44.8	F*	-	No
7. Hotel Circle S. /	Signal	AM	27.1	С	27.9	С	0.8	No
Bachman Place	Ū	PM	22.3	С	25.3	С	3.0	No

Source: Appendixes B-1 and B-2x B

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle;

AWSC = All-way Stop Controlled; DNE = Does not exist; EB = eastbound; LOS = Level of Service;

OWSC = One-way Stop Controlled; WB = westbound

^{*}This unacceptable operation occurs on-site, not on the external street system. Thus, this operation is addressed under Section 4.2.4 below.

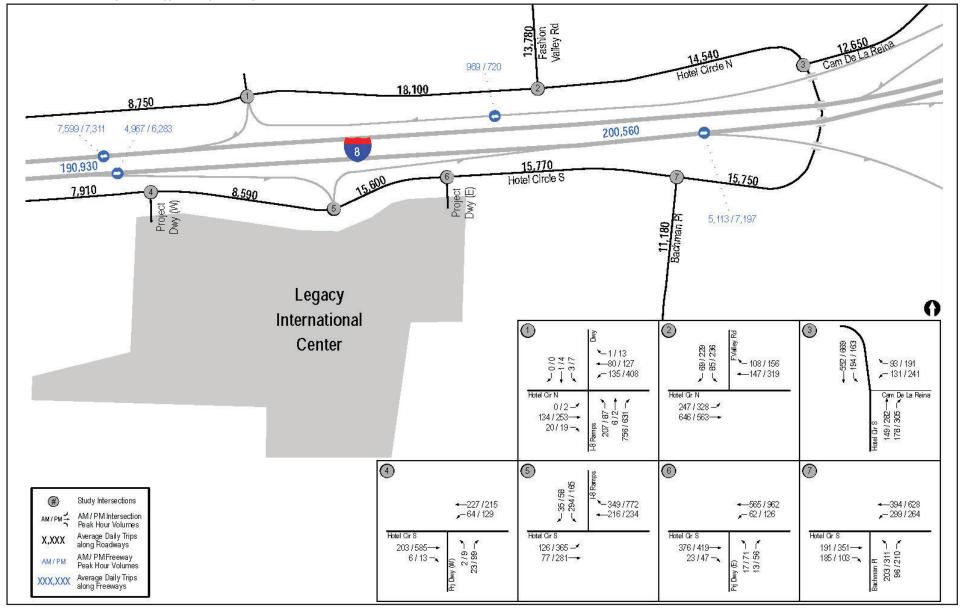


FIGURE 4.2-6

Near-term (2017) Plus Project Traffic Volumes

Note: The near-term plus project traffic volumes would be less than shown on this figure.

Street Segments

Table 4.2-8 shows the daily street segment traffic analysis in the near-term (opening day 2017) with the project. As shown, no additional segments would operate unacceptably with the addition of the proposed project to the near-term without project scenario. As with the near-term without project scenario, the following six segments would operate at an unacceptable LOS under the near-term plus project conditions:

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS E)
- Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS <u>EE</u>)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS <u>FE</u>)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS <u>►E</u>)
- Fashion Valley Road: Avenida Del Rio to Hotel Circle North (LOS E)

Since the project would add more-less than 0.02 V/C to the Hotel Circle North-segments operating at LOS E and less than ever-0.01 V/C to all the other Hotel Circle-segments operating at LOS F, it would result in less than significant near-term impacts to roadway segments under the near-term plus project conditions. to all the Hotel Circle segments operating at an unacceptable LOS. The project would add less than 0.02 to the Fashion Valley Road segment V/C ratio and, therefore, the project's near-term impacts to Fashion Valley Road would be less than significant.

Intersections

Table 4.2-9 shows the near-term (2017) plus project intersection analysis. As shown, no additional intersections would operate unacceptably with the addition of the proposed project to the near-term without project, but the conditions at the Hotel Circle South / I-8 eastbound ramps would continue to operate unacceptably in the PM peak hour-would degrade further. More specifically, The addition of project traffic would cause this intersection to operate unacceptably in both the AM and PM peak hour instead of just the PM peak hour. The near-term plus project intersections operating unacceptably include:

Hotel Circle South / I-8 eastbound ramps (LOS E during the AM peak hour, LOS F during the PM peak hour)

Hotel Circle South / Project Driveway (E) (LOS F during the PM peak hour)

As the project would add more than 2 seconds of delay to the Hotel Circle South / I-8 eastbound ramps intersection operating at LOS E in the AM peak hour and add more than 1 second of delay to this intersection operating at LOS F in the PM peak hour, the project's near-term impacts to this intersection would be significant.

The on-site project driveway impact is addressed in Section 4.2.4, as it is an on-site issue and not a street network capacity issue.

e. Year 2035 (Cumulative) Condition Impacts

Year 2035 without Project

The horizon year roadway conditions were based on coordination with City staff and information provided in the Mission Valley Public Facilities Financing Plan (PFFP 2013). The SANDAG Series 12 Forecast Model was used to determine the horizon year traffic volumes. In addition to the near-term cumulative project volumes, volumes from the following horizon year cumulative projects were also included:

- Quarry Falls (Civita) Buildout 4,780 residential units, 503,000 square feet of retail commercial, 50,000 square feet of community commercial, 50,000 square feet of neighborhood commercial, 620,000 square feet of commercial office, and 4,000 square feet of recreational center generating 52,330 ADT.
- Levi-Cushman Specific Plan (Riverwalk Master Plan) 1,329 residential units, 1,000-room hotel, 200,000 square feet of office, and 2,582,000 square feet of retail generating 67,000 ADT. As of February 2015, this project is proposed to include 4,000 residential units, 150,000 square feet of commercial, 950,000 square feet of office, a 900-room hotel, and a 40-acre park generating 51,980 ADT. The analysis assumes this project would generate 67,000 ADT to be conservative. (Community Plan Amendment Initiation Approved in October 2014.)
- Atlas Specific Plan (Including Town & Country) 157,500 square feet of office and 1,701 hotel rooms generating 30,870 ADT. As of February 2015, 1,695 hotel rooms and 59,158 sf of office have been built.¹
- Hazard Center Redevelopment 473 multi-family units and 4,205 square feet of commercial/retail generating 950 ADT.

The horizon year roadway conditions were based on improvements planned to be completed by 2035 in the Mission Valley Public Facilities Financing Plan (PFFP; City 2013) as well as access improvements planned to be completed by the Levi-Cushman (Riverwalk Master Plan) and Atlas (including Town & Country) Specific Plans. This includes the extension of Camino De La Reina as a four-lane major street between Fashion Valley Road and Napa Street (PFFP Project MV-7), intersection improvements associated with the Camino De La Reina extension (PFFP Project MV-7), the extension of Via Las Cumbres

¹Note that the Town and Country property within the Atlas Specific Plan is proposing to replace 254 hotel rooms and 35,625 square feet of convention space with 840 residences, generating only 376 net ADT instead of the 18,400 ADT identified in the Specific Plan.

between Friars Road and Hotel Circle North (PFFP Project MV-13), and the extension of Hazard Center Drive under SR-163 (PFFP Project MV-15). The proposed project direct impact mitigation is also included in this analysis, which consists of improving Hotel Circle South along the project frontage to its four-lane Collector classification. The year 2035 without project weekday volumes are illustrated on Figure 4.2-7.

Street Segments

Table 4.2-10 shows the year 2035 without project traffic street segment analysis. All 10 street segments in the study area are projected to operate at unacceptable LOS under the year 2035 without project conditions, as listed below:

- Camino De La Reina: Hotel Circle to Avenida Del Rio (LOS F)
- Hotel Circle North: West of I-8 westbound ramps (LOS F)
- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS F)
- Hotel Circle South: West of Project Driveway (W) (LOS F)
- Hotel Circle South: Project Driveway (W) to I-8 eastbound ramps (LOS F)
- Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS F)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)
- Fashion Valley Road: Avenida Del Rio to Hotel Circle North (LOS F)

FIGURE 4.2-7 Horizon Year (2035) Traffic Volumes

TABLE 4.2-10 HORIZON YEAR AND HORIZON YEAR PLUS PROJECT SEGMENT OPERATIONS

			Capacity	Hor	izon Yea	ar	_	zon Yeai Project	r +		
Roadway	Segment	Class	(LOS E)	ADT	V/C	LOS	ADT	V/C	LOS	Δ V/C	Sig?
Camino De La Reina	Hotel Circle to Avenida Del Rio	2-lane Collector	15,000	16,440	1.096	F	16,460	1.097	F	0.001	No
	West of I-8 WB Ramps	2-lane Collector	15,000	21,330	1.422	F	21,400	1.427	F	0.005	No
Hotel Circle	I-8 WB Ramps to Fashion Valley Road	3-lane Collector	15,000	31,220	2.081	F	32,090 31,350	2.139 2.090	F	0.058 0.009	Yes No
NOTH	Fashion Valley Road to Camino De La Reina	2-lane Collector	15,000	21,260	1.417	F	22,160 21,400	1.477 1.427	F	0.060 0.010	Yes <u>No</u>
Hotel Circle North Hotel Circle South	West of Project Driveway (W)	2-lane Collector	15,000	17,200	1.147	F	17,270	1.151	F	0.004	No
	Project Driveway (W) to I-8 EB Ramps	2-lane Collector/ 4-lane Collector*	15,000/ 30,000	18,100	1.207	F	18,550	0.628	O	(0.579)	No
	I-8 EB Ramps to Project Driveway (E)	2-lane Collector/ 4-lane Collector*	15,000/ 30,000	20,750	1.383	F	21,520	0.717	D	(0.666)	No
	Project Driveway (E) to Bachman Place	2-lane Collector	15,000	20,750	1.383	F	21,690 20,890	1.446 1.393	F	0.063 0.010	Yes No
	Bachman Place to Camino De La Reina	2-lane Collector	15,000	19,520	1.301	F	20,440 19,660	1.363 1.311	F	0.062 0.010	Yes No
Fashion Valley Road	Avenida Del Rio to Hotel Circle N	4-lane Collector	15,000	28,100	1.873	F	28,140	1.876	F	0.003	No

Source: Appendixes B-1 and B-2x-B

Bold = a segment significantly impacted by the project; ADT=Average Daily Traffic; EB = eastbound; LOS=Level of Service

V/C= volume to capacity; WB = westbound

*The proposed project frontage improvements to Hotel Circle South are assumed to be completed in this Horizon Year analysis.

Intersections

Table 4.2-11 shows the traffic analysis intersections under the year 2035 without project conditions. Under the year 2035 without project conditions, all intersections would operate at acceptable LOS D or better except the following three:

- Hotel Circle North / I-8 westbound ramps (LOS F during the AM peak hour and LOS E during the PM peak hour)
- Hotel Circle North / Fashion Valley Road (LOS F during the AM and PM peak hours)
- Hotel Circle South / I-8 eastbound ramps (LOS F during the AM and PM peak hours)

TABLE 4.2-11
HORIZON YEAR AND HORIZON YEAR PLUS PROJECT
INTERSECTION OPERATIONS

		Peak	Horizon Year		Horizon Plus Pro		Λ	
Intersection	Control	Hour	Delay	LOS	Delay	LOS	Delay	Sig?
1. Hotel Circle N. /	AVA/CC	AM	57.6	F	63.8 59.0	F	6.2 1.4	Yes
I-8 WB Ramps	AWSC	PM	49.2	E	62.1 53.5	F	12.9 4.3	Yes
2. Hotel Circle N. /	Cianal	AM	180.5	F	181.3	F	0.8	No
Fashion Valley Rd.	Signal	PM	216.7	F	217.7	F	1.0	No
3. Hotel Circle N. /	Cianal	AM	20.8	С	21.1	С	0.3	No
Camino De La Reina	Signal	PM	52.3	D	54.5	D	2.2	No
4. Hotel Circle S. /	owsc	AM	DNE	DNE	13.3	В	13.3	No
Project Driveway (W)	OWSC	PM	DNE	DNE	23.4	С	23.4	No
5. Hotel Circle S. /	AWSC	AM	63.2	F	52.4	F	-10.8*	No
I-8 EB Ramps	AVVSC	PM	317.9	F	55.2	F	-262.7*	No
6. Hotel Circle S. /	owsc	AM	DNE	DNE	22.2	С	-	No
Project Driveway (E)	0000	PM	DNE	DNE	>100	F ¹	-	No
7. Hotel Circle S. /	Signal	AM	38.8	D	41.3	D	2.5	No
Bachman Place	Oigilai	PM	36.6	D	40.1	D	3.5	No

Source: Appendixes B-1 and B-2x B

Year 2035 with Project

The year 2035 with project condition analyzes the addition of project traffic volumes to the year 2035 traffic baseline described above. This analysis is intended to determine the cumulative impacts of the proposed project. Also as discussed above, the impact analysis is based on a combination of data from two reports (see Appendixes B-1 and B-2). The year 2035 and project volumes for the larger 2015 project are illustrated on Figure 4.2-8. The year 2035 plus proposed project traffic volumes for the proposed project would be less than shown on this figure.

^{*} The proposed project frontage improvements to Hotel Circle South are assumed to be completed in this Horizon Year analysis, which results in a delay reduction.

¹This unacceptable operation occurs on-site, not on the external street system. Thus, this operation is addressed under Section 4.2.4 below.

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle; AWSC = All-way Stop Controlled; DNE = Does not exist; EB = eastbound; LOS = Level of Service; OWSC = One-way Stop Controlled; WB = westbound

← 438 / 412

64 / 129

Prj Dwy (W) 2 / 9 – 23 / 99 –

Hotel Cir S

270 / 734 -

143 / 514→

FIGURE 4.2-8

Bachman Pl 258 / 390 – 120 / 251 –

←500 / 766

370/317

Horizon Year (2035) Plus Project Traffic Volumes

←936 / 1,563

Hotel Cir S

297 / 426-

230 / 131 -

62 / 126

Prj Dwy (E) 17 / 71 – 13 / 56 –

Note: The horizon year plus project traffic volumes would be less than shown on this figure.

Hotel Cir S

536 / 1,196

←400 / 411

Study Intersections

AM / PM Intersection Peak Hour Volumes Average Daily Trips along Roadways

AM / PM Freeway

Peak Hour Volumes Average Daily Trips along Freeways Hotel Cir S

413 / 1,187 → 6 / 13 ¬

Street Segments

As shown in Table 4.2-10, all street segments would operate at unacceptable LOS under the year 2035 plus project conditions, consisting of the following eight:

- Camino De La Reina: Hotel Circle to Avenida Del Rio (LOS F)
- Hotel Circle North: West of I-8 westbound ramps (LOS F)
- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS F)
- Hotel Circle South: West of Project Driveway (W) (LOS F)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)
- Fashion Valley Road: Avenida Del Rio to Hotel Circle North (LOS F)

The project would have a less than significant cumulative impact to the following four all of the street segments operating unacceptably, as the addition of project traffic would not increase in V/C ratio significantly (e.g., V/C increase less than 0.01 at a segment operating at LOS F and V/C increase less than 0.02 at a segment operating at LOS F).

- Camino De La Reina: Hotel Circle to Avenida Del Rio (LOS F)
- Hotel Circle North: West of I-8 westbound ramps (LOS F)
- Hotel Circle South: West of Project Driveway (W) (LOS F)
- Fashion Valley Road: Avenida Del Rio to Hotel Circle North (LOS F)

However, the project would result in significant cumulative impacts at the following four street segments, as the project would cause V/C to increase by more than 0.01:

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS F)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)

Intersections

Table 4.2-11 shows the traffic analysis intersections under the year 2035 with project conditions. The addition of the project to the year 2035 conditions would not cause any additional intersections to operate unacceptably. The following three intersections would operate unacceptably in the year 2035 plus project conditions:

- Hotel Circle North / I-8 westbound ramps (LOS F during the AM and PM peak hours)
- Hotel Circle North / Fashion Valley Road (LOS F during the AM and PM peak hours)
- Hotel Circle South / I-8 eastbound ramps (LOS F during the AM and PM peak hours)

The project would have a less than significant cumulative impact to the following two intersections, as the increase in delay is within the allowable threshold:

- Hotel Circle North / Fashion Valley Road (LOS F during the AM and PM peak hours)
- Hotel Circle South / I-8 eastbound ramps (LOS F during the AM and PM peak hours)

The project would result in a significant cumulative impact to the following intersection, as it would increase delay by more than 1 second:

Hotel Circle North / I-8 westbound ramps (LOS F during the AM and PM peak hours)

It is noted that the on-site driveway conditions are addressed in Section 4.2.4, as they are an on-site issue and not a street network capacity issue.

4.2.2.2 Significance of Impacts

a. Direct Impacts

Segments

Based on the City of San Diego's significance criteria, no significant direct impacts would occur at the Fashion Valley Road, and Camino de la Reina, Hotel Circle North, or Hotel Circle South street segments in either the existing plus project or near-term plus project conditions, as the increase in V/C ratio is within the allowable threshold. The frontage improvements would ensure that impacts associated with the project driveways would be less than significant.

The project would add more than 0.01 V/C to the following Hotel Circle segment operating at LOS F and over 0.02 V/C to the following Hotel Circle segments operating at LOS F in both the existing plus project and near-term plus project conditions; and, therefore, the project would have significant direct impacts to the following five Hotel Circle segments:

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS E)
- Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS F)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)

Intersections

The project would have a significant direct impact to the following intersection considering the project would add more than 2 seconds of delay to this intersection operating at LOS E/F in both the existing plus project and near-term plus project conditions:

 Hotel Circle South / I-8 eastbound ramps (PM peak hour under existing plus project conditions, and AM and PM peak hours in the near-term plus project)

b. Cumulative Impacts

Segments

The project would have a less than significant cumulative impact to Camino De La Reina, Hotel Circle North: West of I-8 westbound ramps, Hotel Circle South: West of Project Driveway, and Fashion Valley Road, as The addition of project traffic would not increase in V/C ratio significantly (e.g., V/C increase equal to or less than 0.01 at a segment operating at LOS F and V/C increase equal to or less than 0.02 at a segment operating at LOS E) at any of the studied street segments. Thus, the proposed project would have less than significant cumulative impacts to segments.

Theproject would result in significant cumulative impacts at the following four street segments, as the project would cause the V/C to increase by more than 0.01:

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (LOS F)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS F)
- Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)
- Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)

Intersections

The project would have a less than significant cumulative impact to Hotel Circle North / Fashion Valley Road, Hotel Circle North / Camino De La Reina, and Hotel Circle South / I-8 eastbound ramps since the increase in delay is within the allowable threshold (e.g., 1 second for intersections operating at LOS F and 2 seconds for intersections operating at LOS E).

The project would result in a significant cumulative impact to the following intersection, as it would increase delay by more than 1 second:

Hotel Circle North / I-8 westbound ramps (LOS F during the AM and PM peak hours)

c. Impact Summary

Table 4.2-12 below provides a summary of the project's traffic impacts. As shown in the table, the project would result in <u>six-one</u> direct impact and one <u>cumulatives</u> impact to the local roadway network. Project traffic impacts at five of those directly impacted locations would also be <u>cumulatively</u> significant.

TABLE 4.2-12
TRAFFIC IMPACT SUMMARY MATRIX

		Impad	ct Type
	Impact	Direct	Cumulative
	Segment		
Impact TR-1:.	Hotel Circle North: I-8 Westbound Ramps to Fashion Valley Road	×	×
Impact TR-2:	Hotel Circle North: Fashion Valley Road to Camino De La Reina	×	×
Impact TR-3:	Hotel Circle South: I-8 Eastbound Ramps to Project Driveway (E)	×	-
Impact TR-4:	Hotel Circle South: Project Driveway (E) to Bachman Place	×	×
Impact TR-5:	Hotel Circle South: Bachman Place to Camino De La Reina	×	×
	Intersection		
Impact TR- <u>1</u> 6:	Hotel Circle South / I-8 Eastbound Ramps (AM and PM peak hours)	X	-
Impact TR-27:	Hotel Circle North / I-8 Westbound Ramps (AM and PM peak hours)	-	X

4.2.2.3 Mitigation, Monitoring, and Reporting

a. Direct Impacts

Segments

<u>Direct impacts to street segments would be less than significant; no mitigation measures are required.</u> To mitigate the project's significant direct impact to Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (impact TR-3), the following measure shall be implemented:

TR-1: Prior to the issuance of the first building permit for the Legacy International Center, the Owner/Permittee shall assure by permit and bond the widening of Hotel Circle South from I-8 eastbound ramps to the eastern Project Driveway to a four-lane collector with a continuous left-turn lane, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy.

Mitigation for the remaining four significant direct segment impacts of the project (impacts TR-1, TR-2, TR-4 and TR-5) would be infeasible, as described in further in Section 4.2.2.4 below.

Intersections

To mitigate the project's significant direct impact to the Hotel Circle South / I-8 eastbound ramps intersection (impact TR-16), mitigation measure TR-1 shall be implemented.

TR-1: Prior to the issuance of the first building permit for the Legacy International Center, the Owner/Permittee shall provide full width dedication (varying width up to 28 feet) along the project frontage and shall assure by permit and bond the construction of an additional eastbound and westbound travel lane along Hotel Circle South. Existing conditions shall be matched at the western and eastern limits of the site with appropriate transitions, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy.

b. Cumulative Impacts

Segments

Cumulative impacts to street segments would be less than significant; no mitigation measures are required. To mitigate cumulative segment impact TR-1 (Hotel Circle North, I-8 westbound ramps to Fashion Valley Road), the applicant shall implement the following:

TR-2: Prior to the issuance of the first building permit, the Owner/Permittee shall contribute a fair-share (5.7 percent) toward widening to accommodate a second westbound-through lane on Hotel Circle North between I-8 westbound ramps and Fashion Valley Road, satisfactory to the City Engineer.

To mitigate cumulative segment impact TR-2 (Hotel Circle North, Fashion Valley Road to Camino De La Reina), the applicant shall implement the following:

TR-3: Prior to the issuance of the first building permit, the Owner/Permittee shall contribute a fair-share (10.0 percent) toward widening to accommodate a second westbound-through lane on Hotel Circle North between Fashion Valley Road to Camino De La Reina, satisfactory to the City Engineer.

Mitigation for the project's significant cumulative segment impacts TR-4 (Hotel Circle South: Project Driveway (E) to Bachman Place) and TR-5 (Hotel Circle South, Bachman Place to Camino De La Reina) would be infeasible, as described in further in Section 4.2.2.4 below.

Intersections

To mitigate the project's significant cumulative impact to the Hotel Circle North / I-8 westbound ramps intersection (impact TR-27), the following measure shall be implemented:

TR-24: Prior to the issuance of the first building permits for the Legacy International Center, the Owner/Permittee shall provide a fair-share contribution (3.512.2 percent) towards the signalization and reconfiguration of the Hotel Circle North / I-8 westbound ramps intersection. The reconfiguration shall (1) remove the northbound right-turn channelization to provide a traditional configuration and provide a right-turn overlap phase; (2) remove the eastbound right-turn channelization to provide a

traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway, satisfactory to the City Engineer and Caltrans. Should California Department of Transportation (Caltrans) decide to implement a different intersection control at this intersection, the applicant's fair-share contribution may be used toward the new intersection traffic control measure as long as it would meet the performance criteria of reducing the proposed project delay contribution to less than 1 second where operating at LOS F and 2 seconds where operating at LOS E.

4.2.2.4 Significance of Impacts After Mitigation

Table 4.2-13 provides a summary of the project traffic impact significance after mitigation. As shown, the project direct and cumulative impacts TR-3 and TR-6 would be mitigated to below a level of significance.

a. Direct Impacts

Segments

No significant direct impact to study area street segments would occur and no mitigation is required. To mitigate the project's direct impact to Hotel Circle North: I-8 westbound ramps to Fashion Valley Road (impact TR-1), this segment would need to be widened 35 feet to a four-lane collector (see EIR Appendix B, TIA Tables 16-3 and 17-3). The cumulative Riverwalk Master Plan project fronting on this roadway will complete required frontage access improvements to this segment that would mitigate project impacts, but the timing of these improvements is not currently known. Therefore, the project impact TR-1 would remain temporarily significant and not mitigated until the Riverwalk Master Plan project implements its frontage improvements.

To mitigate the project's direct impact to Hotel Circle North: Fashion Valley Road to Camino De La Reina (impact TR-2), this segment would need to be widened to a three-lane collector (see EIR Appendix B, TIA Tables 16-3 and 17-3). Widening improvements would need to provide two westbound lanes and one eastbound lane, plus a two-way left-turn lane. Overall, 12 feet of widening right-of-way acquisition would be required from the Town & Country Resort property. The cumulative Town and Country Master Plan project fronting on this roadway will complete required frontage access improvements to this segment that would mitigate project impacts, but the timing of these improvements is not currently known. Thus, direct impact TR-2 would remain temporarily significant and not mitigated until the Town and Country project implements its frontage improvements.

TABLE 4.2-13
TRAFFIC IMPACT AND MITIGATION SUMMARY MATRIX

	Impact T	ype	Mitigation Sumn	nary	Significance	
Impact	Direct	Cumulative	Direct	Cumulative	after Mitigation	
Segment						
Impact TR-1: Hotel Circle North: I-8 Westbound Ramps to Fashion Valley Road	tircle North: I-8 Vestbound Ramps to			TR-2: fair-share towards widening for a second westbound through lane	Temporary SNM Direct LS Cumulative	
Impact TR-2: Hotel Circle North: Fashion Valley Road to Camino De La Reina	×	×	No mitigation proposed, as frontage improvements to be completed by Town and Country Master Plan	TR-3: fair-share towards widening for a second westbound through lane	Temporary SNM Direct LS Cumulative	
Impact TR-3: Hotel Circle South: I-8 Eastbound Ramps to Project Driveway (E)	×	-	TR-1: widen this segment of Hotel Circle South to a four-lane collector with a continuous left-turn-lane	-	FS	
Impact TR-4: Hotel Circle South: Project Driveway (E) to Bachman Place	X	×	Not Feasible		SNM Direct and Cumulative	
Impact TR-5: Hotel Circle South: Bachman Place to Camino De La Reina	×	×	Not Feasible		SNM Direct and Cumulative	
Intersection					T	
Impact TR-6: Hotel Circle South / I-8 Eastbound Ramps (AM and PM peak hours)	×	-	TR-1 (see above)		LS Direct	
Impact TR-6: Hotel Circle North / I-8 Westbound Ramps (AM and PM peak hours)	-	×	-	TR-4: fair-share toward signalization and reconfiguration, or equivalent	LS Cumulative	

LS= Less than significant with mitigation; SNM = significant not mitigated

As shown in Table 4.2-14, mitigation measure TR-1 (widening to a 4-lane collector) would decrease the V/C relative to the baseline existing and near-term conditions and would therefore mitigate the project's Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) direct impacts (impact TR-3) to below a level of significance.

To mitigate the project's direct impact to Hotel Circle South: Project Driveway (E) to Bachman Place (impact TR-4), this segment would need to be widened to a three-lane collector with a continuous left-turn lane (see EIR Appendix B, TIA Tables 16-3 and 17-3). Widening improvements would need to provide two eastbound lanes and one westbound lane. While a 30-foot irrevocable offer of dedication (IOD) exists on Hotel Circle South along this segment, the position of the existing hotel buildings (Vagabond Inn) would only allow a 2-foot parkway and would therefore not meet City standards. Thus, the roadway improvements cannot be implemented, and this impact would remain significant and not mitigated.

To mitigate the project's direct impact to Hotel Circle South: Bachman Place to Camino De La Reina (impact TR-5), this segment would need to be widened to a three-lane collector with a continuous left-turn lane (see EIR Appendix B, TIA Tables 16-3 and 17-3). Widening improvements would need to provide two eastbound lanes and one westbound lane. Given the location of the support columns for the I-8 undercrossing on Hotel Circle South, such widening cannot be completed. Thus, direct impact TR-5 would remain significant and not mitigated.

Intersections

Mitigation measure TR-1 improvements along the project frontage and construction of the eastbound and westbound through lanes would reduce the delay during the PM peak hour to an acceptable level. Thus, direct impacts to the Hotel Circle South/I-8 eastbound ramps intersection (impact TR-1) would be less than significant upon implementation of TR-1.

The TIA (EIR Appendix B) evaluated the following three intersection control measures to mitigate impact TR-6: traffic signal, roundabout, and an enhanced all-way stop control. The signalization and roundabout measures were determined infeasible, as Caltrans would be unlikely to approve a signal where inadequate off-ramp queue storage and potential backup onto the freeway mainline would occur; and there would be inadequate right-of-way to provide the 100- to 130-foot diameter roundabout and it would not ultimately mitigate the project impact. The implementation of the enhanced all-way stop control (mitigation measure TR-1) would reduce the project's direct impact to Hotel Circle South / I-8 eastbound ramps to below a level of significance, as it would reduce delay relative to the existing and near-term conditions (Table 4.2-15). In addition, this measure would be feasible since the project could provide the needed right-of-way dedication along its own frontage. Thus, the project would mitigate impact TR-6 to below a level of significance through measure TR-1.

b. Cumulative Impacts

Segments

No significant cumulative impacts to study area street segments would occur and no mitigation is required. The project would mitigate cumulative impacts TR-1 and TR-2 through mitigation measures TR-2 and TR-3, which provide fair-share contribution towards widening Hotel Circle North to accommodate an additional westbound lane. As indicated in Table 4.2-14, this widening would decrease the V/C ratio relative to the existing conditions at these Hotel Circle North segments. Thus, the project would mitigate cumulative impacts TR-1 and TR-2 to below a level of significance through measures TR-2 and TR-3.

Hotel Circle South cumulative segment impacts (impacts TR-4, and TR-5) would remain significant, as it would be physically infeasible to widen the roadway segment due to the location of existing commercial buildings and I-8 support columns (see Appendix B, TIA Table 18-3).

Thus, the following cumulative segment impacts would remain significant and unmitigated:

- Hotel Circle South: Project Driveway (E) to Bachman Place
- Hotel Circle South: Bachman Place to Camino De La Reina.

Intersections

The project would mitigate its significant cumulative impact to Hotel Circle North / I-8 westbound ramps (impact TR-27) to below a level of significance by providing a fair-share contribution towards the signalization and reconfiguration of this intersection (mitigation measure TR-2). As shown in Table 4.2-15, the implementation of the signalization and reconfiguration would reduce the horizon year plus project delay to below the horizon year baseline conditions. Thus, the project would mitigate cumulative intersection impact TR-7 to below a level of significance.

4.2.3 Issue 2: Freeways

Would the project result in the addition of a substantial amount of traffic to a congested freeway segment, interchange or ramp?

Based on the City's 2011 Significance Determination Thresholds, impacts related to freeways would be significant if:

- any freeway segment affected by a project operated at LOS E or F under either direct or cumulative conditions and the project traffic impact exceeded the thresholds shown in Table 4.2-4.
- delays above 15 minutes occurred at any ramp meter location and the project exceeded the thresholds shown in Table 4.2-4.

It is noted that there are no freeway ramp meters within the study area and Caltrans has no plans to add ramp metering to Hotel Circle South (LLG 2015), so no freeway ramp meter analysis is necessary.

4.2.3.1 Impacts

The following freeway analysis is based on the traffic impact analysis included as EIR Appendix B-1. It is noted that this analysis was completed for a larger 532,178-square-foot project and the proposed project is a reduced 306,879-square-foot version that would generate 1,528 less ADT. While the proposed project would have reduced freeway impacts relative to the larger project, the following analysis provides adequate information to determine freeway impact significance per the City's 2011 Significance Determination Thresholds.

a. Existing Plus Project

As discussed in Section 4.2.1.3 above, all freeway segments would operate at acceptable LOS D or better under the existing conditions. With the addition of the project, all freeway segments would continue to operate at acceptable levels (Table 4.2-136). As such, the project impact to freeway segments would be less than significant under the existing plus project conditions.

b. Near-term (2017) and Near-term (2017) Plus Project

Table 4.2-147 shows the near-term and near-term plus project operations. All freeway segments would operate at acceptable LOS D or better under both the near-term and the near-term plus project conditions. Therefore the project would have a less than significant impact to freeways in the near-term.

c. Horizon Year (2035) and Horizon Year (2035) Plus Project

Under the horizon year (2035) conditions, the following I-8, west of Hotel Circle ramps segment would operate at unacceptable levels (Table 4.2-1<u>5</u>8):

- I-8, west of Hotel Circle ramps, eastbound lanes (LOS E in the PM peak hour),
- I-8, west of Hotel Circle ramps, westbound lanes (LOS F (0) in the AM peak hour and LOS E in the PM peak hour), and
- I-8, Hotel Circle ramps to SR-163, westbound lanes (LOS F(0) in the AM peak hour and LOS E in the PM peak hour).

With the addition of the project to the horizon year (2035) conditions, these I-8 segments would continue to operate at the same unacceptable levels identified for the horizon year without project scenario above. The cumulative project impact to these freeway segments would be less than significant, as the change in V/C resulting from the project would be less than the LOS E freeway threshold of 0.010 and the LOS F freeway segment threshold of 0.005.

TABLE 4.2-136
EXISTING PLUS PROJECT FREEWAY SEGMENT OPERATIONS

			Peak		Existing			Existin	ng Plus F			
Interstate 8			Hour	Peak								
Segment	ADT	Class	Capacity	Hour	Vol.	V/C	LOS	Vol.	V/C	LOS	ΔV/C	Sig?
West of Hotel	190,000	EB	8,000	AM	4,940	0.618	В	4,961	0.620	С	0.002	No
		4M	,	PM	6,197	0.775	С	6,263	0.783	С	0.008	No
Circle Ramps		WB	9,200	AM	7,580	0.824	D	7,580	0.824	D	0.000	No
		4M+1A		PM	7,250	0.788	С	7,301	0.794	С	0.006	No
Hotel Circle		EB	9,200	AM	5,080	0.552	В	5,080	0.552	В	0.000	No
	199,000	4M+1A	9,200	PM	7,100	0.772	С	7,178	0.780	С	0.008	No
Ramps to SR-163*	199,000	WB	9,200	AM	8,368	0.910	D	8,368	0.910	D	0.000	No
OIX 100		4M+1A		PM	7,465	0.811	D	7,465	0.811	D	0.000	No

Source: Appendix B-1

A = auxiliary; ADT = Average Daily Traffic; EB = eastbound; LOS = Level of Service; M = mainline; V/C = volume to capacity; WB = westbound

TABLE 4.2-1<u>4</u>7
NEAR-TERM AND NEAR-TERM PLUS PROJECT FREEWAY SEGMENT OPERATIONS

			Peak					Nea	ır-term F	lus		
Interstate 8	Interstate 8		Hour	Peak	N	Near-term			Project			
Segment	ADT	Class	Capacity	Hour	Vol.	V/C	LOS	Vol.	V/C	LOS	ΔV/C	Sig?
West of Hotel Circle Ramps		EB	8,000	AM	4,946	0.618	В	4,967	0.621	С	0.003	No
	190,300	4M	0,000	PM	6,217	0.777	С	6,283	0.785	С	0.008	No
		WB	9,200	AM	7,599	0.826	D	7,599	0.826	D	0.000	No
ιταπρο		4M+1A	9,200	PM	7,260	0.789	С	7,311	0.795	С	0.003 0.008 0.000 0.006 0.000 0.008 0.000	No
Hotal Cirola		EB	9,200	AM	5,113	0.556	В	5,113	0.556	В	0.000	No
Hotel Circle	100 220	4M+1A	9,200	PM	7,119	0.774	С	7,197	0.782	С	0.008	No
Ramps to SR-163*	199,330	WB	0.000	AM	8,372	0.910	D	8,372	0.910	D	0.000	No
311-103		4M+1A	9,200	PM	7,467	0.912	D	7,467	0.812	D	0.000	No

Source: Appendix B-1

A = auxiliary; ADT = Average Daily Traffic; EB = eastbound; LOS = Level of Service; M = mainline; V/C = volume to capacity; WB = westbound

TABLE 4.2-1<u>5</u>8
HORIZON YEAR (2035) AND HORIZON YEAR PLUS PROJECT FREEWAY SEGMENT OPERATIONS

Interstate			Peak				Но	rizon Ye	ar			
8			Hour	Peak	Но	Horizon Year		Plus Project				
Segment	ADT	Class	Capacity	Hour	Vol.	V/C	LOS	Vol.	V/C	LOS	ΔV/C	Sig?
West of		EB	8,000	AM	6,051	0.756	С	6,072	0.759	С	0.003	No
Hotel	233,980	4M	8,000	PM	7,626	0.953	Е	7,692	0.962	Е	0.009	No
Circle	233,960	WB	0.200	AM	9,347	1.016	F(0)	9,347	1.016	F(0)	0.000	No
Ramps		4M+1A	9,200	PM	8,912	0.969	Е	8,963	0.974	Е	0.005	No
Hotel		EB	9,200	AM	5,821	0.633	С	5,821	0.633	С	0.000	No
Circle	227,680	4M+1A	3,200	PM	8,084	0.878	D	8,152	0.886	D	0.008	No
Ramps to	5 10	EB	0.000	AM	9,584	1.042	F(0)	9,584	1.042	F(0)	0.000	No
SR-163*		4M+1A	9,200	PM	8,578	0.932	Е	8,578	0.932	Е	0.000	No

Source: Appendix B-1
A=auxiliary; ADT=Average Daily Traffic; EB=eastbound; LOS=Level of Service; M=mainline; V/C= volume to capacity; WB=westbound

4.2.3.2 Significance of Impacts

a. Direct Impact

All freeway segments would operate at acceptable levels under both the existing plus project conditions and the near-term plus project conditions. As such, the project's direct impact to freeway segments would be less than significant.

b. Cumulative Impact

The I-8 west of Hotel Circle ramps segment would operate at unacceptable levels under the horizon year (2035) plus project conditions. As the change in V/C resulting from the project would be less than the LOS E freeway threshold of 0.010 and the LOS F freeway segment threshold of 0.005, the cumulative project impact to these freeway segments would be less than significant.

4.2.3.3 Mitigation, Monitoring and Reporting

Project impacts to freeways would be less than significant; no mitigation would be required.

4.2.4 Issue 3: Traffic Hazards

Would the project increase traffic hazards for motor vehicles, bicyclists, or pedestrians due to a proposed non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?

4.2.4.1 Impacts

A site access and on-site circulation analysis was completed (Appendix B). The project site currently includes five driveways, two of which are currently closed. The proposed project would have two full-access driveways along Hotel Circle South that would be unsignalized, similar to the existing conditions. A site access and on-site circulation analysis was completed (see Appendix B-1). It is noted that this driveway analysis was completed for a higher intensity multi-use religious facility that included the same access improvements as the proposed project. While the proposed project ADT would be lower and have less driveway impacts, the following analysis provides adequate information to assess conditions pursuant to City standards.

As detailed in Section 4.2.2 above, the eastern project driveway would operate at LOS E or worse for the critical northbound left turns in the near-term (2017) and horizon year (2035) in the PM peak hour. These unacceptable operations would occur due to the continuous eastbound traffic providing few gaps for traffic to make left turns, which would cause on-site queuing of approximately 90 feet (equivalent to approximately four vehicles). To determine if this queuing would impact off-site traffic, the westbound left-turn movement on Hotel Circle

South was calculated. The results indicated LOS B or better operations in the near-term (2017) and horizon year (2035) scenarios in the PM peak hour, which is considered acceptable. As the eastern project driveway queuing would not impact off-site traffic, the eastern project driveway traffic impacts would be less than significant.

The western project driveway is calculated to operate at LOS D or better in the near-term (2017) and horizon year (2035) scenarios in the PM peak hour. The project's street improvements would be constructed to City standards. Therefore, no significant impacts would occur at this driveway.

4.2.4.2 Significance of Impacts

The project would not introduce a significant traffic hazard. Thus, the project would have a less than significant traffic hazard impact.

4.2.4.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant; no mitigation would be required.

4.2.5 Issue 4: Traffic Generation

Would the project result in traffic generation in excess specific community plan allocation?

4.2.5.1 Impacts

The Atlas Specific Plan states that the Mission Valley Community Plan assumes the site would generate 5,130 ADT (see Atlas Specific Plan Table 2; P&D Technologies, Inc 1988)². As the site would generate a total of 4,4772,920 ADT driveway trips under the proposed project, the project would generate fewer trips than allocated by the community plan.

4.2.5.2 Significance of Impacts

The project would generate fewer trips than allocated to the site by the Mission Valley Community Plan and, therefore, would have a less than significant impact related to community plan traffic generation allocation.

²This analysis was based on the Development Intensity Overlay District D threshold of 380 ADT per acre (380 ADT/acre for a 13.5 acre site = 5,130 ADT).

4.2.5.3 Mitigation, Monitoring, and Reporting

As project impacts would be less than significant; no mitigation would be necessary.

4.2.6 Issue 5: Alternative Transportation

Would the project conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?

4.2.6.1 Impacts

As discussed under the existing conditions Section 4.2.1.5, there is existing pedestrian, bicycle, and transit access in the vicinity. The General Plan Mobility Element (City of San Diego 2008) overall goal is for a balanced, multimodal transportation network. The General Plan also includes specific goals for a walkable community, promotion of transit use, and a safe viable bikeway network.

Pedestrians may currently access the site via sidewalks located along Hotel Circle South. The project would promote pedestrian access consistent with the General Plan by continuing to provide the sidewalk along the project frontage as well as providing a new pedestrian connection through the site to the south. This new pedestrian connection would include a linear greenbelt with a meandering pathway along Hotel Circle South that connects to a proposed on-site public recreational trail. The recreational trail would be located along the service road on the west side of the property and follow the existing trail located within the disturbed areas along the base of the southern hillside. The project would also include other internal pedestrian connections through outdoor plazas and subterranean passages to promote internal pedestrian circulation. Overall, the project would promote pedestrian movement and would be consistent with the General Plan.

The site is within walking distance of the major Fashion Valley Transit Center, and bus stops exist on Hotel Circle South in front of the project site and at Hotel Circle South/Bachman Place within 700 feet from the site. The project would relocate and upgrade the existing bus stop on Hotel Circle located in front of the project site in accordance with MTS requirements. A brief transit analysis (see Appendix B-1) shows that the bus routes in the vicinity (e.g., MTS routes 20, 88, and 120) have a short headway time of 10 to 15 minutes on weekdays and 30 minutes on weekends. The location of the project near these facilities would allow people traveling to and from the site to utilize transit to do so.

A Class II bike lane is located along Hotel Circle South. The project would retain this existing bike lane and bikes would be able to enter the site through either project driveway. Thus, the project would not conflict with the City's bikeway network.

To further reduce vehicle trips, the project includes a shuttle service. The shuttle service would transport visitors between major transit hubs, such as the airport and train station, to the site.

4.2.6.2 Significance of Impacts

The project would promote alternative transportation and would not conflict with the City's General Plan goal for a balanced, multimodal transportation network. Thus, the project would have a less than significant impact related to alternative transportation.

4.2.6.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant; no mitigation would be required.

4.2 Transportation/Circulation

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4.3 Historical Resources

An archaeological resources survey report was prepared by RECON for the project (May 2014; Appendix C). The report summarizes results of a field and archival investigation of the project site. The survey consisted of a record search of the included archaeological databases maintained at the South Coastal Information Center and the San Diego Museum of Man, as well as an intensive on-foot survey of the project site. A Letter of Expert Opinion was prepared by Heritage Architecture and Planning (November 2014). That report is the basis for the historic/built environment portion of this section and is included as Appendix D.

4.3.1 Existing Conditions

4.3.1.1 Regulatory Context

Federal, state, and local criteria are used to evaluate the significance of a prehistoric or historic resource.

a. Federal

Federal criteria are those used to determine eligibility for the National Register of Historic Places. These criteria state that the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values; or that
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

b. California Register of Historical Resources (1992) / CEQA

The California Register of Historic Resources (CRHR) program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies resources for planning purposes; determines eligibility of state historic grant funding; and provides certain protections under CEQA. State criteria are those listed in CEQA and used to determine whether an historic resource qualifies for the CRHR. A resource may be listed in the CRHR if it is significant at the federal, state, or local level under one or more of the four criteria listed below.

- Is associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
- 2. Is associated with the lives of persons important to the nation or to California's past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- 4. Has yielded, or may be likely to yield, information important in prehistory or history of the state or nation.

CEQA was amended in 1998 to define "historical resources" as a resource listed in or determined eligible for listing on the CRHR, a resource included in a local register of historical resources or identified as significant in a historical resource survey that meets certain requirements, and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant.

For the purposes of CEQA, a significant historical resource is one which qualifies for the CRHR or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of CEQA (Section 15064.5 and CEQA Statutes Section 21083.2).

c. San Diego General Plan (2008)

The San Diego General Plan is the City's blueprint for guiding development and resource protection. The Historic Preservation Element discusses archaeological and historic site preservation in San Diego, including the roles and responsibilities of the Historical Resources Board, the status of cultural resource surveys, the Mills Act, conservation easements, and other public preservation incentives and strategies. The Historical Preservation Element concludes with a discussion of criteria used by the Historical Resources Board to designate landmarks and includes a list of recommended steps to strengthen historic preservation in San Diego.

d. San Diego Historical Resources Regulations

The purpose of the City's Historical Resources Regulations (Section §143.0201 of the City's Land Development Code) is to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to assure that development occurs in a manner that protects the overall quality of historical resources. The City's

Historical Resources Regulations require that development affecting designated historical resources or historical districts shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval. If development cannot to the maximum extent feasible comply with the development regulations for historical resources, then a Site Development Permit in accordance with Process Four is required.

e. Historical Resources Guidelines

The City's Historical Resources Guidelines amended in April 2001 are designed to implement the Historical Resources Regulations contained in Chapter 14, Division 3, Article 2 of the Land Development Code. If any resources have been recorded on the property, those resources must be evaluated for significance/importance in accordance with criteria listed in the Historical Resources Guidelines. Resources determined to be significant/important must either be avoided or a data recovery program for important archaeological sites must be developed and approved prior to permit issuance in order to assure adequate mitigation for the recovery of cultural and scientific information related to the resource's significance/importance.

To qualify for listing, a property must meet at least one of the following six criteria (Historical Resources Board 2012).

- A. exemplifies or reflects special elements of the City's, a community's, or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping, or architectural development;
- B. identified with persons or events significant in local, state, or national history;
- C. embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- D. is representative of the notable work or a master builder, designer, architect, engineer, landscape architect, interior designer, or craftsman;
- E. is listed or has been determined eligible by the National Park Service for listing on the National Register of Historic Places, or is listed or has been determined eligible by the State Historical Preservation Office for listing on the State Register of Historical Resources; or
- F. is a finite group of resources related to one another in a clearly distinguishable way, or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest, or aesthetic value, or which have one or more architectural periods or styles in the history and development of the City.

The property must also have a defined specific period of significance.

f. Native American Involvement

Native American involvement in the development review process is addressed by several state laws. The most notable of the state laws is Senate Bill 18 which includes detailed requirements for local agencies to consult with identified California Native American Tribes early in the planning and/or development process. The California Native American Graves Protection and Repatriation Act (2001), like the federal act, ensures that Native American human remains and cultural items are treated with respect and dignity during all phases of the archaeological evaluation process in accordance with CEQA and any applicable local regulations.

Assembly Bill 52 (AB 52) is another law pertinent to Native American involvement. AB 52 seeks to protect a new class of resources under CEQA: "tribal cultural resources" by requiring that lead agencies undertaking CEQA review begin consultation with tribes prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. Under AB 52, lead agencies must now evaluate, just as they do for other historical and archeological resources under CEQA, a project's potential impact to a "tribal cultural resource." A tribal cultural resource is defined by AB 52 as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that may include non-unique archeological resources previously subject to limited review under CEQA. AB 52 becomes effective for those projects for which a lead agency has issued a notice of preparation of an environmental impact report or notice of intent to adopt a negative declaration on or after July 1, 2015. Therefore, AB 52 would not apply to the project.

4.3.1.2 Historic Background

a. Prehistoric Setting

The prehistoric cultural sequence in San Diego County is generally conceived as comprising three basic periods: the Paleoindian, dated between about 11,500 and 8,500 years ago and manifested by the artifacts of the San Dieguito Complex; the Archaic, lasting from about 8,500 to 1,500 years ago (A.D. 500) and manifested by the cobble and core technology of the La Jollan Complex; and the Late Prehistoric, lasting from about 1,500 years ago to historic contact (i.e., A.D. 500 to 1769) and represented by the Cuyamaca Complex. This latest complex is marked by the appearance of ceramics, small arrow points, and cremation burial practices.

The Paleoindian Period in San Diego County is most closely associated with the San Dieguito Complex, as identified by Rogers (1938, 1939, 1945). The San Dieguito assemblage consists of well-made scraper planes, choppers, scraping tools, crescentics, elongated bifacial knives, and leaf-shaped points. The San Dieguito Complex is thought to represent an early emphasis on hunting (Warren et al. 1993:III-33).

The Archaic Period brings an apparent shift toward a more generalized economy and an increased emphasis on seed resources, small game, and shellfish. The local cultural manifestations of the Archaic Period are called the La Jollan Complex along the coast and the Pauma Complex inland. Pauma Complex sites lack the shell that dominates many La Jollan sites. Along with an economic focus on gathering plant resources, the settlement system appears to have been more sedentary. The La Jollan assemblage is dominated by rough, cobble-based choppers and scrapers, and slab and basin metates. Large sidenotched and Elko series projectile points appeared. Large deposits of marine shell at coastal sites argue for the importance of shellfish gathering to the coastal Archaic economy.

Near the coast and in the Peninsular Mountains beginning approximately 1,500 years ago, patterns began to emerge which suggest the ethnohistoric Kumeyaay. This period is characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversify and intensify during this period, with the continued elaboration of trade networks, the use of shell-bead currency, and the appearance of more labor-intensive, but effective technological innovations.

The late prehistoric archaeology of the San Diego coast and foothills is characterized by the Cuyamaca Complex. It is primarily known from the work of D. L. True at Cuyamaca Rancho State Park (True 1970). The Cuyamaca Complex is characterized by the presence of steatite arrowshaft straighteners, steatite pendants, steatite comales (heating stones), Tizon Brownware pottery, ceramic figurines reminiscent of Hohokam styles, ceramic "Yuman bow pipes," ceramic rattles, miniature pottery various cobble-based tools (e.g., scrapers, choppers, hammerstones), bone awls, manos and metates, mortars and pestles, and Desert side-notched (more common) and Cottonwood Series projectile points.

The Kumeyaay occupied the southern two-thirds of San Diego County and lived in semi-sedentary, politically autonomous villages or rancherias. The most basic social and economic unit was the patrilocal extended family. Their economic system consisted of hunting and gathering, with a focus on small game, acorns, grass seeds, and other plant resources. A wide range of tools was made of locally available and imported materials such as obsidian. Ground stone objects of the Kumeyaay included mortars and pestles typically made of locally available, fine-grained granite. The Kumeyaay also made fine baskets that employed either coiled or twined construction. The Kumeyaay also made pottery. Most were a plain brown utility ware called Tizon Brownware, but some were decorated (Meighan 1954; May 1976, 1978).

Mission Valley was used extensively during the prehistoric period. The presence of water for the majority of, if not the entire, year made it a desirable location for both seasonal and permanent habitation. In addition the valley supported a wide variety of plant and animal resources used by all native American populations living in San Diego.

Numerous prehistoric sites are recorded in the vicinity of the project. Many have limited artifactual material and cannot be associated with a particular cultural group, but at least

four sites in the project area have sufficient information to be dated to the Late Prehistoric or Archaic/Late Prehistoric interface period. The Spanish settlers noted the presence of a village, identified as the ethnographic Kumeyaay village of Cosoy, at the western end of the valley. Kumeyaay groups continued to use Mission Valley through the 1800s until eventually pushed east by development pressure.

b. Historic Setting

The historic period in Mission Valley began in July 1769 with the founding of the Mission San Diego de Alcalá and Presidio of San Diego on present day Presidio Hill by a combined group of Spanish military forces and Catholic priests. The new settlement overlooked the valley, which the Spanish named La Cañada de San Diego.

In August 1774 the Catholic priests moved the mission to its current location at the north end of the valley where the land appeared more suitable for cultivation and the local natives could be educated apart from Spanish military personnel. The missionaries introduced agriculture and livestock, especially horses and cattle (Papageorge 1968; Englehardt 1920). In the 1820s a small settlement grew up at the foot of Presidio Hill. The townspeople continued to plant in the nearby valley and obtained their water either from the river or from wells in the river bed (Papageorge 1968).

The first attempt to establish a city on San Diego Bay within the current downtown area was in 1850, when William Heath Davis laid out his New Town tract. New Town failed to materialize due to a lack of population and commercial interest. However, in 1869 Alonzo Horton succeeded where Davis had not and laid out his Horton's Addition tract, which grew into the modern city of San Diego. The growth of San Diego also resulted in a growth of agriculture in Mission Valley to supply the city. Mission Valley received its current name in the 1870s (Papageorge 1968; Starr 1986). Mission Valley soon became occupied by gardens and dairies as far east as the mission.

By 1930 intensive agriculture in Mission Valley had reached a near maximum, while the urban portion of San Diego had filled the mesa top to the south and grown to the valley's edge (Papageorge 1968). By 1940, small scale non-agricultural commercial activities had begun to encroach on the valley's land, including sand and gravel businesses, horse farms and riding stables, and a polo club (Papageorge 1968). Commercialization remained on a small scale until the 1950s when unprecedented growth brought almost complete commercialization of the valley by the end of the 20th century. Three major factors made this growth possible: flood control, road construction, and commercial pressure from population growth.

Flood control in the valley evolved over a period of almost 100 years. Lt. George Horatio Derby of the U.S. Army Corps of Engineers was sent to San Diego in 1853 to build a dike to convert the river into False (current Mission) Bay. The first major storm took out part of the dike, and during heavy rains in 1855 the river flowed back into San Diego Bay (Papageorge

1968). In 1875 Congress appropriated \$80,000 for a government dike to turn the river once more into False Bay, and work was completed in 1876. The government dike was raised twice, once in 1917 and again in 1933. Floods continued to be a periodic problem for valley farmers, including the devastating rains of 1916, which inundated Mission Valley. Major flooding was brought under control by completion of El Capitan Dam in 1935 and the San Vicente Dam in 1947.

In the 1860s a road crossed the valley at Old Town and went up the north side of the river to the mission (Papageorge 1968). By the early 1900s a road crossed the valley near the location of the current study area. Two other roads ran the length of the valley on the north and south sides. These would later become Friars Road and Camino Del Rio. A series of road improvements during the 1930s rendered the valley more accessible to the urbanized area to the south. Non-farm residences, neighborhood commercial concerns, and sand and gravel plants were among the earliest urban intrusions.

At the end of World War II population growth brought highway and freeway construction that opened the entire valley to commercialization during the 1950s (Henson 1960). New urban areas to the east created a need for additional east-west access routes, and the development on the northern mesas required access to lands on the north side of the valley. Mission Valley saw a new phase of road development during the late 1940s and early 1950s that included the construction of three major roads: the Cabrillo, Mission Valley, and Alvarado "freeways." Completion of these routes established a new way east through San Diego. With the completion of these routes the valley had become a major transportation hub. Highways completed in 1951 were quickly rendered obsolete by increased urban growth. Much of the growth, again, took place in the La Mesa and El Cajon areas, but a substantial amount of construction began to occur north of the valley in Claremont and Linda Vista (Henson 1960). In 1958 construction started on a new principal interchange for Highways 395 and 80, and by 1960 contracts had been let to convert the Mission Valley and Alvarado routes to full freeways.

Due to unprecedented population growth in San Diego generally as well as expansion of the freeway system in the valley basin, Mission Valley became a prime target for commercial speculation. Developers began to put direct pressure on the City to allow new types of commercial establishments alongside the old dairies, farms and stables (Henson 1960). The City Planning Department opposed rezoning and commercial development in Mission valley but it could not stand up to pressure to develop. In March 1959 the City Planning Commission submitted recommendations to the council that most of the valley west of U.S. Route 395 be rezoned R-5, which would permit land uses such as motels, hotels, multiple dwellings, private clubs, recreational facilities. The first hotel was the Town and Country built in 1953. By 1960 it had been followed by Mission Valley Inn, Town and Country Club, Mission Valley Lodge, Mission Valley Country Club (the current Handlery Hotel), Stardust Motel, Rancho Presidio (later the Hanalei, and now the Crown Plaza), Kings Inn, Vagabond

Hotel, and Del Webb's Highway House (current Travel Lodge) (San Diego Union 1959, 2008).

The \$25 million May Company Mission Valley Shopping Center was opened in February 1961. The first high-rise construction in Mission Valley was an eight-story wing at the Hanalei Hotel (former Presidio) completed in 1966. A number of other businesses, from luxury apartments and movie theaters to car dealerships, continued to fill in the spaces between major developments. By 1968, about half of Mission Valley was in some other use than agriculture. In 1969 the valley's second major regional shopping center, Fashion Valley, opened only a short distance from the original Mission Valley Center (Jones 1973). Development continued at an ever increasing pace so that by 1975 most of the valley was filled with commercial or multi-unit residential buildings.

4.3.1.3 Historical Resource Investigations

a. Records Search and NAHC Results

The record search indicated that there have been several archaeological investigations and 27 cultural resources within a one-mile radius of the proposed project. Six prehistoric sites, four historic sites, three prehistoric isolated artifacts, 13 historic structures/objects, and one historic home have been recorded within the search radius. No previously recorded prehistoric or historic cultural resources are present within the proposed project area. A letter was sent to the Native American Heritage Commission (NAHC) requesting they search their files to identify spiritually significant and/or sacred sites or traditional use areas in the proposed project vicinity. The NAHC was also asked to provide a list of local Native American tribes, bands, or individuals who may have concerns or interests in the cultural resources of the proposed project. RECON sent contact letters to the individuals and groups on the list on January 30, 2013 (see Appendix C).

The NAHC files indicated that there are Native American cultural sites within the unsectioned Pueblo Lands of San Diego land grant. These were determined to be within Mission Valley, within proximity to but not within the project boundaries. NAHC recommended that early consultation with Native American tribes was the best way to avoid unanticipated discoveries. Two comments were received regarding the project. Frank Brown with the Inter-Tribal Cultural Resource Protection Council called on January 30, 2013 and indicated that he was concerned because Native American human remains had been identified in Mission Valley, the Mission San Diego de Alcalá being one of those places. Brown recommended archaeological and Native American monitoring and wanted to be contacted when work would start on the project. On February 7, 2013, during the survey, Clint Linton of the Ipay Nation of Santa Ysabel indicated that there were human remains found in proximity to the project area and recommended monitoring.

b. Field Inspection

The field survey was conducted on February 7, 2013, by RECON archaeologist Carmen Zepeda-Herman accompanied by Clint Linton, a Native American representative from Red Tail Monitoring and Research. Because the northern parcel of the project area has been developed, the survey focused on the southern parcel. The spacing between the field personnel was 15 meters. The survey area was inspected for evidence of archaeological materials such as flaked and ground stone tools, ceramics, milling features, and historic features. Photographs were taken to document the environmental setting and general conditions.

No new prehistoric cultural resources were found during the survey.

c. Historic Resources Research Report Results

The Letter of Expert Opinion evaluated the buildings on the property that were over 45 years old. Eleven buildings were reviewed, and nine were determined to be associated with the Mission Valley Inn. Two buildings, a fitness room and maintenance/housekeeping building, were constructed and are not included as part of the Inn complex. The buildings include the Lobby Restaurant Complex, six buildings of rooms from the original design, and two ushaped room complexes originally part of the Mission Valley Lodge and incorporated into the Mission Valley Inn.

4.3.2 Significance Determination Thresholds

Historical resources significance determination, pursuant to the City of San Diego's Significance Determination Thresholds, consists first of determining the sensitivity or significance of identified historical resources and, secondly, determining direct and indirect impacts that would result from project implementation.

4.3.2.1 City of San Diego Thresholds

Based on the City's Significance Determination Thresholds, impacts related to historical resources would be significant if the project would:

- 1. Would the project result in the alteration and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?
- 2. Result in any impact to existing religious or sacred uses within the potential impact area?
- 3. Result in the disturbance of any human remains, including those interred outside of formal cemeteries?

Pursuant to the City of San Diego's Significance Determination Thresholds, the significance of cultural resources impacts is made by:

- Determining the significance of identified cultural resources.
- Determining direct and indirect impacts that would result from project implementation.

Direct and indirect impacts to significant historical resources resulting from project implementation are assessed pursuant to the City of San Diego's 2011 Significance Determination Thresholds and CEQA. The City Thresholds state that the City's determination of significance of impacts on historical resources is based on the criteria found in the CEQA Guidelines Section 15064.5.

4.3.2.2 CEQA Thresholds

According to the CEQA Guidelines Section 15064.5, an "historical resource" is defined as "a resource listed in, *or determined to be eligible for listing* in" the CRHR.

Section 15064.5 (b) states that, "a project that may cause a substantial adverse change in the significance of an historical resource may be found to have a significant effect on the environment." Furthermore, a significant effect is considered per CEQA as follows:

- (1) Substantial adverse change in the significance of an historical resource means a physical destruction, relocation, or alteration of the resource or its immediate surroundings were to occur, such that the significance of an historical resource would be materially impaired.
- (2) The significance of an historical resource is materially impaired when a project:
 - (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historic Resources: or
 - (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for the inclusion in a local register of historical resources pursuant to section 50201 (k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
 - (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the SOI's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be considered as mitigated to a level of less than a significant impact on significant impact on the historical resource.

4.3.3 Issue 1: Prehistoric or Historical Impacts

Would the project result in the alteration and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?

4.3.3.1 Impacts

a. Historical Resources

Because many of the buildings on-site are over 45 years old, the Letter of Expert Opinion, attached as Appendix D, evaluates the site's eligibility for listing against the four applicable Historical Resources Board (HRB) criteria (A, B, C, and D), which are described in Section 4.3.1.1(e) above. The following is a summary of the conclusions of that evaluation.

HRB CRITERION A: Exemplifies or reflects special elements of the City's, a community's, or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.

Appendix D states that although the Mission Valley Inn was one of the early hotels developed in Mission Valley, it was Charles H. Brown's Atlas Hotels that truly spearheaded the economic tourism industry with the development of the Town & Country Hotel in 1953, three years prior to the Mission Valley Inn. The Town & Country Hotel opened up avenues for other hotels to develop in Mission Valley via conditional use permits. The Town & Country Hotel would later expand and include other hotels under the Atlas Hotel umbrella such as the Hanalei Hotel and Kings Inn. Possibly more significant than the hotel development was the establishment of the shopping center led by the May Company of Los Angeles in 1957, a major economic turning point for Mission Valley. This development spurred rezoning of the agricultural and residential land to commercial use. In this context, the Mission Valley Inn does not exemplify or reflect special elements of the City's economic development and thus, does not qualify under HRB Criterion A.

HRB CRITERION B: Identified with persons or event significant in local, state, or national history.

A. A. Stadtmiller and Paul Borgerding were realtors and land developers associated with the development of the Mission Valley Inn.

However, it was Charles Brown who envisioned ranch-type facilities with swimming pools and tennis courts in the undeveloped Mission Valley. After the Town & Country Hotel, he later expanded Hotel Circle with the Hanalei Hotel and in 1966 purchased the Mission Valley Inn from Stadtmiller and Borgerding to broaden his hotel holdings. The short-term nature of the partnership makes it difficult to conclude that it was a historically significant partnership, as only one development was created. Therefore, the Mission Valley Inn Complex does not qualify under HRB Criterion B.

CRITERION C: Embodies distinctive characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.

Pursuant to the evaluation in Appendix D, the Mission Valley Inn continues to embody some of the characteristics of the Modern architectural style and Garden Hotel-concept; however, many of the character-defining features of the site and buildings have been altered throughout the years. As detailed in Appendix D, the Mission Valley Inn retains only three of the seven aspects of integrity. Therefore, the property as a whole no longer conveys its significance and does not meet Criterion C.

CRITERION D: Is a representative of the notable work or a master builder, designer, architect, engineer, landscape architect, interior designer, artist, or craftsman.

Richard Wheeler was the architect of the Mission Valley Inn. However, as there is a significant loss of architectural integrity, the property is not representative of a notable work.

b. Archaeological Resources

The possibility of significant historic resources being present on the steep slopes that cover the majority of the southern parcel is considered low. However, the possibility of significant buried historical resources being present on the flat northern parcel, where alluvial deposits are present, is considered moderate based on the previously recorded cultural resources in the vicinity. Therefore, since there is the possibility of subsurface prehistoric or historic deposits to be present that could be uncovered and destroyed during construction activities, a potentially significant impact could result from the development of the project.

4.3.3.2 Significance of Impacts

a. Historical Resources

As discussed in Section 4.3.3.1(a) above, the Letter of Expert Opinion states that that the Mission Valley Inn Complex does not appear to be eligible as a historical resource under any of the applicable local or state criteria. Therefore, development of the project, which would entail demolition of the Mission Valley Inn buildings, would not constitute a significant adverse effect under CEQA and City of San Diego guidelines.

b. Archaeological Resources

Since there is the possibility of subsurface prehistoric or historic deposits to be present that could be uncovered and destroyed during construction activities, a potentially significant impact could result from the development of the project.

4.3.3.3 Mitigation, Monitoring, and Reporting

a. Historical Resources

Impacts would be less than significant; thus, no mitigation would be required.

b. Archaeological Resources

HR-1 The following condition of approval shall be placed on the project.

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 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 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.
- 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

- The PI shall provide verification to MMC that a site specific records search (¼-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, 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

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.

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 CM 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 Occupational Safety and Health Administration (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 (CSVR). The CSVRs 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

- 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 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

- 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.
- 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

- 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:
 - 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 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 8 A.M. 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 8 A.M. 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.
 - 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

- 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.

4.3.3.4 Significance of Impacts after Mitigation

a. Historical Resources

Impacts are less than significant; no mitigation is required.

b. Archaeological Resources

Implementation of the mitigation measure outlined above would reduce impacts to a level that is less than significant, because it would ensure than any resources uncovered during construction would be recorded and curated.

4.3.4 Issue 2: Religious/Sacred Uses

Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?

4.3.4.1 Impacts

There are no known religious or sacred uses on-site or within the immediate vicinity of the project site. Therefore, implementation of the project would have no impacts to religious and sacred uses.

4.3.4.2 Significance of Impacts

Since no religious or sacred uses were identified within the project area, project development would result in less than significant impacts.

4.3.4.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.3.5 Issue 3: Human Remains

Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

4.3.5.1 Impacts

There are no known burial sites or cemeteries on the project property; however, human remains have been found in the Mission Valley area, including on the Riverwalk Golf Course and at the Mission San Diego de Alcalá. For this reason, a potential for human remains to be found on the property does exist. In the event of the discovery of human remains during

project grading, work shall halt in that area and the procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken, as required in reinforced by Section 4.3.3.3 of the mitigation measure (HR-1). Therefore, impacts would be less than significant.

4.3.5.2 Significance of Impacts

Since <u>measures regulations</u> are in place in the event that remains are found, impacts would be less than significant.

4.3.5.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.0 Environmental Analysis

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4.4 Biological Resources

RECON Environmental, Inc. biologists conducted a general biological resources survey and wetland delineation on February 4, 2013 to assess the current condition of the biological and wetland resources on-site. The general biological resources survey also included a directed search for sensitive plants and animals. The findings of the biological technical report and jurisdictional waters/wetland delineation report are summarized below and the reports are included as Appendices E-1 and E-2 to this report.

4.4.1 Existing Conditions

4.4.1.1 Existing Habitats, Flora and Fauna

a. Vegetation Communities

As listed in Table 4.4-1 and shown on Figure 4.4-1, the project site supports six different vegetation communities/land cover types: southern mixed chaparral, disturbed southern mixed chaparral, non-native grassland, Eucalyptus woodland, ornamental plantings, and disturbed land. Under the City Multiple Species Conservation Program (MSCP), upland vegetation communities have been divided into four tiers of sensitivity. Upland vegetation communities that are classified as Tier I (rare uplands), Tier II (uncommon uplands), or Tier III (common uplands) are considered sensitive by the City. Tier IV (other uplands) vegetation communities are not considered sensitive (City of San Diego 2012).

TABLE 4.4-1 VEGETATION AND LAND COVER TYPES

Vegetation Communities/		
Land Cover Types	MSCP Tier	Acreage
Southern Mixed Chaparral	III-A	2.21
Disturbed Southern Mixed Chaparral	III-A	0.73
Non-native Grassland	III-B	2.09
Eucalyptus Woodland	IV	0.05
Ornamental Plantings	IV	0.62
Disturbed Land	N/A	12.44
TOTAL		18.14

MSCP = Multiple Species Conservation Program

Southern mixed chaparral occurs on the southern portion of the project site, totaling 2.21 acres. Disturbed southern mixed chaparral occurs in the southeast portion of the survey area, totaling 0.73 acre. Lemonadeberry (*Rhus integrifolia*) and toyon (*Heteromeles arbutifolia*) are the dominant shrubs within the two habitats, and within the disturbed southern mixed chaparral there is some non-native grass cover within the understory. Many

areas have accumulations of eucalyptus leaf litter preventing herbaceous growth and inhibiting growth of existing shrubs.

Non-native grassland occurs within the survey area in the southwestern portion of the site. This is a Tier IIIB MSCP vegetation classification and totals approximately 2.09 acres. Annual grasses such as slender wild oat (*Avena barbata*), ripgut grass (*Bromus diandrus*), and Italian ryegrass (*Lolium multiflorum*) dominate this area.

Mature eucalyptus woodland, dominated by gum tree (*Eucalyptus* sp.) with other eucalyptus species intermixed, occurs within the 0.05 acre in southwestern tip of the survey area. Ornamental vegetation is found on the southern perimeter of the existing hotel developments, consisting of landscaped turf lawns and non-native shrub and tree species. Dominant species within this land cover type include hottentot fig (*Carpobrotus edulis*) and ngaio (*Myoporum laetum*).

Disturbed land is found within the majority of the survey area and totals approximately 12.44 acres. The parking lots and commercial developments within the project boundary are classified as disturbed land. These areas have some ornamental landscape plants and ruderal species, but do not contain any native habitat.

b. Flora

A total of 38 plant species were identified during the general biological survey and the wetland delineation. Of this total, 19 species are considered native to California and 19 species are considered non-native. The total number of plant species identified does not include the numerous other species of horticultural plants used around the existing developments that would be part of the ornamental plantings land cover type.

c. Fauna

The wildlife species observed within the survey area are predominantly urban species. Common bird species observed during the survey include mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus frontalis*), yellow-rumped warbler (*Dendroica coronata*), song sparrow (*Melospiza melodia*), and California towhee (*Pipilo crissalis*).

All of these species have adapted to residential and developed areas. Sensitive wildlife species are discussed below in Section 4.4.1.2c.

4.4.1.2 Sensitive Biological Resources

Assessments for the potential occurrence of sensitive species were based upon known ranges, habitat preferences for the species, species occurrence records from the California



FIGURE 4.4-1

4.0 Environmental Analysis

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Natural Diversity Database (CNDDB), and species occurrence records from other sites in the vicinity of the project site.

a. Sensitive Vegetation Communities

Three sensitive habitats under the City's MSCP Subarea Plan (City of San Diego 1997) occur within the survey area: southern mixed chaparral (Tier III-A habitat), disturbed southern mixed chaparral (Tier III-A habitat), and non-native grassland (Tier III-B habitat). Table 4.4-1 identifies the acreages of each of these sensitive habitats.

Eucalyptus woodland, ornamental plantings, and disturbed land are not considered to be sensitive vegetation communities, as these areas include non-native and horticultural species.

b. Jurisdictional Waters and Wetlands

The jurisdictional delineation (Appendix E-2) completed for the project located three ephemeral drainages on-site within the southern area of the project. These drainages convey runoff generated from the residential area located at the top of the hill through the on-site undeveloped area of the site. The western and central drainages convey flows to existing parking lots, while the eastern drainage is connected to a storm drain inlet that leads to the San Diego River. For this reason, the western and central drainages are may be considered isolated, while the eastern drainage is considered connected to downstream waters. No wetlands exist on-site or adjacent to the site. Isolated drainages are typically not considered waters of the U.S., while the waters of the state may include such drainages. Table 4.4-2 summarizes the jurisdictional waters present within the survey area. U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) will verify the wetland delineation during the permit review process to make a final jurisdictional determination with respect to Section 404 of the Clean Water Act, Section 1600-1607 of the Fish and Game Code, and the California Porter-Cologne Water Quality Control Act. Thus, the 0.03-acre eastern drainage area is considered under the jurisdiction of the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW), while the central and western drainages (total of 0.04 acre) are considered under the jurisdiction of the CDFW only (Table 4.4-2).

TABLE 4.4-2 JURISDICTIONAL WATERS

	Existing Jurisdictional Waters
Jurisdictional Waters	(acres)
ACOE	
Wetlands	0.00
Non-wetland Waters of the U.S.	0.0 <u>7</u> 3
Total ACOE	0.0 <u>7</u> 3
CDFW/RWQCB	
Wetland	0.00
Streambed	0.07
Total CDFW	0.07
City of San Diego	
Wetland	0.00

c. Sensitive Plants

No sensitive plants were detected during the survey. Species that are known to occur in the project vicinity that are federally listed threatened or endangered, or are considered a City of San Diego narrow endemic, and their potential to occur within the project area are discussed in Appendix E. Although habitats such as southern mixed chaparral and non-native grassland, which are present on-site, may typically include sensitive species, all perennial plants that were identified within the CNDDB search (2-mile radius) would have been apparent during the survey, if present, and were not observed. For sensitive annual herbs listed in the CNDDB search, either certain required habitats were not available for this species (i.e., vernal pool habitat), or the necessary soil types (i.e., clay soils) were absent from the project site.

d. Sensitive Wildlife

All wildlife species known to occur in the project vicinity that are federally listed threatened or endangered or considered sensitive that have potential to occur based on species range are addressed in the biological technical letter report (see Appendix E).

The Cooper's hawk (*Accipiter cooperii*) was the only sensitive wildlife species observed onsite. This species is a CDFW watch list and is an MSCP covered species (State of California 2011a; City of San Diego 1997). This species was detected by vocalization within the eucalyptus woodland on the southwest end of the property.

4.4.1.3 Wildlife Movement and Corridors

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important,

because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by the City and resource and conservation agencies.

Approximately half of the project site is part of an urban canyon running from the Presidio Park area east past Fairmount Avenue. Although it is reasonable to assume that wildlife may move locally through the site, it is ultimately restricted by commercial and residential development to the north and south. While there may be some wildlife movement within the property, the site, as a whole, does not provide a major movement corridor for wildlife species.

4.4.1.4 Regulatory Framework

a. Natural Habitat Conservation and Planning

The Natural Community Conservation Planning (NCCP) Program was enacted by the State of California in 1991 to provide long-term regional protection of natural vegetation and wildlife diversity while allowing compatible development. The NCCP process was initiated to provide an alternative to single-species conservation efforts (habitat conservation plans). Instead, the NCCP is intended to provide a regional approach to the protection of species within a designated natural community. In the City, the MSCP is an outgrowth of this planning.

b. Multiple Species Conservation Program

The MSCP is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles in southwestern San Diego County under the federal and state Endangered Species Acts and state NCCP Act of 1991. The planned MSCP regional preserve is targeted at 172,000 acres. Local jurisdictions, including the City, implement their portions of the regional umbrella MSCP through subarea plans, which describe specific implementing mechanisms. The City's MSCP Subarea Plan was approved in March 1997. The City's MSCP study area includes 206,124 acres within its municipal boundaries. The City's planned MSCP preserve totals 56,831 acres, with 52,012 acres (90 percent) targeted for preservation. In 2004, the City committed to increasing the conservation target by 715 acres in association with revisions to the City's brush management regulations in response to local fires.

The MSCP Subarea Plan is a plan and process for the issuance of incidental take permits for listed species under Section 10(a)(1)(B) of the federal Endangered Species Act and section 2835 under the state Endangered Species Act. The primary goal of the MSCP Subarea Plan is to conserve viable populations of sensitive species and to conserve regional biodiversity while allowing for reasonable economic growth. In July 1997, the City signed an Implementing Agreement with the U.S. Fish and Wildlife Service (USFWS) and

the CDFW (then the California Department of Fish and Game). The Implementing Agreement serves as a binding contract between the City, the USFWS, and the CDFW that identifies the roles and responsibilities of the parties to implement the MSCP and Subarea Plan. The agreement allows the City to issue incidental take authorizations for "MSCP Covered" species. Applicable state and federal permits are still required for wetlands and listed species that are not covered by the MSCP.

"MSCP Covered" refers to species covered by the City's Federal Incidental Take Permit (ITP) issued pursuant to Section 10(a) of the Federal Endangered Species Act (ESA) (16 USC § 1539(a)(2)(A)). Under the ESA, an incidental take permit is required when nonfederal activities would result in "take" of a threatened or endangered species. A habitat conservation plan (HCP) must accompany an application for a Federal ITP. Take authorization for federally listed wildlife species covered in the HCP shall generally be effective upon approval of the HCP.

c. Multi-Habitat Planning Area

One of the primary objectives of the MSCP is to identify and maintain a preserve system, which allows for animals and plants to exist at both the local and regional levels. The MSCP has identified large blocks of native habitat having the ability to support a diversity of plant and animal life known as "core biological resource areas." "Linkages" between these core areas provide for wildlife movement. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. Input from responsible agencies and other interested participants resulted in creation of the City's Multi-Habitat Planning Area (MHPA). The MHPA is the area within which the permanent MSCP preserve would be assembled and managed for its biological resources. MHPA lands are considered by the City to be a sensitive biological resource.

In accordance with the MSCP, for parcels located outside the MHPA:

There is no limit on the encroachment into sensitive biological resources, with the exception of wetlands, and listed non-covered species' habitat [which are regulated by state and federal agencies] and narrow endemic species...impacts to sensitive biological resources must be assessed and mitigation, where necessary, must be provided in conformance with the City's Biological Guidelines (City of San Diego 2012).

To address the integrity of the MHPA, guidelines were developed to manage land uses adjacent to the MHPA. The adjacency guidelines are intended to be addressed on a project-by-project basis either in the planning or management stage. These guidelines address the issues of drainage, toxics, lighting, noise, barriers, invasives, brush management, and grading/development.

Approximately 0.06 acre of MHPA preserve area occurs within the southwest corner of the site. The project is adjacent to MHPA to the south and southeast (see Figure 4.1-1).

d. Land Development Code/Environmentally Sensitive Lands

On December 9, 1997, the Environmentally Sensitive Lands (ESL) Regulations were adopted by ordinance as a part of the Land Development Code. The purpose of the ESL Regulations is to protect and preserve environmentally sensitive lands (e.g., sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and special flood hazard areas), along with the viability of the species supported by those lands. The regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area. The ESL defines "sensitive biological resources" as those lands included within the MHPA as identified in the MSCP Subarea Plan, and other lands outside of the MHPA that contain: wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species. Southern mixed chaparral, including disturbed southern mixed chaparral, and non-native grassland occur on the project site.

e. Land Development Manual/Biology Guidelines

The Biology Guidelines aid in the implementation and interpretation of ESL Regulations. Also, Section III of these Guidelines (Biological Impact Analysis and Mitigation Procedures) also serves as standards for the determination of impact and mitigation under the California Environmental Quality Act (CEQA). The guidelines are the baseline biological standards for processing Neighborhood Development Permits, Site Development Permits, and Coastal Development Permits issued pursuant to the ESL.

f. California Fish and Game Code and Migratory Bird Treaty Act

Raptors (birds of prey) and active raptor nests, as well as most other bird nests, are protected by the California Fish and Game Code 3503.5, which states that it is "unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird" unless authorized. In addition, active nests of most bird species are protected during the breeding season under the federal Migratory Bird Treaty Act (MBTA).

g. City of San Diego Significance Determination Thresholds

Potential impacts to biological resources are assessed through review of the project's consistency with the City's ESL Regulations, Biology Guidelines, and MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. Thus, significance determination, pursuant to the City's Significance Determination Thresholds, proceeds in two steps: (1) determine if significant biological resources are present; and (2) determine the sensitivity

of identified biological resources in terms of direct, indirect, and cumulative impacts that would result from project implementation.

- 1. Sensitive biological resources are defined by the City of San Diego Municipal Code as:
 - Lands that have been included in the MHPA as identified in the City of San Diego
 MSCP Subarea Plan (City of San Diego 1997);
 - Wetlands (as defined by the Municipal Code, Section 113.0103);
 - Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA
 Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines (July 2002 or
 current edition) of the Land Development manual;
 - Lands supporting species or subspecies listed as rare, endangered, or threatened;
 - Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development manual; and
 - Lands containing habitats of covered species as listed in the Biology Guidelines of the Land Development manual.
- 2. Occurrence of any of the following situations associated with identified biological resources may indicate significant direct and indirect biological impacts.

a. Direct Impacts

- Any encroachment in the MHPA is considered a significant impact to the
 preservation goals of the MSCP. Any encroachment into the MHPA (in excess
 of the allowable encroachment by a project) would require a boundary
 adjustment, which would include a habitat equivalency assessment to ensure
 that what would be added to the MHPA is at least equivalent to what would be
 removed.
- Lands containing Tier I, II, IIIA, and IIIB habitats and all wetlands are considered sensitive and declining habitats. Impacts to these resources may be considered significant.
- Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts.
 Impacts to state or federally listed species and all narrow endemics should be considered significant.
- Certain species covered by the MSCP and other species not covered by the MSCP may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

b. Indirect Impacts

The Significance Determination Thresholds indicate that depending on the circumstances, indirect effects of a project may be as significant as the direct effects of the project. Indirect effects include, but are not limited to, the following impacts:

- Introduction of urban meso-predators into a biological system
- Introduction of urban runoff into a biological system
- Introduction of invasive exotic plant species into a biological system
- Noise and lighting impacts
- Alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles
- Loss of a wetland buffer that includes no environmentally sensitive lands.

c. Brush Management

Brush management consists of two zones (Figure 4.4-2), Zone 1 and Zone 2:

- Brush management is required for all habitable structures within 100 feet of highly flammable native/naturalized vegetation. Brush management typically consists of two zones: Zone 1 and Zone 2. Zone 1 extends out from the structure towards the native/naturalized vegetation and is made up of permanently irrigated, ornamental vegetation with other improvements. Zone 2 extends beyond Zone 1 into the native/naturalized vegetation and primarily involves thinning and pruning of the native/naturalized vegetation without destroying habitat value.
- Brush management Zone 1 areas are considered direct impacts and are included within the development footprint. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation. Vegetation thinning and pruning will be done consistent with the City standards and will avoid/minimize impacts to covered species to the maximum extent possible.

4.4.2 Issue 1: Sensitive Species

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

According to the City's Significance Determination Thresholds, impacts related to biological resources would be significant if the project would:

 Result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations or by the CDFW or USFWS.

4.4.2.1 Impacts

a. Plant Species

No sensitive plants were detected during the general biological resources survey or wetland delineation. Sensitive species that are known to occur in the project vicinity are discussed in the biological technical letter report (see Appendix E). These species are not expected to occur as the species' required habitats and soil types are not present within the project area, or they would have been identified, if present, during the surveys. There would be no impact to sensitive plant species.

b. Wildlife Species

One sensitive wildlife species, Cooper's hawk, was detected by vocalizations within the eucalyptus woodland during the general biological resources survey. The project site offers eucalyptus trees within the disturbed southern mixed chaparral and eucalyptus woodland that could serve as raptor nesting habitat. Impacts to nesting raptors, including removal of an active nest or causing nest abandonment during construction activities, would be considered significant and require mitigation. Direct impacts to migratory birds using the site could occur if construction activities disrupt breeding activities or inadvertently kill species covered under the MBTA. Impacts to migratory or nesting birds would be significant.

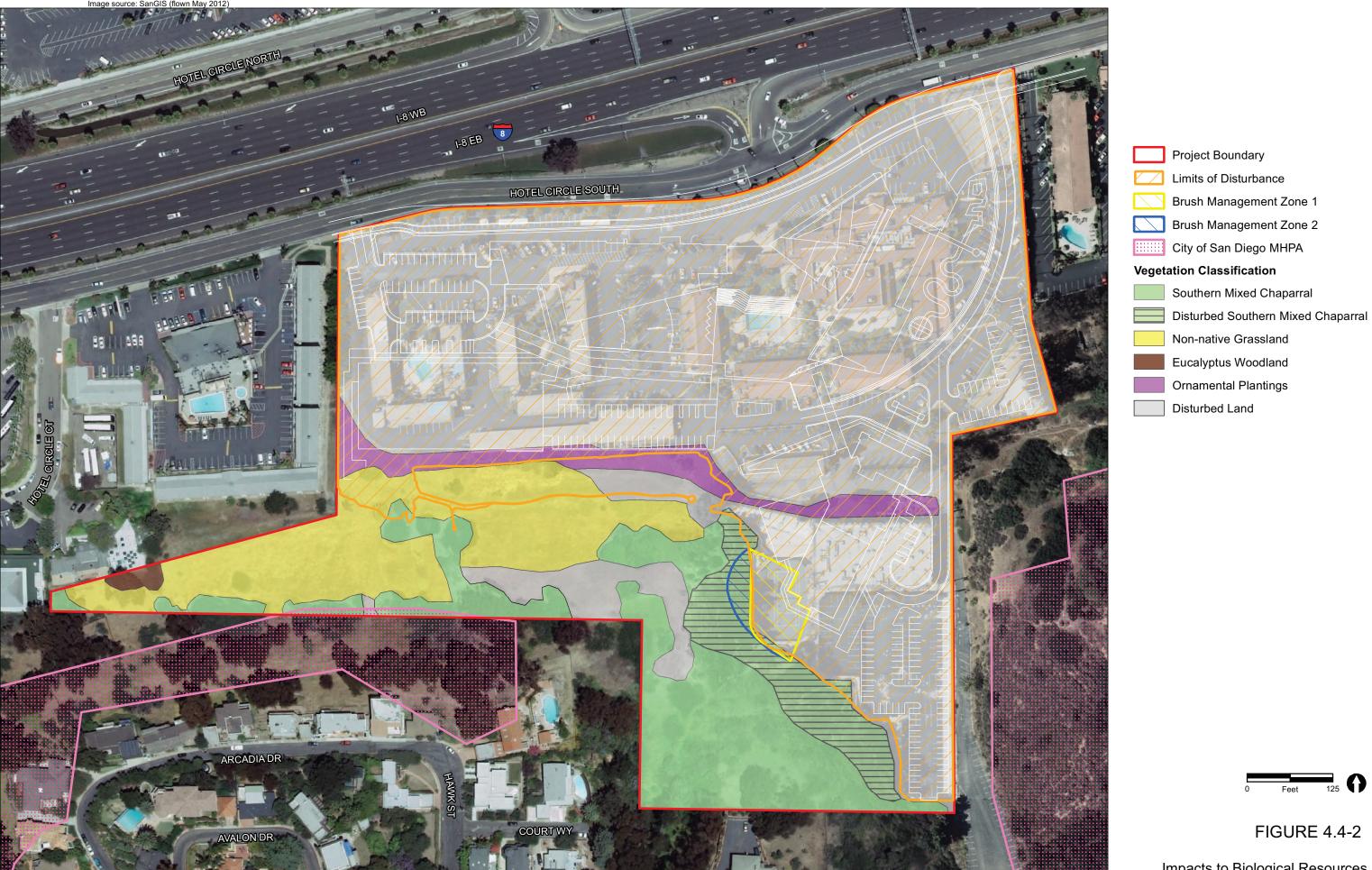
4.4.2.2 Significance of Impacts

a. Plant Species

No sensitive plants were detected during the biological survey. Thus, there would be no significant impacts to sensitive plant species as a result of the project.

b. Wildlife Species

The project has the potential to result in direct and indirect impacts to nesting raptors protected by the California Fish and Game Code 3503.5 and nesting bird species protected by the Migratory Bird Treaty Act (MBTA) during construction activities. These construction-related sensitive species impacts would be potentially significant.



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Impacts to Biological Resources

4.0 Environmental Analysis

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4.4.2.3 Mitigation, Monitoring, and Reporting

a. Plant Species

No impacts to sensitive plant species would occur as a result of the project; mitigation would not be required.

b. Wildlife Species

The following mitigation measure would reduce significant impacts to protected nesting raptors, and migratory birds.

BR-1 General Avian Prior to the issuance of a Notice to Proceed for a subdivision or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the mayor (or appointed designee) shall verify that the following project requirements are shown on the construction plans:

To avoid any direct impacts to <u>nesting birds</u> (i.e., <u>Cooper's hawk)</u> raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species (February 1 to September 15). It is noted that early documented egg laying for Cooper's hawk is late March (Unitt 2004; Cornell Lab of Ornithology 2015), and nest building and breeding activities may occur within February and March. Additionally, the end of the bird breeding season is appropriately set at September 15 to account for all of the various bird species that could potentially be nesting during that time.

If removal of habitat in the proposed area of disturbance must occur during the breeding season, a Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The preconstruction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City Development Services Department (DSD) for review and approval prior to initiating any construction activities. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawk nests would be implemented until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. An avoidance buffer for active passerine nests may be up to 300 feet, or as appropriate. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avian species involved, ambient levels of human activity, and screening vegetation), and buffers should be determined by the Qualified Biologist. Aa letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitoring Coordination (MMC) section and Project Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

BR-2 Biological Resource Protection during Construction

I. Prior to Construction

- A. Biologist Verification The owner/permittee shall provide a letter to the City's MMC section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. Biological Documents The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, state or federal requirements.
- D. BCME The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Avian Protection Requirements To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting

birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the preconstruction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawk nests would be implemented until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. An avoidance buffer for active passerine nests may be up to 300 feet, or as appropriate. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avian species involved, ambient levels of human activity, and screening vegetation), and buffers should be determined by the Qualified Biologist. Aa letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. Resource Delineation Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. Education Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do

not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. Subsequent Resource Identification – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

4.4.2.4 Significance of Impacts after Mitigation

Implementation of mitigation measures **BR-1**, **BR-2**, and **LU-1** (MHPA Adjacency) would reduce sensitive wildlife impacts to less than significant.

4.4.3 Issue 2: Sensitive Habitat

Would the proposal result in a substantial adverse impact on any Tier I habitats, Tier II habitats, Tier IIIA habitats, or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community as identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

According to the City's Significance Determination Thresholds, impacts related to biological resources would be significant if the project would:

Result in a substantial adverse impact on any Tier I habitats, Tier II habitats, Tier IIIA habitats, or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community as identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

4.4.3.1 Impacts

As shown in Table 4.4-3 and Figure 4.4-2, the project would impact $0.\underline{0}$ 42 acre of southern mixed chaparral, $0.\underline{0}$ 534 acre of disturbed southern mixed chaparral, $0.\underline{17}$ 80 acre of nonnative grassland, $0.\underline{48}$ 62 acre of ornamental plantings, and $11.\underline{78}$ 97 acres of disturbed land, for a total impact area of $13.82\underline{12.50}$ acres. Impacts to ornamental plantings and disturbed lands are not considered significant.

TABLE 4.4-3
IMPACTS TO VEGETATION AND LAND COVER TYPES

Vegetation and Land Cover Types	MSCP Tier	Existing (acres)	Total Impacts (acres)*
Southern Mixed Chaparral	III-A	2.21	0. <u>02</u> 12
Disturbed Southern Mixed Chaparral	III-A	0.73	0. <u>05</u> 31
Non-native Grassland	III-B	2.09	0. <u>17</u> 80
Eucalyptus Woodland	IV	0.05	0.00
Ornamental Plantings	IV	0.62	0. <u>48</u> 62
Disturbed Land	N/A	12.44	11. <u>78</u> 97
TOTAL		18.14	12.50 13.82

*Acreage does not include 0.07acre of Zone 2 brush management of disturbed southern mixed chaparral occurring outside the development footprint. BMZ 2 activities are considered impact neutral and do not contribute towards project impacts. All impacts to vegetation are outside the MHPA.

Impacts to southern mixed chaparral and disturbed southern mixed chaparral, both MSCP Tier II-A habitats, and non-native grassland, an MSCP Tier III-B vegetation type, are all considered significant and would require mitigation (City of San Diego 2012).

All other vegetation communities impacted by the project are within the Tier IV (other uplands) habitat types and would not be significant according to the City Thresholds. All project impacts are outside the MHPA.

4.4.3.2 Significance of Impacts

The project would impact three sensitive habitats: 0.4202 acre of southern mixed chaparral, 0.3405 acre of disturbed southern mixed chaparral, and 0.8017 acre non-native grassland. Impacts to these sensitive habitats would be significant and would require mitigation. Project impacts to Tier IV (other uplands) habitat types would be less than significant, as Tier IV habitats are not sensitive.

Impacts to non-wetland waters are discussed below in Section 4.4.4.

4.4.3.3 Mitigation, Monitoring, and Reporting

BR-3 Prior to the issuance of a grading permit, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, the applicant shall provide mitigation in the form of either 0.22-035 acre of Tier III-A or better

habitat and 0.40-085 acre of Tier III-B or better habitat within the MHPA (Tables 4.4-4). This mitigation shall be satisfied through the purchase of Habitat Acquisition Fund (HAF) mitigation credits. The applicant shall purchase 0.620.12 mitigation credits through the City's HAF program. The receipt for credits purchased shall be provided to the City prior to issuance of any grading or construction permit.

Although not considered mitigation, the preservation of the remaining native habitat within the project site, outside the limits of disturbance, will be placed in a covenant of easement (Figure 4.4-3), as required per the ESL regulation, Section 143.0140 (a). The easement will ensure the protection of the habitat from any future development proposals.

TABLE 4.4-4
MITIGATION REQUIREMENTS FOR IMPACTS TO SENSITIVE VEGETATION
COMMUNITIES WITH LOCATION OF PRESERVATION INSIDE MHPA
(acres)

Sensitive							Covenant
Vegetation	MSCP	Existing		Total	Mitigation	Mitigation	<u>of</u>
Community	Tier	Acreage	BMZ 2*	Impact	Ratio	Requirement	Easement†
Southern							
Mixed	III-A	2.21	0.00	0. <u>0</u> 12	0.5:1	0.01 0.06	<u>2.19</u>
Chaparral							
Disturbed							
Southern	III-A	0.72	0.07	0.0524	0.5.1	0.0250.46	0.60
Mixed	III-A	0.73	<u>0.07</u>	0. <u>05</u> 31	0.5:1	<u>0.025</u> 0.16	<u>0.62</u>
Chaparral							
Non-native	III-B	2.09	0.0	0.1780	0.5:1	0.085 0.40	1.01
Grassland	III-D	2.09	<u>0.0</u>	U. <u>17</u> 0U	0.5.1	<u> </u>	<u>1.91</u>
TOTAL						<u>0.12</u> 0.62	4.72

NOTE: All impacts will occur outside of the MHPA:

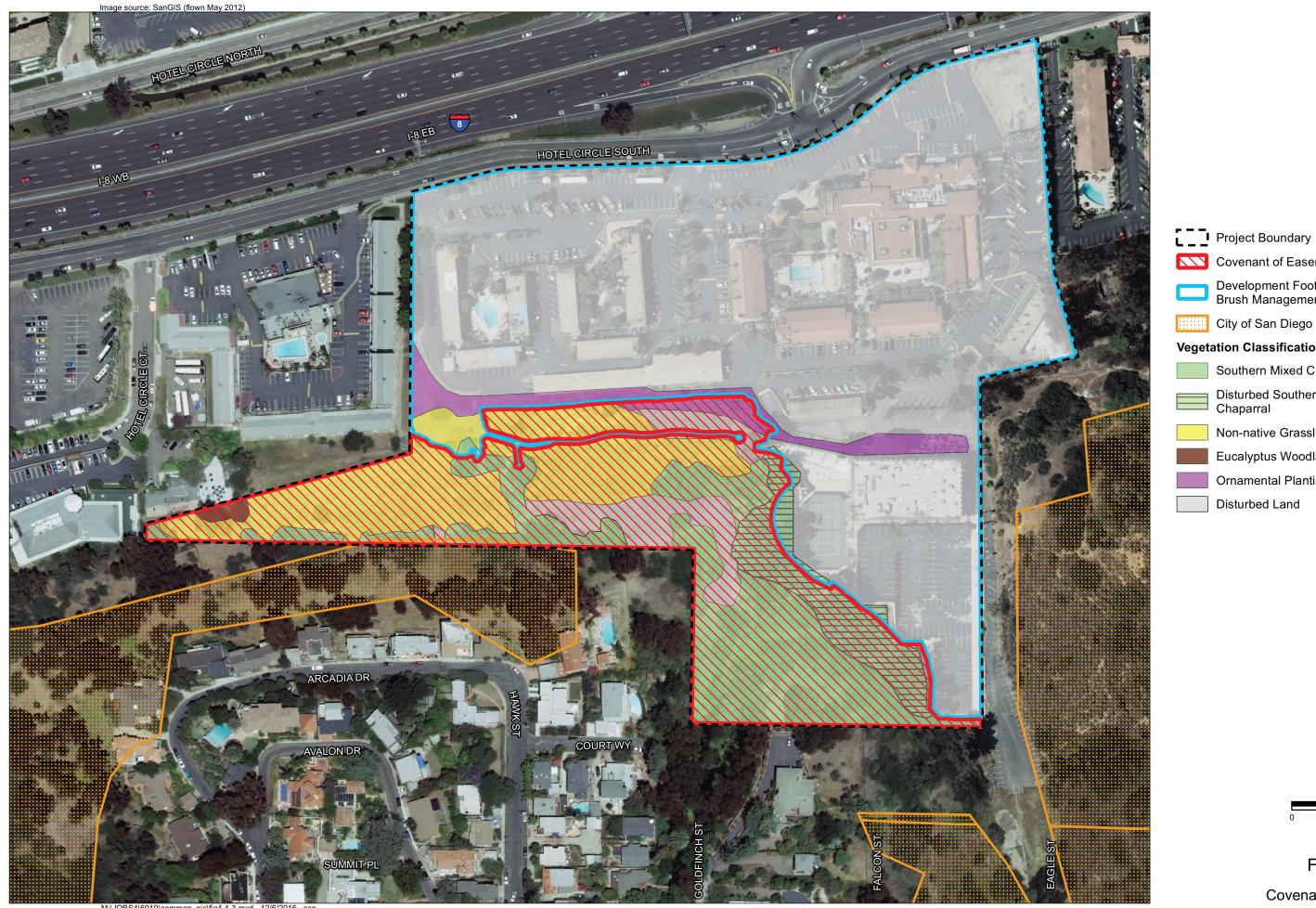
4.4.3.4 Significance of Impacts after Mitigation

Implementation of mitigation measure BR-3 discussed in the preceding Section 4.4.3.3 would reduce impacts to less than significant. Mitigation would be accomplished through purchase of mitigation credits through the City's HAF program. Although not required as mitigation, the remaining habitats outside the development footprint and the brush management zone 2 (1.892.19 acres of southern mixed chaparral, 1.290.62 acre of disturbed southern mixed chaparral, and 0.121.91 acres of non-native grassland) would be placed in a covenant of easement (City of San Diego 2012; Figure 4.4-3), which will exceed the required mitigation for the proposed project. The acreage for each vegetation community within the covenant of easement is calculated by subtracting the brush management zone 2 acreage and the total impact acreage from the existing acreage.

BMZ 2 = brush management zone 2:

^{*}Impact neutral and does not require mitigation;

[†]Not required as mitigation and does not include 0.07 acre of disturbed southern mixed chaparral.





Disturbed Land



FIGURE 4.4-3

Covenant of Easement

4.0 Environmental Analysis

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4.4.4 Issue 3: Wildlife Corridors

Would the proposal interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native or resident migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nurseries?

According to the City's Significance Determination Thresholds, impacts related to biological resources would be significant if the project would:

 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native or resident migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nurseries.

4.4.4.1 Impacts

As discussed above, the project site does not currently function as a wildlife movement corridor and is not part of a major wildlife movement corridor. Therefore, impacts to wildlife movement would be less than significant.

4.4.4.2 Significance of Impacts

No impacts are anticipated to occur to any habitat linkage or wildlife corridor as there are no habitat linkages or wildlife corridors near the project site.

4.4.4.3 Mitigation, Monitoring, and Reporting

No significant impacts regarding wildlife movement would occur; therefore, no mitigation is required.

4.4.5 Issue 4: Wetlands

Would the project result in an impact on City, state, or federally regulated wetlands (including, but not limited to, salt marsh, vernal pool, lagoon, riparian habitat, etc.) through direct removal, filling, hydrological interruption, or other means?

4.4.5.1 Impacts

Implementation of the proposed project would result in a total of 0.01 acre of impact to non-wetland drainages. Project drainage impacts would occur in the western and central drainages within the southern area of the site, as shown on Figure 4.4-4. These impacts would occur due to the project's formalizing the existing pedestrian trail and the need to

route the drainage into the storm drain system. As discussed under the existing conditions, these drainages are considered isolated and; therefore, are not considered waters of the U.S. under the ACOE. Due to the impacts being less than 0.1 acre of waters of the U.S., the project would qualify for an ACOE non-notifying Nationwide Permit. However, impacts to waters of the state will require notification of CDFW in order to obtain a Lake and Streambed Alteration Agreement per Sections 1600-1607 of the California Fish and Game Code.

This project would require notification to CDFW. Table 4.4-5 summarizes the project impacts to jurisdictional habitats. Overall, the project would have no impact to City wetlands, and the project impact to 0.01 acre of non-wetland drainage would be less than significant per City thresholds.

TABLE 4.4-5
PROPOSED IMPACTS TO JURISDICTIONAL WATERS

	Existing Jurisdictional Waters	Impacts to Jurisdictional Waters
Jurisdictional Waters	(acres)	(acres)
ACOE		
Wetlands	0.00	0.00
Non-wetland Waters of the U.S.	0.0 <u>7</u> 3	0.0 <u>1</u> 0
Total ACOE	0.0 <u>7</u> 3	0.0 <u>1</u> 0
CDFW/RWQCB		
Wetland	0.00	0.00
Streambed	0.07	0.01
Total CDFW	0.07	0.01
City of San Diego		
Wetland	0.00	0.00

4.4.5.2 Significance of Impacts

The project would have no impact to wetlands, and project impacts to 0.01 acre of non-wetland isolated drainages would be less than significant. No mitigation is required.

4.4.5.3 Mitigation, Monitoring, and Reporting

The project would have less than significant impacts, and no mitigation is required.



Project Boundary

ACOE Non-wetland Water - CDFW/RWQCB Streambed

Limits of Disturbance



FIGURE 4.4-4

Impacts to CDFW/RWQCB
Jurisdictional Waters

4.0 Environmental Analysis

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4.4.6 Issue 5: MSCP

Would the proposal conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan, either within the MSCP or in the surrounding area?

According to the City's Significance Determination Thresholds, impacts related to biological resources would be significant if the project would:

 Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan, either within the MSCP or in the surrounding area.

4.4.6.1 Impacts

As discussed above, 0.06 acre of MHPA occurs along the southern boundary and is outside of the development footprint. MHPA is also adjacent to the project site along the southeastern boundary. The placement of fill and grading operations within the project site has the potential to result in significant indirect impacts to the MHPA associated with noise, lighting, drainage, and the introduction of invasive plants along the southern boundary.

4.4.6.2 Significance of Impacts

Grading activities on the southern limits of the development footprint would be within 300 feet of the adjacent MHPA and would have the potential to result in significant indirect impacts to the adjacent MHPA. Extensive lighting around developments can deter wildlife from moving at nighttime and can lead to adverse impacts to wildlife. Areas that are avoided by medium- to large-sized carnivores can have an increase in the number of smaller prey animals, which can have a negative effect on bird species of shrub communities.

4.4.6.3 Mitigation, Monitoring, and Reporting

Mitigation measure LU-1, detailed in Section 4.1.5, provides specific measures that shall be adhered to before a construction permit is issued, before construction starts, and during construction in order to ensure that the project is in conformance with the associated discretionary permit conditions, the MSCP, and the Land Use Adjacency Guidelines for the MHPA. Implementation of mitigation measure LU-1 would; therefore, mitigate potential impacts to a level below significance.

4.4.6.4 Significance of Impacts after Mitigation

Implementation of mitigation measure LU-1 would reduce indirect impacts to the adjacent MHPA to less than significant.

4.0 Environmental Analysis

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4.5 Air Quality

An air quality technical report was completed by RECON in September 2014. The technical report addresses the potential for the project to emit air pollutants both during project construction and during post-construction daily project operations. The air quality technical report is summarized below and included in its entirety as Appendix F-1 of this Environmental Impact Report. An addendum to the air quality technical report was prepared on December 8, 2016 to update the air quality technical report for the proposed project; it is attached as Appendix F-2.

4.5.1 Existing Conditions

The project site lies within the San Diego Air Basin (SDAB), which is regulated locally by the San Diego County Air Pollution Control District (SDAPCD). Air quality at a given location is a function of the kinds and amounts of pollutants being emitted into the air locally and throughout the basin and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind speed and direction, the vertical dispersion of pollutants (which is affected by inversions), and the local topography.

Air quality is commonly expressed as the number of days per year in which air pollution levels exceed federal standards set by the U.S. Environmental Protection Agency (U.S. EPA) or state standards set by California Air Resources Board (CARB). The SDAB is currently classified as a federal non-attainment area for ozone, and a state non-attainment area for particulate matter less than 10 microns (PM_{10}), particulate matter less than 2.5 microns ($PM_{2.5}$), and ozone.

Air quality impacts can result from the construction and operation of the project. Construction impacts are short term and result from fugitive dust, equipment exhaust, and indirect effects associated with construction workers and deliveries. Operational impacts can occur on two levels: regional impacts resulting from growth-inducing development or local hot-spot effects stemming from sensitive receivers being placed close to highly congested roadways. In the case of this project, operational impacts are primarily due to emissions to the basin from mobile sources associated with vehicular travel along the roadways within the project area.

4.5.1.1 Existing Regulatory Framework

a. Federal Clean Air Act

The federal Clean Air Act (CAA) was enacted in 1970 (and amended several times since) for the purpose of protecting and enhancing the quality of the nation's air resources. In 1971, the U.S. EPA developed National Ambient Air Quality Standards (NAAQS) for six

pollutants of concern: ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), lead, and PM₁₀. In 1997, the NAAQS were refined by replacing the one-hour ozone standard with an eight-hour ozone standard and by adding a new standard for PM_{2.5}. The current NAAQS are presented in Table 4.5-1 and represent the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect public health and welfare considering long-term exposure of the most sensitive groups in the general population (i.e., children, senior citizens, and people with breathing difficulties).

b. California Clean Air Act

The U.S. EPA allowed states the option to develop different (stricter) air quality standards. Through the California CAA signed into law in 1988, the CARB has generally set more stringent limits on the seven criteria pollutants as shown in Table 4.5-1.

The California CAA additionally requires that air quality management districts implement regulations to reduce emissions from mobile sources through the adoption and enforcement of transportation control measures and:

- demonstrate the overall effectiveness of the air quality program;
- reduce nonattainment pollutants at a rate of 5 percent per year, or include all feasible measures and expeditious adoption schedule;
- implement public education programs;
- reduce per-capita population exposure to severe nonattainment pollutants according to a prescribed schedule;
- include any other feasible controls that can be implemented, or for which implementation can begin, within 10 years of adoption of the most recent air quality plan; and
- rank control measures by cost-effectiveness and implementation priority.

c. State Implementation Plan

The State Implementation Plan is a collection of documents that set forth the state's strategies for achieving ambient air quality standards. The SDAPCD is responsible for preparing and implementing the portion of the State Implementation Plan applicable to the SDAB. The SDAPCD adopts rules, regulations, and programs to attain state and federal air quality standards, and appropriates money (including permit fees) to achieve its objectives.

d. Regional Air Quality Strategy

The SDAPCD prepared the 1991/1992 Regional Air Quality Strategy (RAQS) in response to requirements set forth in the California CAA. Attached as part of the RAQS are the Transportation Control Measures (TCMs) adopted by San Diego Association of

TABLE 4.5-1 AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging		Standards ¹	National Standards ²						
Pollutant	Time	Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷				
Ozone	1 Hour	0.09 ppm (180 μg/m³)	Ultraviolet	-	Same as Primary	Ultraviolet				
	8 Hour	0.07 ppm (137 μg/m³)	Photometry	0.075 ppm (147 μg/m³)	Standard	Photometry				
Respirable	24 Hour	50 μg/m ³	Gravimetric or	150 μg/m ³	Same as	Inertial				
Particulate Matter (PM ₁₀) ⁸	Annual Arithmetic Mean	20 μg/m ³	Beta Attenuation	-	Primary Standard	Separation and Gravimetric Analysis				
Fine Particulate	24 Hour	No Separate S	State Standard	35 μg/m ³	Same as Primary Standard	Inertial Separation and				
Matter (PM _{2.5}) ⁸	Annual Arithmetic Mean	12 μg/m ³	Gravimetric or Beta Attenuation	12 μg/m ³	15 μg/m ³	Gravimetric Analysis				
	1 Hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m³)	_					
Carbon Monoxide	8 Hour	9.0 ppm (10 mg/m ³)	Non-dispersive Infrared	9 ppm (10 mg/m ³)	_	Non-dispersive Infrared				
(CO)	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)	Photometry	-	-	Photometry				
Nitrogen Dioxide (NO ₂) ⁹	1 Hour	0.18 ppm (339 µg/m³)	Gas Phase	100 ppb (188 μg/m³)	-	Gas Phase				
	Annual Arithmetic Mean	0.030 ppm (57 μg/m³)	Chemi- luminescence	0.053 ppm (100 μg/m³)	Same as Primary Standard	Chemi- luminescence				
	1 Hour	0.25 ppm (655 μg/m³)		75 ppb (196 μg/m³)	_					
Sulfur	3 Hour	_	Ultraviolet Fluorescence	_	0.5 ppm (1,300 μg/m³)	Ultraviolet Fluorescence;				
Dioxide (SO ₂) ¹⁰	24 Hour	0.04 ppm (105 μg/m ³)		0.14 ppm (for certain areas) ¹⁰	-	Spectro photometry (Pararosaniline Method)				
	Annual Arithmetic Mean	-		0.030 ppm (for certain areas) ¹⁰	-	Method)				
	30 Day Average	1.5 μg/m ³		_	_					
Lead ^{11,12}	Calendar Quarter	-	Atomic Absorption	1.5 µg/m ³ (for certain areas) ¹²	Same as Primary	High Volume Sampler and Atomic Absorption				
	Rolling 3-Month Average	_		0.15 μg/m ³	Standard					
Visibility Reducing Particles ¹³	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape							
Sulfates	24 Hour	25 μg/m ³	Ion Chroma- tography	1	No National Stand	dards				
Hydrogen Sulfide	1 Hour	0.03 ppm (42 μg/m³)	Ultraviolet Fluorescence							
Vinyl Chloride ¹¹	24 Hour	0.01 ppm (26 μg/m³)	Gas Chroma- tography							

See footnotes on next page. SOURCE: State of California 2013

TABLE 4.5-1 AMBIENT AIR QUALITY STANDARDS (continued)

ppm = parts per million; ppb = parts per billion; $\mu g/m^3 = micrograms$ per cubic meter; - = not applicable.

- ¹California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- 2 National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
- ³Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- ⁴Any equivalent measurement method which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.
- ⁵National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- ⁶National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- ⁷Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
- 8 On December 14, 2012, the national annual PM $_{2.5}$ primary standard was lowered from 15 μ g/m 3 to 12.0 μ g/m 3 . The existing national 24-hour PM $_{2.5}$ standards (primary and secondary) were retained at 35 μ g/m 3 , as was the annual secondary standards of 15 μ g/m 3 . The existing 24-hour PM $_{10}$ standards (primary and secondary) of 150 μ g/m 3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- ⁹To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- ¹⁰On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
- Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- ¹¹The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- ¹²The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- ¹³In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Governments (SANDAG). Updates of the RAQS and corresponding TCM are required every three years. The RAQS and TCM set forth the steps needed to accomplish attainment of state and federal ambient air quality standards. The most recent update of the RAQS and TCM occurred in 2009.

4.5.1.2 Existing Air Quality in the Project Area

Air quality is commonly expressed as the number of days in which air pollution levels exceed state standards set by the CARB or federal standards set by the U.S. EPA. The SDAPCD maintains 11 air quality monitoring stations located throughout the greater San Diego metropolitan region. Air pollutant concentrations and meteorological information are continuously recorded at these stations. Measurements are then used by scientists to help forecast daily air pollution levels. Table 4.5-2 summarizes the number of days per year during which state and federal standards were exceeded in the SDAB overall during the years 2009 to 2013.

The San Diego–Beardsley monitoring station, located approximately four miles south of the project site, is the nearest station to the project area. The San Diego–Beardsley monitoring station measures ozone, CO, NO₂, PM₁₀, and PM_{2.5}. Table 4.5-3 provides a summary of measurements of ozone, CO, NO₂, PM₁₀, and PM_{2.5} collected at the San Diego–Beardsley monitoring station for the years 2009 through 2013.

As detailed below, the SDAB is classified as a federal nonattainment area for ozone and a state nonattainment area for ozone, PM_{10} , and $PM_{2.5}$.

a. Ozone

Nitrogen oxides and hydrocarbons (reactive organic gases [ROG]) are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone. Ozone is the primary air pollution problem in the SDAB. Because sunlight plays such an important role in its formation, ozone pollution, or smog, is mainly a concern during the daytime in summer months.

About half of smog-forming emissions come from vehicles. More strict automobile emission controls, including more efficient automobile engines, have played a large role in the steady decrease in ozone levels in the SDAB since the late 1970s. However, not all of the ozone within the SDAB is derived from local sources. Under certain meteorological conditions, such as during Santa Ana wind events, ozone and other pollutants are transported from the Los Angeles Basin and combine with ozone formed from local sources to produce elevated ozone levels in the SDAB.

In the SDAB overall, during the five-year period of 2009 to 2013, the national 8-hour standard of 0.075 parts per million (ppm) was exceeded 24 days in 2009, 14 days in 2010, 10 days in 2011, 10 days in 2012, and 7 days in 2013. The stricter state 8-hour ozone standard of 0.07 ppm was exceeded 47 days in 2009, 21 days in 2010, 33 days in 2011, 25 days in 2012, and 28 days in 2013.

Also during the five-year period of 2009 to 2013, the state 1-hour standard (0.09 ppm) was exceeded 8 days in 2009, 7 days in 2010, 5 days in 2011, 2 days in 2012, and 2 days in 2013.

At the San Diego—Beardsley monitoring station, national and state 1-hour and 8-hour ozone standards were not exceeded during the five-year period of 2009 to 2013.

b. Carbon Monoxide

The SDAB is classified as a state attainment area and as a federal maintenance area for CO (County of San Diego 1998). Until 2003, no violations of the state standard for CO had been recorded in the SDAB since 1991, and no violations of the national standard had been recorded in the SDAB since 1989. The violations that took place in 2003 were likely the result of massive wildfires that occurred throughout the county. No violations of the state or federal CO standards have occurred since 2003. As shown in Tables 4.5-2 and 4.5-3, of the available data, the state and national standards have not been exceeded at the San Diego—Beardsley monitoring station or the SDAB during the five-year period from 2009 to 2013.

Small-scale, localized concentrations of CO above the state and national standards have the potential to occur at intersections with stagnation points such as those that occur on major highways and heavily traveled and congested roadways. Localized high concentrations of CO are referred to as "CO hot spots" and are a concern at congested intersections, where automobile engines burn fuel less efficiently and their exhaust contains more CO.

c. PM₁₀

 PM_{10} is particulate matter with an aerodynamic diameter of 10 microns or less. Ten microns is about one-seventh of the diameter of a human hair. Particulate matter is a complex mixture of very tiny solid or liquid particles composed of chemicals, soot, and dust. Sources of PM_{10} emissions in the SDAB consist mainly of urban activities, dust suspended by vehicle traffic, and secondary aerosols formed by reactions in the atmosphere.

Under typical conditions (i.e., no wildfires) particles classified under the PM₁₀ category are mainly emitted directly from activities that disturb soil, including travel on roads and construction, mining, or agricultural operations. Other sources include windblown dust, salts, brake dust, and tire wear (County of San Diego 1998). For several reasons hinging on the

TABLE 4.5-2 AMBIENT AIR QUALITY SUMMARY - SAN DIEGO AIR BASIN

		California Ambient Air		National Ambient Air																
	Average	Quality	Attainment	Quality	Attainment		Maxin	num Concent	tration		N	umber of Day	s Exceeding S	State Standa	rd	Nui	mber of Days	Exceeding N	ational Stanc	lard
Pollutant	Time	Standards ^a	Status	Standards ^b	Status ^c	2009	2010	2011	2012	2013	2009	2010	2011	2012	2013	2009	2010	2011	2012	2013
O ₃	1 hour	0.09 ppm	N	N/A	N/A	0.119	0.107	0.114	0.101	0.095	8	7	5	2	2	N/A	N/A	N/A	N/A	N/A
O ₃	8 hours	0.07ppm	N	0.075 ppm	N	0.098	0.088	0.093	0.084	0.083	47	21	33	25	28	24	14	10	10	7
CO	8 hours	9 ppm	Α	9 ppm	Α	3.24	2.46	2.44	3.61	Na	0	0	0	0	Na	0	0	0	0	Na
NO ₂	1 hour	0.18 ppm	Α	0.100 ppm	Α	0.091	0.091	0.100	0.077	0.091	0	0	0	0	0	0	0	0	0	0
NO ₂	Annual	0.030 ppm	Α	0.053 ppm	Α	0.021	0.021	0.020	0.020	0.019	NX	NX	NX	NX	NX	NX	NX	NX	NX	NX
PM ₁₀	24 hours	50 μg/m ³	N	150 μg/m ³	U	123.0	108.0	126.0	126.0	92.0	25/146.4*	22/136.0*	23/138.5*	6/6.1*	1/6.0*	0/0.0*	0/0.0*	0/0.0*	0/0.0*	0/0.0*
PM ₁₀	Annual	20 μg/m ³	N	N/A	N/A	53.9	47.0	46.2	24.3	25.4	EX	EX	EX	EX	EX					
PM _{2.5}	24 hours	N/A	N/A	35 μg/m ³	А	78.4	52.2	72.0	82.9	68.1						4/3.4*	2/2.0*	3/3.0*	2/1.0*	3/2.0*
PM _{2.5}	Annual	12 μg/m ³	N	15 μg/m ³	Α	12.2	10.8	15.9	14.2	10.6	EX	NX	EX	EX	NX	NX	NX	EX	NX	NX

SOURCE: State of California 2014. California Air Quality Data Statistics. California Air Resources Board Internet Site. URL http://www.arb.ca.gov/adam/welcome.html.

NOTE: Data for SO₂ and 1-hour CO were not available.

*Measured Days/Calculated Days - Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of violations of the standard for the year. Data to determine federal calculated days were not approximately continued in the standard for the year. Data to determine federal calculated days were not approximately continued in the standard for the year. Data to determine federal calculated days were not approximately continued in the standard for the year. Data to determine federal calculated days were not approximately continued in the standard for the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days were not approximately continued in the year. Data to determine federal calculated days are the estimated in the year. Data to determine federal calculated days were not approximately continued in the year.

available.

available.

aCalifornia standards for ozone, carbon monoxide (except at Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, and PM₁₀ are values that are not to be exceeded. Some measurements gathered for pollutants with air quality standards that are based upon 1-hour, 8-hour, or 24-hour averages, may be excluded if the CARB determines they would occur less

bNational standards other than for ozone and particulates, and those based on annual arithmetic means are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent 3-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one.
°A = attainment; N = non-attainment; U = Unclassifiable; N/A = not applicable; Na = data not available; NX = annual average not exceeded; EX = annual average exceeded.

ppm = parts per million, $\mu g/m^3$ = micrograms per cubic meter.

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TABLE 4.5-3
SUMMARY OF AIR QUALITY MEASUREMENTS RECORDED AT THE SAN DIEGO-BEARDSLEY MONITORING STATION

Pollutant/Standard	2009	2010	2011	2012	2013
Ozone					
Days State 1-hour Standard Exceeded (0.09 ppm)	0	0	0	0	0
Days State 8-hour Standard Exceeded (0.07 ppm)	0	0	0	0	0
Days Federal 1-hour Standard Exceeded (0.12 ppm)	0	0	0	0	0
Days 08' Federal 8-hour Standard Exceeded (0.075 ppm)	0	0	0	0	0
Max. 1-hr (ppm)	0.085	0.078	0.082	0.071	0.063
Max 8-hr (ppm)	0.063	0.066	0.061	0.065	0.053
Carbon Monoxide					
Days State 1-hour Standard Exceeded (20 ppm)					
Days State 8-hour Standard Exceeded (9 ppm)	0	0	0	0	0
Days Federal 1-hour Standard Exceeded (35 ppm)	0	0	0	0	0
Days Federal 8-hour Standard Exceeded (9 ppm)	0	0	0	0	0
Max. 1-hr (ppm)	4.0	2.8	2.8	2.6	3.0
Max. 8-hr (ppm)	2.77	2.17	2.44	2.44	1.81
Nitrogen Dioxide					
Days State 1-hour Standard Exceeded (0.18 ppm)	0	0	0	0	0
Max 1-hr (ppm)	0.078	0.077	0.067	0.065	0.072
Annual Average (ppm)	0.017	Na	0.014	0.013	0.013
SO ₂					
Days State 24-hour Standard Exceeded (0.04 μg/m³)	0	0	0	Na	Na
Max. Daily (ppm)	0.006	0.002	0.003	Na	Na
Annual Average (ppm)	0.001	0.000	Na	Na	Na
PM ₁₀ *					
Measured Days State 24-hour Standard Exceeded (50 μg/m³)	3	0	0	0	1
Calculated Days State 24-hour Standard Exceeded (50 μg/m³)	18.2	0.0	0.0	0.0	6.0
Measured Days Federal 24-hour Standard Exceeded (150 μg/m³)	0	0	0	0	0
Calculated Days Federal 24-hour Standard Exceeded (150 μg/m ³)	0.0	0.0	0.0	0.0	0.0
Max. Daily (μg/m ³)	60.0	40.0	49.0	47.0	92.0
State Annual Average (µg/m³)	29.4	23.4	24.0	22.2	25.4
Federal Annual Average (μg/m³)	28.8	22.8	23.3	21.8	24.9
PM _{2.5} *					
Measured Days Federal 24-hour Standard Exceeded (35 μg/m³)	3	0	0	1	1
Calculated Days Federal 24-hour Standard Exceeded (35 μg/m ³)	3.4	0.0	0.0	1.0	1.0
Max. Daily ($\mu g/m^3$)	52.1	31.0	35.5	43.4	39.3
State Annual Average (μg/m³)	11.8	Na	10.9	13.5	10.4
Federal Annual Average (μg/m³)	11.7	10.4	10.8	11.3	10.4
SOLIDCE: State of California 2014		13.7	. 5.5	. 1.0	10.7

SOURCE: State of California 2014

Na = Not available.

^{*}Calculated days value. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.

area's dry climate and coastal location, the SDAB has special difficulty in developing adequate tactics to meet present state particulate standards.

The SDAB is designated as federal unclassified and state nonattainment for PM_{10} . The measured federal PM_{10} standard was exceeded once in 2007 and once in 2008 in the SDAB. The 2007 exceedance occurred on October 21, 2007 at times when major wildfires were raging throughout the county. This exceedance was likely caused by the wildfires and beyond the control of the SDAPCD. As such, this event is covered under the U.S. EPA's Natural Events Policy that permits, under certain circumstances, the exclusion of air quality data attributable to uncontrollable natural events (e.g., volcanic activity, wild land fires, and high wind events). The 2008 exceedance did not occur during wildfires and is not covered under this policy. No exceedances of the federal standard have occurred since 2008. The stricter state standard was exceeded a calculated number of 146.4 days in 2009, 136.0 in 2010, 138.5 in 2011, 6.1 in 2012, and 6.0 in 2013. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. Particulate measurements are collected every six days.

At the San Diego–Beardsley monitoring station, the national 24-hour PM_{10} standard was not exceeded during the years 2009 through 2013. The stricter state 24-hour PM_{10} standard was exceeded three times in 2009 and once in 2013. The number of days that the state standard was exceeded was approximately 18.2 days in 2009 and 6.0 days in 2013.

d. $PM_{2.5}$

Airborne, inhalable particles with aerodynamic diameters of 2.5 microns or less have been recognized as an air quality concern requiring regular monitoring. Federal regulations required that PM_{2.5} monitoring begin January 1, 1999 (County of San Diego 1999). The San Diego–Overland Avenue monitoring station is one of five stations in the SDAB that monitors PM_{2.5}. Federal PM_{2.5} standards established in 1997 include an annual arithmetic mean of 15 micrograms per cubic meter (μ g/m³) and a 24-hour concentration of 65 μ g/m³. As discussed above, the 24-hour PM_{2.5} standard has been changed to 35 μ g/m³. However, this does not apply to the monitoring from 2004 to 2006. State PM_{2.5} standards established in 2002 are an annual arithmetic mean of 12 μ g/m³.

The SDAB was classified as an attainment area for the previous federal 24-hour $PM_{2.5}$ standard of 65 μ g/m³ and has also been classified as an attainment area for the revised federal 24-hour $PM_{2.5}$ standard of 35 μ g/m³ (U.S. EPA 2004, 2009). The SDAB is a nonattainment area for the state $PM_{2.5}$ standard (State of California 2005b). The calculated days the federal $PM_{2.5}$ standard was exceeded was 3.4 days in 2009, 2.0 days in 2010, 3.0 days in 2011, 1.0 day in 2012, and 2.0 days in 2013 in the SDAB.

Table 4.5-3 shows that the federal 24-hour standard of 35 μ g/m³ was exceeded 3.0 days in 2009, 1.0 day in 2012, and 1.0 day in 2013. The calculated number of days that the federal

standard was exceeded was approximately 3.4 days in 2009, 1.0 day in 2012, and 1.0 day in 2013.

e. Other Criteria Pollutants

The national and state standards for NO_2 , oxides of sulfur (SO_x), and the previous standard for lead are being met in the SDAB, and the latest pollutant trends suggest that these standards will not be exceeded in the foreseeable future. As discussed above, new standards for these pollutants have been adopted, and new designations for the SDAB will be determined in the future. The SDAB is also in attainment of the state standards for vinyl chloride, hydrogen sulfides, sulfates, and visibility-reducing particulates.

4.5.2 Issue 1: Plan Consistency

Would the project affect the ability of the Regional Air Quality Strategy (RAQS) or other regional plan to meet the federal and state clean air standards?

According to the City's Significance Determination Thresholds, impacts related to air quality would be significant if the project would:

• Conflict with or obstruct implementation of the applicable air quality plan.

4.5.2.1 Impacts

The California CAA requires areas that are designated nonattainment of state ambient air quality standards for ozone, CO, SO₂, and NO₂ to prepare and implement plans to attain the standards by the earliest practicable date. The SDAB is designated nonattainment for ozone. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the state ozone, PM₁₀, and PM_{2.5} standards (but as noted, the California CAA only requires, in this case, a plan for ozone). The two pollutants addressed in the RAQS are ROGs and NOx, which are precursors to the formation of ozone. Projected increases in motor vehicle usage, population, and growth create challenges in controlling emissions to maintain and further improve air quality. The RAQS, in conjunction with the TCM, were most recently adopted in 2009 as the air quality plan for the region.

The RAQS control measures focus on emission sources under the SDAPCD's authority, specifically stationary emission sources and some area-wide sources. The stationary source control measures identified in the RAQS have been developed by the SDAPCD into regulations through a formal rulemaking process. Rules are developed to set limits on the amount of emissions from various types of sources and by requiring specific emission control technologies. Following rule adoption, a permit system is used to impose controls on new and modified stationary sources and to ensure compliance with regulations by

prescribing specific operating conditions or equipment on a source. The project does not propose stationary emissions sources; thus, the project would not interfere with the RAQS control measures for stationary sources.

The CARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed in general plans. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the general plan would be consistent with the RAQS. In the event that a project would propose development that is less dense than anticipated by the growth projections, the project would likewise be consistent with the RAQS. In the event a project proposes development that is greater than anticipated in the growth projections, further analysis would be warranted to determine if the project would exceed the growth projections used in the RAQS for the specific subregional area.

The project site is currently developed as a resort hotel with a restaurant, liquor store, closed gas station, and closed health club. The project would construct similar amenities, including lodging, retail, a training center, and restaurants, among other uses. As discussed in the traffic analysis, the existing uses currently generate 2,596 cumulative Average Daily Traffic (ADT) and the project would generate 4,477 Average Daily Traffic (ADT) while the existing uses currently generate 2,965 ADT. This represents a net increase of 1,512277 trips after accounting for the existing trips. Because the gas station and health club are currently closed, trips generated by these land uses were not included in the calculation of existing trips. However, emissions due to these land uses are included in the growth projections used in developing the RAQS. Using the City of San Diego's (City's) Trip Generation Rates (City of San Diego 2003), it was calculated that the eight-pump gas station would generate 1,040 ADT, and the 28,000-square-foot health club would generate 1,120 ADT. This results in a total of 2,160 additional ADT that is accounted for in the RAQS. Thus, the project would not exceed the number of trips already accounted for in the RAQS. Additionally, as discussed under Issue 3, construction and operational emissions would be less than the thresholds for all criteria pollutants.

4.5.2.2 Significance of Impacts

Because the project would not result in more vehicle trips than what is accounted for in growth projections and the RAQS and because the project would result in a similar level of intensity in land use and emissions, it is concluded that the project would not result in an increase in emissions that are not already accounted for in the RAQS. Additionally, as discussed under Issue 3, construction and operational emissions would be less than the thresholds for all criteria pollutants. Thus, the project would not interfere with implementation of the RAQS or other air quality plans.

4.5.2.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.5.3 Issue 2: Violation of Air Quality Standards

Would the proposal result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?

According to the City's Significance Determination Thresholds, impacts related to air quality would be significant if the project would:

 Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

4.5.3.1 Impacts

Stationary sources contribute to air pollution in the SDAB. Stationary sources include gasoline stations, power plants, dry cleaners, and other commercial and industrial uses. Stationary sources of air pollution are regulated by the SDAPCD. The project would allow residential, commercial, retail, institutional, and recreational uses. It is not anticipated that these uses would result in significant stationary sources of emissions. Impacts would be less than significant.

Impacts due to construction and operational emissions as well as impacts associated with CO hot spots and diesel particulate matter are discussed under Issues 3 and 4 below.

4.5.3.2 Significance of Impacts

Since the project would not create a new stationary source of emissions and would not result in a violation of any air quality standard or contribute to an existing air quality violation, impacts would be less than significant.

4.5.3.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.5.4 Issue 3: Increase in Particulates

Would the project proposal exceed 100 pounds per day of Particulate Matter (PM) (dust)?

According to the City's Significance Determination Thresholds, impacts related to air quality would be significant if the project would:

Result in 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 release emissions which exceed quantitative thresholds
for ozone precursors)

4.5.4.1 Impacts

a. Construction Emissions

Construction-related pollutants result from dust raised during demolition and grading, emissions from construction vehicles, and chemicals used during construction. Fugitive dust emissions vary greatly during construction and are dependent on the amount and type of activity, silt content of the soil, and the weather. Vehicles moving over paved and unpaved surfaces, demolition, excavation, earth movement, grading, and wind erosion from exposed surfaces are all sources of fugitive dust. Construction operations are subject to the requirements established in Regulation 4, Rules 52, 54, and 55, of the SDAPCD's rules and regulations.

Heavy-duty construction equipment is usually diesel powered. In general, emissions from diesel-powered equipment contain more nitrogen oxides, sulfur oxides, and particulate matter than gasoline-powered engines. However, diesel-powered engines generally produce less CO and less ROGs than do gasoline-powered engines. Standard construction equipment includes dozers, rollers, scrapers, dewatering pumps, backhoes, loaders, paving equipment, delivery/haul trucks, jacking equipment, welding machines, pile drivers, and so on.

Emissions associated with construction of this project were calculated using the California Emissions Estimator Model (CalEEMod; CAPCOA 2013) computer program assuming that construction would begin in June 2015 and last for a year and a half. The existing on-site buildings total approximately 298,000 square feet. It was estimated by the project applicant that the project would require the export of 53,000 cubic yards during the grading construction phase. Table 4.5-4 summarizes the construction equipment parameters for each phase.

TABLE 4.5-4
CONSTRUCTION EQUIPMENT PARAMETERS

	Length			Load
Phase	(Days)	Equipment	Horsepower	Factor
		1 Concrete / Industrial Saw	81	0.73
Demolition	20	3 Excavators	162	0.38
		2 Rubber Tired Dozer	255	0.40
Site Preparation	10	3 Rubber Tired Dozers	255	0.40
Site Freparation	10	4 Tractors/Loaders/Backhoes	97	0.37
		2 Excavators	162	0.38
	30	1 Grader	174	0.41
Grading		1 Rubber Tired Dozer	255	0.40
		2 Scrapers	361	0.48
		2 Tractors/Loaders/Backhoes	97	0.37
		1 Crane	226	0.29
		3 Forklifts	89	0.20
Building Construction	300	1 Generator Set	87	0.74
		3 Tractors/Loaders/Backhoes	97	0.37
		1 Welder	46	0.45
		2 Pavers	125	0.42
Paving	20	2 Paving Equipment	130	0.36
		2 Rollers	80	0.38
Architectural Coating	300	1 Air Compressor	78	0.48

Standard dust and emission control during grading operations would be implemented to reduce potential nuisance impacts and to ensure compliance with SDAPCD rules and regulations. The following standard fugitive dust control measures are required as part of the grading permit, are considered part of the project design, and were taken into account for calculating construction emissions:

- All unpaved construction areas shall be sprinkled with water or other acceptable SDAPCD dust control agents at least three times daily and during dust-generating activities to reduce dust emissions. Additional watering or acceptable SDAPCD dust control agents shall be applied during dry weather or windy days until dust emissions are not visible.
- 2. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.
- On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach access routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
- 4. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the City and/or SDAPCD to reduce dust generation.

Table 4.5-5 shows the total projected construction maximum daily emission levels for each criteria pollutant.

TABLE 4.5-5
SUMMARY OF WORST-CASE CONSTRUCTION EMISSIONS
(pounds per day)

	Year	Year	Significance Thresholds ²
Pollutant	2015	2016	Thresholds ²
ROG	30	30	137
NO _x	123	35	250
CO	87	42	550
SO _x ¹	0	0	250
PM ₁₀ Dust	7	3	_
PM ₁₀ Exhaust	2	1	_
PM ₁₀ Total	10	4	100
PM _{2.5} Dust	4	1	_
PM _{2.5} Exhaust	2	1	_
PM _{2.5} Total	5	2	55

Note: Totals may vary due to independent rounding.

As seen in Table 4.5-5, the level of maximum daily construction emissions is projected to be less than the applicable thresholds for all criteria pollutants. As noted in the addendum to the air quality technical report (Appendix F-2), the proposed project is smaller in size than the project analyzed in Table 4.5-5 above and would result in fewer emissions than identified in the table. It should also be noted that construction impacts would be short term. While construction activities would generate diesel particulate emissions known to be carcinogenic, diesel particulate emissions impact to human health during construction would be less than significant due to the relatively short-term nature of project construction and the fact that heavy equipment exhaust emissions would not be significant.

b. Operation Emissions

Operational emissions would be generated by mobile and area sources. Mobile source emissions would originate from traffic generated by the project. Area source emissions would result from activities such as the use of natural gas, fireplaces, and consumer products. In addition, landscaping maintenance activities associated with the proposed land uses would produce pollutant emissions.

For the purposes of computing the operational emissions, it was assumed that the project buildout would occur in 2017. Trip generation rates were obtained from the traffic report prepared for the project (Linscott, Law, and Greenspan 2014Appendix B-1). SANDAG's average regional trip length of 5.8 miles was assumed (SANDAG 2014).

¹Emissions calculated by CalEEMod 2013.2.2 are for SO₂.

²Threshold for PM_{2.5} was obtained from the South Coast Air Quality Management District.

CalEEMod estimates the emissions that would occur from the use of hearths, woodstoves, and landscaping equipment. It also estimates emissions due to use of consumer products and architectural coatings that have ROG content. The project would not include any hearths or woodstoves. The use of landscape equipment emits air pollutants associated with the equipment's fuel combustion. The model defaults for landscaping equipment were used.

A summary of the operational emissions emitted to the SDAB for the project is shown in Table 4.5-6. As noted in the addendum to the air quality technical report (see Appendix F-2), the proposed project is smaller in size than the project analyzed in Table 4.5-6 and would result in fewer emissions than identified in the table. As shown, project generated emissions are projected to be less than the SDAPCD Air Quality Impact Assessment trigger levels for all criteria pollutants, and project operational emissions would be less than significant.

TABLE 4.5-6
PROJECT AVERAGE DAILY EMISSIONS TO THE SAN DIEGO AIR BASIN (pounds/day)

			Mobile	Total	Significance
Season	Pollutant	Area Emission	Emission	Emission	Threshold ²
	ROG	14	12	26	137
	NOx	0	17	17	250
Summer	CO	10	86	96	550
Summer	SOx ¹	0	0	0	250
	PM ₁₀	0	10	10	100
	PM _{2.5}	0	3	3	55
	ROG	14	13	27	137
	NOx	0	18	18	250
Mintor	CO	11	100	111	550
Winter	SOx ¹	0	0	0	250
	PM ₁₀	0	10	10	100
	PM _{2.5}	0	3	3	55

¹Emissions calculated by CalEEMod 2013.2.2 are for SO₂.

4.5.4.2 Significance of Impacts

a. Construction Emissions

As seen in Table 4.5-5, maximum daily construction emissions are projected to be less than the applicable thresholds for all criteria pollutants. Air quality impacts due to project construction would be less than significant.

²Threholds for ROG and PM_{2.5} were obtained from the South Coast Air Quality Management District.

b. Operation Emissions

Mobile source emissions would originate from traffic generated by the project. Area source emissions would result from activities such as the use of natural gas, fireplaces, and consumer products. As seen in Table 4.5-6, operational emissions are projected to be less than the applicable SDAB significance thresholds for all criteria pollutants. Operational emissions would be less than significant.

4.5.4.3 Mitigation, Monitoring, and Reporting

a. Construction Emissions

Impacts would be less than significant. No mitigation is required.

b. Operation Emissions

Impacts would be less than significant. No mitigation is required.

4.5.5 Issue 4: Sensitive Receptors

Would the proposal expose sensitive receptors to substantial pollutant concentrations?

According to the City's Significance Determination Thresholds, impacts related to air quality would be significant if the project would:

 Expose sensitive receptors (including, but not limited to, schools, hospitals, resident care facilities, or daycare centers) to substantial pollutant concentrations including air toxics such as diesel particulates

4.5.5.1 Impacts

The potential for exposure of sensitive receptors to substantial pollutant concentrations was evaluated through analysis of localized carbon monoxide concentrations as well as odors.

a. Localized Carbon Monoxide Impacts

Localized CO concentration is a direct function of motor vehicle activity at signalized intersections (e.g., idling time and traffic flow conditions), particularly during peak commute hours and certain meteorological conditions. Under specific meteorological conditions (e.g., stable conditions that result in poor dispersion), CO concentrations may reach unhealthy levels with respect to local sensitive land uses. A CO hot spot occurs when localized CO concentrations exceed the NAAQS or California Ambient Air Quality Standards (CAAQS).

Following construction of the project, the project-related traffic would contribute vehicle trips on existing and future intersections. The addition of these trips could degrade the Level of Service (LOS) of intersections to a level where a CO hot spot could occur. A procedure for evaluating CO hot spots is provided in the procedures and guidelines contained in the *Transportation Project-Level Carbon Monoxide Protocol* to determine whether a project poses the potential for a CO hot spot (U.C. Davis Institute of Transportation Studies 1997). The protocol indicates that projects may worsen air quality if they worsen traffic flow, defined as increasing average delay at signalized intersections operating at LOS E or F, or cause an intersection that would operate at LOS D or better without the project to degrade to LOS E or F with the project. Unsignalized intersections are not evaluated, as they are typically signalized as volumes and delays increase.

As discussed in Section 4.2, there are five two intersections that are projected to operate at LOS E or F in the future buildout condition. Of these intersections, the intersection of Hotel Circle North and Fashion Valley Road would experience the greatest peak hour traffic volumes and the greatest delay (182.3 seconds per vehicle in the AM peak hour, and 218.4 seconds per vehicle in the PM peak hour) in the year 2035 plus project condition. The CALINE4 model was used to model CO hot spots at this these locations.

Turning volumes were obtained from the traffic report prepared for the project (Linscott, Law & Greenspan 2014Appendix B-1). An averaged emission factor for vehicles traveling 5 miles per hour was taken from the 2011 EMFAC database. Table 4.5-7 shows the PM volumes that were modeled in the CO hot spot analysis:

TABLE 4.5-7

MAXIMUM CARBON MONOXIDE CONCENTRATIONS AT
HOTEL CIRCLE NORTH AND FASHION VALLEY ROAD INTERSECTION

	Peak Hour Volume	1-hour CO	1-hour CO Standard CAAQS/	8-hour CO	8-hour CO Standard CAAQS/
Intersection	P.M.	(ppm)	NAAQS	(ppm)	NAAQS
Hotel Circle North and Fashion Valley Road	3,124	4.9	20/35	2.9	9/9

ppm = parts per million

As shown, the 1-hour CO concentration would be 4.9 ppm. The ambient concentration of CO (2.6 ppm) is included in the results of the CO hot spot modeling; therefore, the actual 1-hour CO project increase would be 2.3 ppm. In order to calculate the 8-hour concentration, the 1-hour value was multiplied by a conversion factor of 0.6, as recommended in the U.C. Davis Institute of Transportation Studies protocol. This resulted in an 8-hour CO concentration of 2.9 ppm. These maximum 1-hour and 8-hour concentrations would be less than the applicable station and national standard thresholds. As noted in the addendum to the air quality technical report (see Appendix F-2), the proposed project is smaller in size than the project analyzed in Table 4.5-7 above and would result in fewer CO emissions than

<u>identified in the table.</u> Therefore, CO impacts at the intersection of Hotel Circle North and Fashion Valley Road would be less than significant.

All other intersections that are projected to operate at LOS E or F would carry less peak hour traffic and experience shorter delays than the intersection of Hotel Circle North and Fashion Valley Road. Thus, it can be concluded that CO concentrations at these intersections would be less than the CO concentrations shown in Table 4.5-7.

b. Odors

Construction activity could generate airborne odors from exhaust emissions. The project would, therefore, generate minor odors through the use of diesel-powered equipment. However, odors generated from vehicles and/or equipment exhaust during construction would be temporary, localized, and occur at levels that would not affect people. Therefore, impacts from construction would be less than significant.

The project includes residential, commercial, retail, institutional, and recreational uses. It is not anticipated to generate objectionable odors or to be located adjacent to a known odor generator. Therefore, odor impacts due to on-site sources are less than significant.

4.5.5.2 Significance of Impacts

a. Localized Carbon Monoxide Impacts

Projected CO concentrations at the intersection of Hotel Circle North and Fashion Valley Road would be less than the applicable state and federal standards. All other intersections that are projected to operate at LOS E or F would carry less peak hour traffic and experience shorter delays than the intersection of Hotel Circle North and Fashion Valley Road. Thus, it can be concluded that CO concentrations at these intersections would be less than those at the intersection of Hotel Circle North and Fashion Valley Road. Localized CO impacts would be less than significant.

b. Odors

Odors generated during construction would be temporary, localized, and occur at levels that would not affect people. The project is not anticipated to generated objectionable odors during operation and is not located adjacent to a known odor generator. Therefore, odor impacts due to construction and operation of the project would be less than significant.

4.5.5.3 Mitigation, Monitoring, and Reporting

a. Localized Carbon Monoxide Impacts

Impacts would be less than significant. No mitigation is required.

b. Odors

Impacts would be less than significant. No mitigation is required.

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4.6 Paleontological Resources

This section provides background information on existing paleontological resources within the project area. This analysis is based on a review of available literature, including the City of San Diego's (City's) General Plan, the geotechnical report (Appendixes G-1 through G-4), Kennedy and Tan maps (2008), the City Paleontological Guidelines, and the County of San Diego Paleontological Resources by Deméré and Walsh (1994).

4.6.1 Existing Conditions

4.6.1.1 Paleontological Resource Potential

Paleontological resources (fossils) are the remains and/or traces of prehistoric animal and plant life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, leaves, and other fossils are found in the geologic deposits (rock formations) within which they were originally buried. Fossil remains are important as they provide indicators of the earth's chronology and history. They represent a limited, nonrenewable, and sensitive scientific and educational resource.

The potential for fossil remains at a given location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are entombed. Geologic formations possess a specific paleontological resource potential wherever the formation occurs based on discoveries made elsewhere in that particular formation. To evaluate paleontological resources, the presence and distribution of geologic formations and the respective potential for paleontological resources were reviewed.

Geologic formations are rated for paleontological resource potential according to the following scale (Deméré and Walsh 1994).

- High Sensitivity these formations contain a large number of known fossil localities.
 Generally, highly sensitive formations produce vertebrate fossil remains or are considered to have the potential to produce such remains.
- Moderate Sensitivity these formations have a moderate number of known fossil localities. Generally, moderately sensitive formations produce invertebrate fossil remains in high abundance or vertebrate fossil remains in low abundance.
- Low and/or Unknown Sensitivity these formations contain only a small number of known fossil localities and typically produce invertebrate fossil remains in low abundance. Unknown sensitivity is assigned to formations from which there are presently no known paleontological resources, but which have the potential for producing such remains based on their sedimentary origin.

 Very Low Sensitivity - very low sensitivity is assigned to geologic formations that, based on their relative youthful age and/or high-energy depositional history, are judged to be unlikely to produce any fossil remains.

4.6.1.2 On-site Resource Sensitivity

Based on the geotechnical report (see Appendix G<u>-1</u>), the project area is underlain by the Stadium Conglomerate Formation. According to the City's Paleontological Significance Thresholds, the Stadium Conglomerate Formation has high paleontological resource sensitivity (i.e., for fossil deposits). This formation may contain well-preserved, rare, and significant paleontological fossil materials that could provide important information about the evolutionary history of the area.

4.6.2 Issue 1: Paleontological Resources

Would the proposal require over 1,000 cubic yards of excavation at a depth of 10 feet or greater in a high resource potential formation or over 2,000 cubic yards of excavation at a depth of 10 feet or greater in a moderate resource potential formation?

According to the City's Significance Determination Thresholds, impacts related to paleontological resources would be significant if:

- The geologic formation underlying a project area has sedimentary rocks such as those found in the coastal areas, they usually contain fossils.
- The geologic formation has a "high" or "moderate" sensitivity rating, as listed on the Paleontological Determination Matrix.

4.6.2.1 Impacts

Fossils are buried in sedimentary rock layers and are vulnerable to destruction from earthmoving operations. Such activities could expose and unearth fossil remains, which could destroy paleontological resources if the fossils are not recovered and salvaged. Construction activity impacts would therefore be significant if they involve excavation or grading of geologic formations that could contain fossil remains.

The project area is underlain by alluvium and the Stadium Conglomerate Formation. Alluvium has low paleontological sensitivity. The Stadium Conglomerate Formation is rated as a high sensitivity resource.

Proposed construction activities would disturb 12.68 acres of the 18.13-acre site and would be focused in the existing developed area. Grading would include 51,420 cubic yards of cut and 53,398 cubic yards of fill. Grading operations associated with the project would require

cut depths of 10 feet or more in some areas of the project site. This would exceed the threshold for both high and moderate sensitivity areas. Therefore, impacts resulting from construction of the project would be significant.

4.6.2.2 Significance of Impacts

Because of the high sensitivity potential area for paleontological resources, project grading could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.

4.6.2.3 Mitigation, Monitoring, and Reporting

Significant impacts to paleontological resources are most often mitigated by the implementation of a monitoring program. The monitoring program is carried out under the supervision of a qualified paleontologist and includes attendance at pre-construction meetings as well as on-site inspections of active excavations.

PAL-1: The applicant shall implement the procedures outlined below as a condition of approval.

I. Prior to Permit Issuance

A. Entitlements Plan Check

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 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 MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City 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

- 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, CM and/or Grading Contractor, RE, 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 CM 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, Occupational Safety and Health Administration 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, does 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.
- The monitor shall document field activity via the 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 e-mail 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 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 the 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:
 - When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Preconstruction 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 8 A.M. on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Section 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 8 A.M. 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 CM 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

- 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.
 - 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 cataloged.
- 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)

- 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 Monitoring 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.

4.6.2.4 Significance of Impacts after Mitigation

Implementation of mitigation measure PAL-1 would reduce impacts to paleontological resources to below a level of significance.

4.7 Visual Effects and Neighborhood Character

This section addresses the visual aspects of the project and compatibility in terms of neighborhood character with existing and planned land uses. Appendix H contains a key map and photographs showing the project from several locations in the project area.

4.7.1 Existing Conditions

4.7.1.1 Existing Visual Landscape

a. Topography and Landform

Mission Valley is a wide valley characterized by a variety of landforms including developed areas; natural areas, with steep, vegetated slopes and side-canyons; and golf courses. From the relatively flat valley floor, slopes on its north and south sides form the sides of the region's mesas and create a natural geographic boundary. The project site is located on the floodplain south of the San Diego River and a steep slope portion of the mesa south of the river. Southern mixed chaparral and non-native grassland constitute the vegetation found in the project area. Elevations on the project site range from 30 to 180 feet above mean sea level (see Figure 2-2). Most of the project site was previously disturbed during development of the existing hotels, restaurants, retail, and office spaces in this multi-use area. Approximately 28 percent of the 18.13-acre project site (5.09 acres) contains naturally steep slopes.

b. Historical/Architectural Character

The project site is located in a subarea of Mission Valley (Hotel Circle) and is developed with a low-rise garden-style hotel, restaurant, retail, and fitness center; the structures currently on site were built in the 1950s. The surrounding properties include a variety of hotels and motels, restaurants and office buildings, which range from one- and two-story motels to mid-rise office buildings and multi-story hotels and conference centers. The existing on-site buildings feature stucco, concrete block, Spanish tile, plywood panel siding, and asphalt and gravel roofing material, and are surrounded by landscaping in the form of lawns, shrubs, street trees, and palm trees. A description of the architectural features that make up the visual context of each of these components is presented in Section 4.3.

4.7.1.2 Applicable Plans, Policies, and Regulations

The State of California Department of Transportation maintains a State Scenic Highway Program "to protect and enhance California's natural beauty and to protect the social and economic values provided by the State's scenic resources" (Streets and Highway Code Section 260). Additionally, the City of San Diego has several adopted plans that establish

policies and/or design guidelines pertinent to visual quality and neighborhood character in the project area. The adopted General Plan and the Mission Valley Community Plan (MVCP) contain provisions relating to aesthetics.

a. State Scenic Highway Program

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from change, which would diminish the aesthetic value of lands adjacent to highways. A highway may be designated "scenic" depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program (Caltrans 2011). Interstate 8 (I-8) is an eligible but not a designated State Scenic Highway.

b. General Plan

In its Urban Design Element, the General Plan includes goals and policies that emphasize the integration of compatible land uses, the provision of high-quality public spaces and civic architecture, as well as the enhancement of the visual quality of all types of development. The Urban Design Element policies that are relevant to the design of the project and the project's consistency with these policies are summarized in Section 4.1.3.1.

c. Mission Valley Community Plan

The MVCP identifies several types of protected views including: views of designated landmarks; views of the San Diego River; views from community gateways; and views of surrounding hillsides. The freeways that transect the community also are identified as view corridors. The only protected views applicable to the project site are views of the valley's hillsides located along the southern boundary of the project site.

An objective of the MVCP is to "Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment and protect biological resources". The MVCP calls for implementation of the Hillside Subdistrict. The project's consistency with the Hillside Subdistrict and MVCP policy relative to hillside protection is analyzed in Sections 4.1.4 and 4.1.2, respectively.

d. Atlas Specific Plan

The Urban Design Element of the Atlas Specific Plan establishes several major design goals relative to visual character including:

- Maintain the integrity of the hillsides through natural contour grading and revegetating larger manufactured slopes with native compatible plant material.
- Provide theme entries to the individual project sites.
- Maximize distant views.
- Create a visually continuous streetscape along Hotel Circle North and Hotel Circle South, which upgrades and enhances foreground views through street improvements improving pedestrian access and landscaping.

Specific development guidelines for the project site also address hillside protection. The plan states that natural hillsides steeper than 25 percent shall remain undisturbed except for any necessary planting needed for screening. Planting within hillside areas shall be limited to the use of drought-tolerant native plants that are compatible with existing hillside vegetation.

e. Hillside Conservation, Design and Height Limitation Subdistrict ("Hillside Subdistrict")

The project site falls within the Hillside Subdistrict (Land Development Code [LDC] §1514.0303), which specifies that buildings and structures located south of Interstate 8 shall be limited to a maximum height of 40 feet above pre-existing or finished grade, whichever is lower. Exceptions may be approved up to 65 feet provided that all of the following standards are met:

- a. All natural existing hillside vegetation and topography shall be preserved.
- b. Any previously graded hillsides shall be recontoured into a naturalistic form and revegetated with indigenous plants.
- c. Buildings and structures shall be designed and sited so that a minimum of 30-feet-wide open public view corridor is created to the hillside from adjacent public streets and freeways.

f. General Regulations – Retaining Wall Height

City of San Diego Municipal Code Chapter 14, General Regulations, provides city-wide regulations regarding various topics. Pertinent to this project, this chapter includes regulations regarding retaining wall height limits. More specifically, LDC §142.0340(e) states that "[r]etaining walls located outside of the required yards shall not exceed 12 feet in height." Within the side and rear yards, LDC §142.0340(f)(3) states that retaining walls shall not exceed 9 feet within commercial and industrial zones.

4.7.1.3 Key Vantage Points

Visual sensitivity can be described as viewer awareness of visible changes in the environment and is based on a viewer's presence in public areas near a particular site. Sensitivity relates to the overall visual character of the area and visibility of the project site. To define the existing visual quality of the project area, important views that include the project site have been identified as key vantage points (KVPs). KVPs are public viewing areas and can include road viewsheds, public viewpoints, and other key views, as defined within adopted plans.

The MVCP identifies I-8 as a view corridor through the community. Due to safety concerns and prohibitions on access within the freeway right-of-way, it was impossible to take KVP photographs from within the I-8 right-of-way. Hotel Circle South serves as a frontage road to I-8 adjacent to the project site. Therefore, as an alternative to I-8, three KVP locations were identified within Hotel Circle South. The KVPs approximate the view of the project site from I-8 (Figure 4.7-1).

Each KVP is discussed below with a narrative description of the view.

KVP 1: The first KVP is located adjacent to Hotel Circle South and encompasses views looking southeast toward the project site. This view is characterized by mature landscaping, particularly street trees, along the existing Mission Valley Resort frontage and by tall palms scattered throughout the foreground and background. Also visible in the background from this KVP is the seven-story Courtyard at Marriot Hotel, located 0.2 mile east of the project site. Steep hillsides are barely visible within the background from this KVP (Figure 4.7-2).

KVP 2: This KVP is also adjacent to Hotel Circle South, near the hook ramps, and encompasses views looking almost directly south toward the project site. The views from this location are characterized by the existing Mission Valley Resort structures, landscaping, and the parking lot in the foreground. The steep hillsides directly south of the project site are clearly visible within the background from this KVP (Figure 4.7-3).

KVP 3: This KVP is also adjacent to Hotel Circle South and encompasses views looking southwest toward the project site. This view is characterized by the existing Mission Valley Resort structures and parking lot in the foreground, along with steep hillsides and tall palms in the background in (Figure 4.7-4).

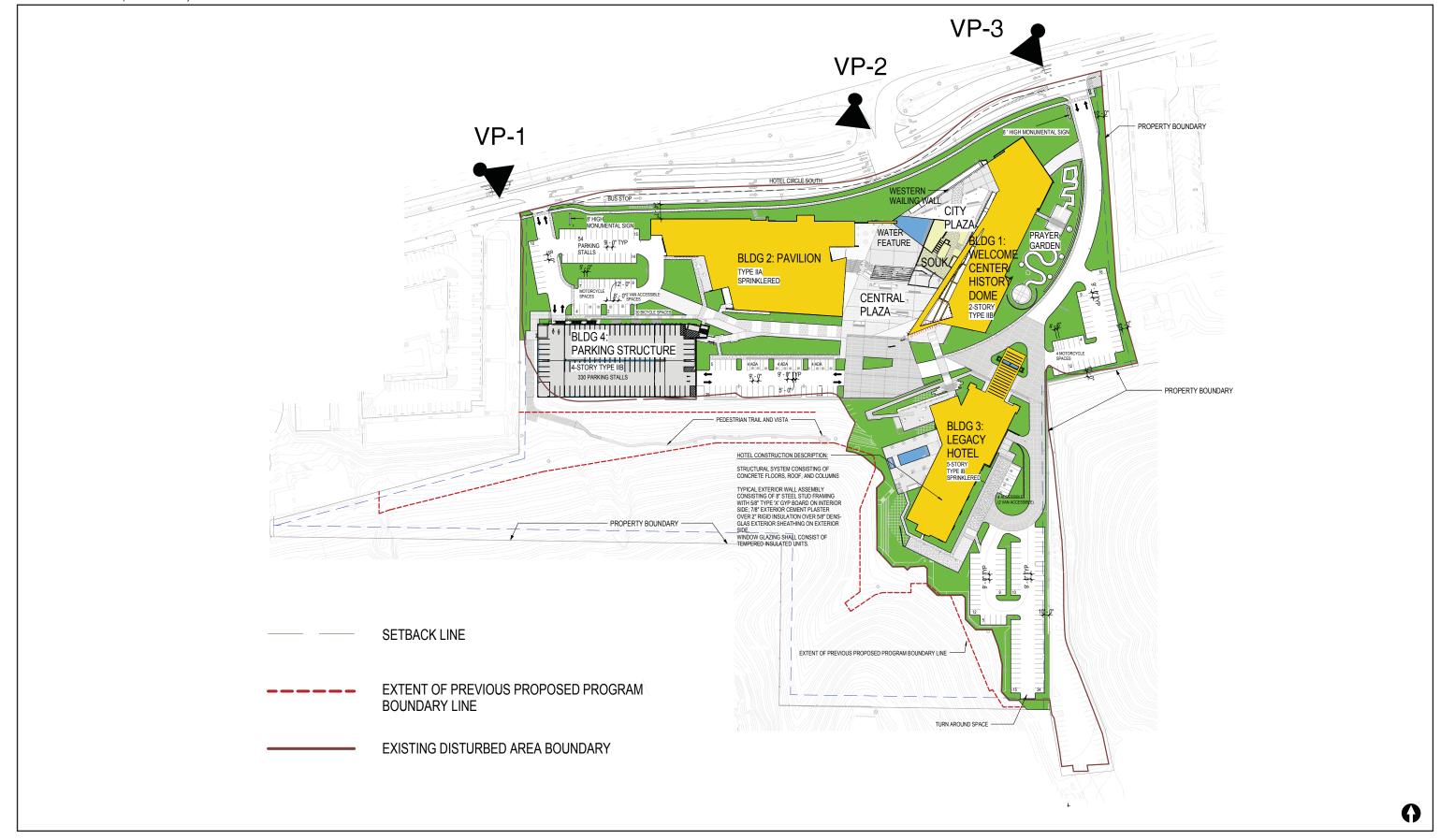




FIGURE 4.7-2 KVP 1



FIGURE 4.7-3 KVP 2



FIGURE 4.7-4 KVP 3

4.7.2 Issue 1: Landform Alteration

Would the project result in a substantial change to natural topography or other ground surface relief features, or result in the loss, covering, or modification of any unique physical features such as a natural canyon or hillside slope in excess of 25 percent gradient?

Pursuant to the City's Significance Determination Thresholds, impacts associated with landform alteration may be significant if the project would:

- Alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, and one or more of the following conditions apply:
 - Project would disturb steep hillsides in excess of the encroachment allowance of the ESL regulations;
 - 2) The project would create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent) slope gradient;
 - 3) The project would result in a change in elevation of steep hillsides as determined by the City's LDC Section 113.0103 from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site; or
 - 4) The project design includes mass terracing of natural slopes with cut or fill slopes to construct flat-pad structures.
- b. However, the above conditions may not be considered significant if one or more of the following apply:
 - 1) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This may be achieved through naturalized variable slopes.
 - 2) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.
 - 3) The proposed excavation or fill is necessary to permit installation of alternative design features such as step-down or detached buildings, non-typical roadway or parking lot designs, and alternative retaining wall designs that reduce the project's overall grading requirements.

4.7.2.1 Impacts

Would the project alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill?

The grading plan is shown in Figure 3-2. Grading, construction and demolition activities would occur on approximately <u>43-12.6</u> acres of the 18.13-acre site and would be focused in the existing developed area. Overall, the project proposes approximately 51,420 cubic yards of cut and 53,398 cubic yards of fill, resulting in approximately 3,955 cubic yards of grading per graded acre. (No export of cut would occur.) This amount of earthwork would exceed the 2,000 cubic yards of earth graded per acre threshold. Most of the earthwork required for the project relates to the excavation for the subterranean parking structure.

Since grading would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, the following is an analysis of the additional criteria.

1) Would project grading disturb steep (25 percent gradient or steeper) slopes in excess of the encroachment allowance of the ESL regulations and steep hillside guidelines (LDC, Section 143.0101)?

As described in Land Use Section 4.1.3.1, the project is subject to the Environmentally Sensitive Lands (ESL) regulations of the San Diego LDC, because the project site includes naturally steep hillsides. The project site contains approximately 5 acres of steep hillsides with a slope of 25 percent or greater that would be subject to the City's ESL regulations. The project would entail grading of 0.271.6 acres of steep slopes avoid grading steep hillsides as illustrated in Figure 4.7-5. Therefore, the project would have no encroachment into ESL steep hillsides. This would be in excess of the allowance in the City's ESL regulations.

The project, therefore, would be required to deviate from the ESL development regulations for steep hillsides, because project grading would encroach into 1.6 acres of ESL steep slopes (8.66 percent of the total project area), wherein no encroachment is permitted. The project would exceed the permitted encroachment allowance of zero.

The rational for the deviation can be supported by the following considerations. Specifically, the grading that would take place within the steep slopes is necessitated by several factors, including:

• The City requires the project to provide additional right-of-way for Hotel Circle South along the project's northern frontage. For this reason, on-site development has been moved further to the south, thereby resulting in some encroachment into the southern hillsides.





- The project will provide a linear park space along the project's street frontage, consistent with the multiple-use zone guidelines that require a pedestrian-oriented development that promotes pedestrian use. This also necessitates that on-site development be moved further to the south, thereby resulting in some encroachment into the southern hillsides.
- The project will provide an improved and Americans with Disabilities Act-accessible trail at the southwestern portion of the project site that will provide access to the open space and southern hillsides. This trail will also provide access to storm drain and sewer systems for maintenance and repair. Installation of the trail will result in grading into the southern hillside and steep slopes.
- The project is required to provide fire truck access along the southern perimeter of the structures. Grading for this access road will require encroachment into steep slopes.
- The project is conditioned to relocate some of the larger public sewer and storm drain systems with a required access easement located in the southeastern portion of the project site from the rear of the amphitheater to the project site's southern boundary.

Furthermore, the grading that would occur within the steep slopes would not be visible from any public viewpoints into the site, as the grading would be toward the base of the hillside and would be obscured by the proposed buildings/structures. Public views of the site are discussed in greater detail below in Section 4.7.3.

2) Would the project create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent) slope gradient?

The project would create manufactured slopes over 10 feet in height (up to 134 feet). No manufactured slopes would have a gradient of greater than 2:1 (50 percent). Manufactured slopes are shown in Figure 4.7-6. Slopes greater than 10 feet in height would be created in conjunction with construction of the trail and the amphitheater. None of the manufactured slopes over 10 feet in height would be visible from public viewing locations (refer to Figures 4.7-10 through and 4.7-112) because they would be hidden behind the Pavilion and parking structure buildings.

Would the project result in a change in elevation of steep natural slopes from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site?

As discussed above under (1), naturally steep slopes are present on 5 acres (28 percent) of the project site. These slopes are concentrated along the southern hillside. The project would disturb 1.6027 acres, or 32-5.3 percent, of these slopes, and require a deviation from the City's ESL regulations. However, the portion of the steep hillsides proposed for grading are not considered ESL steep hillsides, because they have been previously graded to install

a sewer bench and retaining walls for the existing project. no grading within steep hillsides would result in a change in elevation of steep natural slopes from existing grade to proposed grade by more than 5 feet either through excavation or fill (refer to Figure 4.7-6). The majority of the grading within steep slopes is to provide necessary public facilities and amenities, as described above under (1). Furthermore, none of this grading would be visible from public viewing locations.

4) Would the project design include mass terracing of natural slopes with cut or fill slopes to construct flat-pad structures?

The project would not include any mass terracing of natural slopes. Most of the grading onsite is in the form of excavation for the subterranean parking structure. Other grading occurs in isolated locations for various improvements throughout the site (e.g., trenching for utilities and installation of the access road and trail), and where feasible, would be contoured as needed to blend with the natural landform.

Conclusion

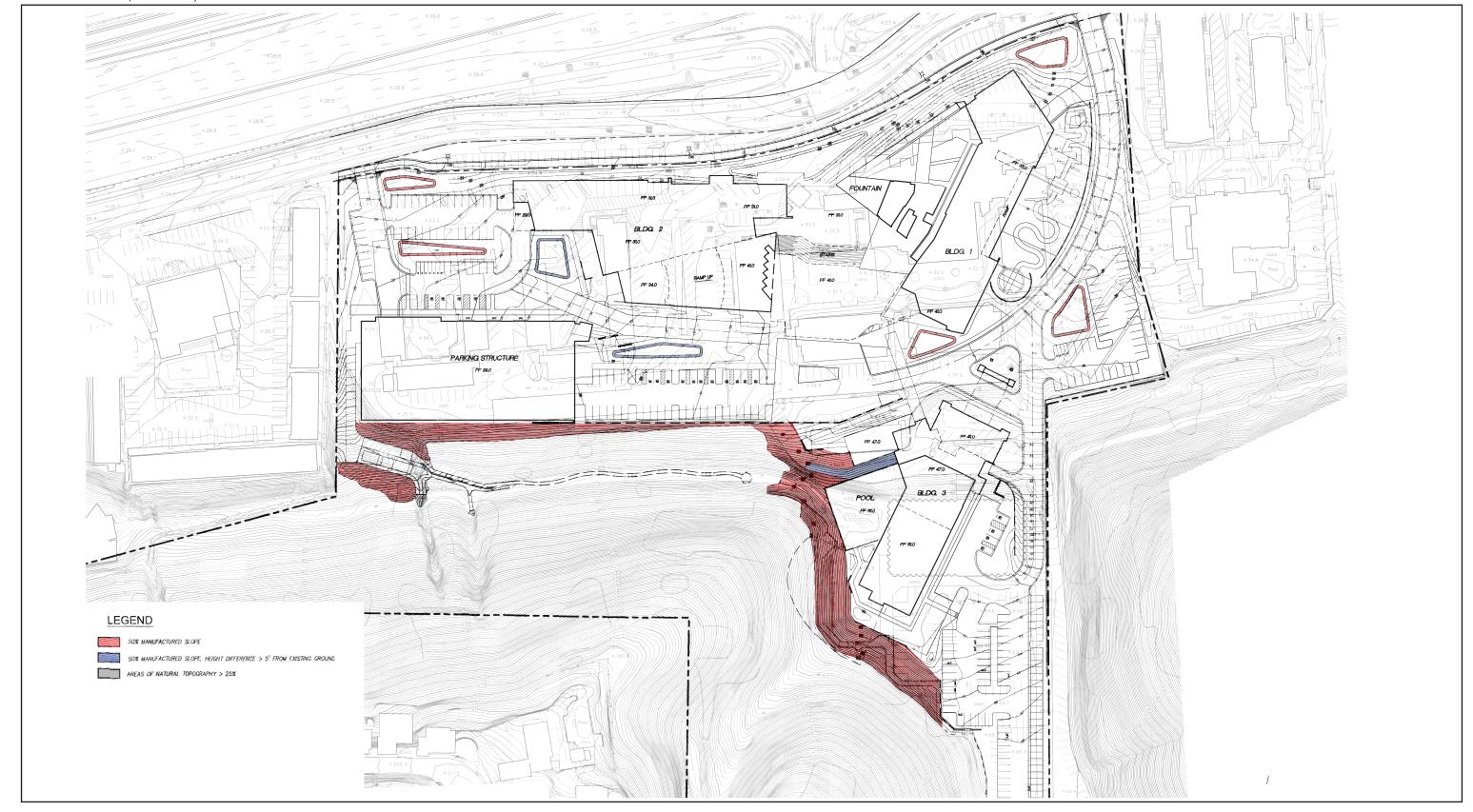
In conclusion, the proposed volume of earthwork would exceed the City's threshold of 2,000 cubic yards of earth per graded acre. The site contains natural landform features in the form of naturally steep slopes within the southern extent. The majority of the site is generally flat. Proposed grading would retain the majorityall of the ESL steep natural hillsides that form the southern border of the project site. Grading within steep hillsides would primarily be in conjunction with the installation of the trail and, sewer/drainage easementdebris basin, and access road. This grading would be largely shielded by structures in the foreground of the site and would not be visible from public viewing locations. Only twofour manufactured slopes would exceed 10 feet in height. No manufactured slopes would exceed a 2:1 gradient. The project also includes substantial landscaping of all manufactured slopes, where feasible. Therefore, although one or more of the conditions described above would apply; the project would not result in a substantial change in an existing landform resulting in negative aesthetics.

4.7.2.2 Significance of Impacts

The project would not result in a substantial change in an existing landform resulting in negative aesthetics. Therefore, impacts would be less than significant.

4.7.2.3 Mitigation, Monitoring, and Reporting

Impacts associated with landform alteration would be less than significant. No mitigation measures are required.





4.7.3 Issue 2: Public Views

Would the project obstruct any vistas or scenic views, particularly with respect to views from public viewing areas, vistas, or open spaces as identified in the Mission Valley Community Plan?

Pursuant to the City's Significance Determination Thresholds, impacts to public views may be significant if the project blocks public views from designated open space areas, roads, or parks or to significant visual landmarks or scenic vistas (Pacific Ocean, downtown skyline, mountains, canyons, waterways). To meet this significance threshold, one or more of the following conditions must apply:

- 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
- Cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community plan
- Exceed the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area.

4.7.3.1 Impacts

Would the project 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; or

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

The General Plan does not specifically identify scenic resources or significant public viewing areas within the project vicinity, but does consider views of, or from, public open space, open water, or other prominent landforms to be potentially significant. The MVCP does not designate any public viewing areas or scenic vistas within proximity to the project site. I-8 is considered a public viewing corridor, and the views of the hillsides to the south of project site are considered protected pursuant to the MVCP. The Atlas Specific Plan also identifies the hillsides as being visually important and includes provisions for the protection of steep hillsides. Finally, the Hillside Subdistrict Ordinance requires that if structures up to 65 feet are proposed, then a minimum of 30-feet-wide open public view corridor must be retained on-site to protect views of the southern hillsides, as stated in Section 4.7.1.2.d.

As illustrated in Figure 4.7-7, two view corridors (VC-1 and VC-2) would be preserved through the project site. Through both corridors the undisturbed hillsides may be seen over and through the project. Corridors start with a 5-foot eye level and would have public view access from Hotel Circle South and/or the adjacent Interstate 8. Both corridors would be

protected through the dedication of air space easements, as identified on the Site Plan (see Figure 3-1). VC-1, illustrated on Figure 4.7-8, looks from Hotel Circle South towards the southwest and would be 592 feet in width. and would begin at the easterly entrance arch and extend across the driveway between the The welcoming center (building #2) Legacy Vision Center and Pavilion both lie in the foreground and the pavilion training center (building #1A) in the background to the and the hillsides are visible in the background beyond. The Legacy Hotel building is barely visible in the background, behind the building. Additional hillsides beyond the limits of the project topography (about 70-foot elevation) could also be seen from this vantage point. VC-2, illustrated on Figure 4.7-9, would be 117 feet in width, and looks directly south from Hotel Circle South. northeast of the project site, and would enable a person to see over the garage complex and amphitheater to the hillsides located immediately south of the project. While a pedestrian standing on a sidewalk may not be able to view the steep hillsides from all portions of the adjacent street, a person would be able to view the steep hillsides when walking along the meandering sidewalk. A passenger in a vehicle on the adjacent freeway also would be afforded views of the steep hillsides behind the project. Due to the height of the proposed buildings, upper hillsides and hilltops would remain approximately 85 percent visible from the adjacent public streets and freeways. As with VC-1, the Legacy Vision Center and Pavilion, as well as a water feature and plaza, are visible in the foreground. The Legacy Village Hotel building is more visible and prominent in the background of VC-2; however, large blocks of hillsides are also visible in the background. Changes to the existing visual quality and public views from development of the project are illustrated in Figures 4.7-10 through and 4.7-112. It is noted that landscaping illustrated in these visual simulations represent approximately 5 years of growth based upon the size of the plants at installation and annual average growth for the proposed species.

From KVP 1 (see Figure 4.7-10), the <u>welcoming_centerPavilion</u> and the <u>executive</u> <u>efficesparking structure</u> would be clearly seen toward the <u>eastern_western_portion</u> of the project site. The pavilion and archway structures—would be visible in the immediate foreground, but would be largely shielded from view by ample landscaping. The hillside in the background, located south of the Courtyard at Marriot hotel would be clearly visible from this location. Proposed structures would not adversely impact the view of the natural hillside from this KVP. Impacts to the view from KVP 1, looking southeast toward the project site would not be significant given the ample landscape screening of structures in proximity to the roadway and the retention of hillside views through the project site to the southeast.

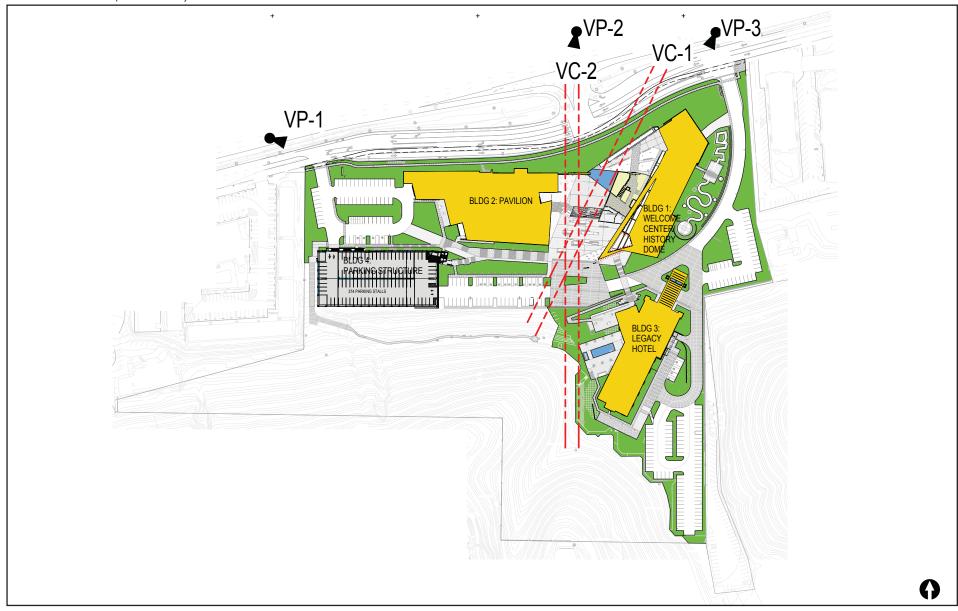


FIGURE 4.7-7 View Corridor Location Key Map



Existing View



Proposed View



Existing View



Proposed View



FIGURE 4.7-10 Photo Simulation from KVP 1

FIGURE 4.7-11 Photo Simulation from KVP 2

KVP 2 (see Figure 4.7-11) illustrates views of the project site looking directly south from Hotel Circle near I-8. In the foreground, the façade of the subterranean parking garage would be visible, although screened largely from view by ample landscaping. To the east, the history center would be visible in the foreground, and the timeshare village tower would be visible in the background closer to the hillside. The pavilion building would be located within the western extent of the view. In the background, the natural hillside would remain clearly visible from the KVP. No grading or improvements within the hillside portion of the site would be visible from this public viewing location. Visual impacts of the hillsides from this public viewing location would be less than significant.

KVP <u>2</u>3 (see Figure 4.7-1<u>1</u>2) shows views of the project site looking southwest. This KVP is located within the Hotel Circle right-of-way, in proximity to the <u>proposed eastern</u> entrance archway at the eastern extent of the project site, near the existing I-8 interchange ramps. The <u>welcoming Legacy Vision</u> center and the pavilion would be clearly visible in the foreground of the site. Much of the foreground would <u>also</u> be dominated by ample landscaping proposed within the 55-foot setback near this KVP <u>as well as the wailing wall, plaza, and water feature</u>. The Legacy Hotel building is somewhat visible behind the Legacy <u>Vision Center</u>. The natural hillsides to the south of the project would be clearly visible in the background. Visual impacts of the hillsides from this public viewing location would be less than significant.

Would the project exceed the allowed height or bulk regulations, and this excess result in a substantial view blockage from a public viewing area?

a. Hillside Subdistrict

Several components of the project (Buildings 1, 2, 3, 4, and 6) The Legacy Village Hotel and the Pavilion buildings would exceed the height limitation of the Hillside Subdistrict, which allows a maximum height of 40 feet above pre-existing or finished grade¹. Exceptions may be approved up to 65 feet provided that the standards described in Section 4.7.1.2e are met. The project would comply with the provisions of Section 1514.0303(c)(1)(A), where feasible, as follows:

(a) Overall, preservation of the existing hillside and topography would be achieved because the project would replace existing improvements; thus, only minimal grading in specific areas would be required as compared to the original development. (As discussed above, a deviation is requested to allow the

¹ Pursuant to MC Section 113.0228 (b), existing grade is the ground elevation of the premises following grading approved and conducted as part of an approved tentative map.

development area to exceed the maximum allowable development area of Section 143.0142(a) of the San Diego Municipal Code.)

- (b) The project would re-contour graded hillsides, as feasible, and such re-contoured hillsides would be restored to their natural form and re-vegetated with native vegetation. To minimize grading and to blend the finished landform with the existing adjacent topography, all graded, disturbed, or eroded areas that would not be permanently paved or covered by structures would be permanently re-vegetated and irrigated to the extent possible and in accordance with the standards in the LDC.
- (c) Two open public view corridors would be created from adjacent public streets and freeways to the hillside. Due to the topographical nature of the project site, the project provides various 30-foot public view corridors depending on a pedestrian's position on the adjacent public street and/or highway, as required pursuant to Section 1514.030(c)(1)(A)(iii) of the San Diego Municipal Code.

This deviation is consistent with the surrounding development, which consists of hotel properties, ranging in height from two to five stories. Allowing the permitted deviations would maintain the progression in building mass and height. Moreover, architectural elements such as the domed features, open loggia, and archways would provide relief and texture, and serve to reduce the scale and mass of the buildings while allowing for open views to the steep hillsides beyond the buildings. The project's architecture and open space would reduce the visual impact of the 65-foot height deviation where 40 feet is permitted by the underlying zone.

No elements of the project would exceed the allowed bulk regulations of the base zone for the site.

Although several two of the structures would exceed the height limit of 40 feet, as described in the analysis above, they would not exceed 65 feet and no substantial view blockage of the protected hillsides to the south from any public vantage point would result. Therefore, the height limit exceedance would not result in a significant visual impact relative to public views.

b. <u>General Regulations – Retaining Walls</u>

In order to reduce grading, the proposed project would include 16 retaining walls ranging in height from 0.5 feet tall to 16.517.5 feet tall (see EIR Section 3.4.5). Four of these proposed walls (walls 11, 12, 15 and 16) would exceed the City's Municipal Code General Regulations regarding retaining walls and would require deviations to be approved through a Planned Development Permit. While these proposed walls would exceed the City's height limits, the walls would not result in a substantial view blockage from a public viewing area. The proposed wall 11 abuts the southern hillside, and would not be visible from the public trail considering the trail would be located at a higher elevation than the wall. In addition,

proposed wall 11 would not be visible from Hotel Circle South view corridors or KVPs given then intervening buildings. Proposed walls 12, 15 and 16 would also not be visible from the trail or Hotel Circle South locations due to the intervening Legacy Village Hotel (building 3). Therefore, the retaining wall height limit exceedance would not result in a significant visual impact relative to public views.

4.7.3.2 Significance of Impacts

Impacts to the views from all threeboth KVPs would be less significant given the ample landscape screening of the site in the foreground and the retention of hillside views throughout the project site. The exceedance of the 40-foot-high <u>building</u> limit <u>and retaining</u> <u>wall height limits</u> would not result in adverse visual impacts relative to public views, as the protected hillsides to the south would continue to be visible from all KVPs with implementation of the project.

4.7.3.3 Mitigation, Monitoring, and Reporting

Impacts to public views or scenic resources would be less than significant. No mitigation is required.

4.7.4 Issue 3: Neighborhood Character

Would the project be compatible with surrounding development in terms of bulk, scale, materials, or style with the surrounding existing or planned development?

Pursuant to the City's Significance Determination Thresholds, projects that severely contrast with the surrounding neighborhood character may be significant if the project would:

- Exceed the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin
- Have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town).
- Result in the physical loss, isolation or degradation of a community identification symbol or landmark
- Be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an
 interstate highway) and would strongly contrast with the surrounding development or
 natural topography through excessive height, bulk, signage, or architectural projections.

4.7.4.1 Impacts

As described in Section 3.4.1 of this EIR, the project includes five five buildings (and the amphitheater), four four of which would be constructed in the northern flatter portion of the site nearest Hotel Circle South, and one would be placed adjacent to the hillside in the southern portion of the site. The proposed buildings would be unified by architectural style. Buildings would typically include Jerusalem stone facades—along the lower portions with stucco along the upper portions. A portion of the roofs would have domes, with either glass and steel or gold-toned shotcrete and stucco fabrication. Pillars (with formal pedestals, columns, and capitols) and archways would also be used throughout the proposed buildings. All rooftop and ground level equipment would be screened. The square footage and height of each building is summarized in Table 4.7-1 below.

TABLE 4.7-1 STRUCTURES SUMMARY

	Height	Mass
Structure	(feet)	(square feet)
Building 1: Pavilion	65	105,104
Building 21: Welcome Legacy Vision Center	<u>4065</u>	41,071 17,012
Building 2: Pavilion	<u>54</u>	63,447
Building 3: Outreach/History CenterLegacy Village Hotel	<u>65</u> 54	88,120 29,940
Building 4: Parking Structure	<u>49</u>	106,458
Building 5: Souk	40	<u>7,783</u>
Building 4: Timeshare Village	65	136,160
Structure 5: Amphitheater	n/a	6,889
Building 6: Executive Offices	59	23,028

a. Height and Bulk

As detailed in Section 4.1.4, no deviations to the development standards of the base zone would be required for the project. The project would however exceed the 40-foot height limit of the Hillside Subdistrict. As further described in Section 4.1.4 and above in Section 4.7.1.2e, the Hillside Subdistrict regulations allow for structures up to 65 feet in height as long as certain findings can be made. (Refer to the analysis in Section 4.1.4 for a summary of these findings.)

Although the project would require an exception for structures up to 65 feet in height, the project would not be inconsistent with existing patterns of development in the vicinity relative to height and bulk. Numerous resort hotels and/or conference centers exist along both Hotel Circle North and South that comprise large multi-use developments with multi-story elements in excess of 65 feet in height. Almost directly across I-8 from the project site are located the Town and Country Resort and Convention Center and the Handlery Hotel, both of which include similar uses and structural elements of a similar bulk and scale. Likewise, along Hotel Circle South, nearby multi-story hotels include the Double Tree, Hampton Inn, Courtyard Marriott, and the Hilton San Diego Mission Valley, all of which are between approximately 100 and 140 feet in height. Therefore, regardless of the height limit

exemption required for the project, the project would be consistent with surrounding development relative to height and bulk.

b. Architectural Style

The surrounding development within Hotel Circle is extremely diverse in regard to architectural character. Immediately adjacent to the existing Mission Valley Resort, there are two other low-rise motels (the Vagabond Inn and Travel Lodge San Diego). Both of these properties are garden-style motels, similar in style and architectural character to the existing development on-site. However, also located along Hotel Circle South in the immediate vicinity of the project site are several high-rise hotels of substantially newer construction materials, which have a more contemporary character, utilizing concrete and glass. Several mid-rise office buildings are also located nearby. Their structures also are of a contemporary architectural character, similarly relying largely on concrete and glass construction.

The proposed on-site structures would be unified by architectural style. Buildings would typically include stone facades. __along the lower portions, with stucco along the upper portions. A portion of the roofs would be domes, with either glass and steel or gold-toned shotcrete and stucco fabrication. Pillars (with formal pedestals, columns, and capitols) and archways—would also be used throughout the proposed buildings. Due to the extent of variation in architectural style within the vicinity of the project site, the project would not have an architectural style or use building materials in substantial contrast with surrounding development.

c. Community Landmark

As detailed in Section 4.3.3, the Mission Valley Resort complex is not eligible as a historical resource under any of the applicable local or state criteria. Therefore, the project would not result in the physical loss, isolation, or degradation of a community identification symbol or landmark.

d. Contrast with the Surrounding Development

The properties surrounding the project site include a variety of hotels and motels, restaurants, and office buildings, which range in development intensity from one- and two-story motels to mid-rise office buildings and multi-story hotels and conference centers. The project proposes the demolition of the existing Mission Valley Resort complex and the construction of a mixed-use development, which would include religious, lodging, administrative, recreational, and commercial uses. Commercial, lodging, and religious uses include an approximately 105,104-square-foot pavilion (with restaurant, gift shops, learning center, theater, and television studio), a two-level 17,012-square-foot welcoming center, a 29,940-square-foot history dome theater (with an entrance to catacombs), 5,992 square-feet of underground catacombs passage (with welcoming center, history dome theater

passages, and adjoining display rooms), an approximately 8,200-square-foot outdoor retailplaza, and a five-story 136,160 square-foot "tri-wing" tower containing 127 timeshare suites. Recreational components would include a trail system; a 300-seat outdoor amphitheater; pedestrian plazas and a fountain; and a wellness center with a workout room, sauna, hot tubs, steam room, restrooms, showers, and an Olympic-size pool with seven lanes. Executive offices would be housed in a three-story, 23,028-square-foot administration building with its own subterranean parking. The types and varieties of uses proposed on-site are consistent with those found on other properties within Mission Valley and Hotel Circle. The mix of proposed on-site structures, including lodging, offices, and entertainment venues, is consistent with the eclectic mix of uses presently existing within the area. Therefore, the project would not contrast with the surrounding development.

4.7.4.2 Significance of Impacts

The project would be compatible with surrounding development in terms of bulk, scale, materials, and architectural style. Impacts relative to neighborhood character would be less than significant.

4.7.4.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.7.5 Issue 4: Light and Glare

Would the project create a substantial amount of light or glare that would adversely affect daytime or nighttime views?

Pursuant to the City's Significance Determination Thresholds, projects that would emit or reflect a significant amount of light and glare may result in a significant impact if one or more of the following apply:

- The project would be moderate to large in scale, more than 50 percent of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30 percent (see LDC Section 142.07330(a)), and the project is adjacent to a major public roadway or public area.
- The project would shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky.
 Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas.

4.7.5.1 Impacts

a. Glare

The proposed structures would be unified by architectural style. Buildings would typically include Jerusalem stone facades along the lower portions with stucco along the upper portions. There would be domes atop several of the roofs, with either glass and steel or gold-toned shotcrete and stucco fabrication. The color and materials of the structures are conceptually represented in the visual simulations, Figures 4.7-10 and through 4.7-112. Although the structures would have some partially reflective elements (roofs and domes); The majority of each structure would be constructed of non-reflective materials, such as stone and stucco. Therefore, the project would result in less than significant impacts relative to glare.

b. Ambient Lighting

Several types of lighting would be included within the project. First, security lighting would be installed within parking lots and loading docks and along walkways and the access road to provide safety to pedestrians and employees at night. Parking lot lighting would include low-pressure sodium bulbs, which would be shielded and oriented downward to avoid nighttime lighting impacts to the adjacent open space, the Multi-Habitat Preservation Area, and residences located on the hillside above.

Landscape lighting would be included with the linear park along the project's frontage, around the swimming pool at the timeshare village tower and within other dispersed landscaped areas throughout the project site. Landscape lighting would comprise low-intensity ground-level lights to accent plantings and provide a safe path of travel for pedestrians.

Finally, the structures would include some accent/up-lighting in connection with building columns, the arches of triumph, and the fencing atop the parking structure. No signage lighting or spot lights would be employed.

The lighting that is proposed for the site would be consistent with neighboring and similar uses within Hotel Circle. All lighting in proximity to the open space would be shielded and would comply with Multi-Habitat Preservation Area adjacency guidelines. Therefore, the project would not shed substantial light onto adjacent, light-sensitive property or land use, or emit a substantial amount of ambient light into the nighttime sky. Impacts relative to ambient lighting would be less than significant.

4.7.5.2 Significance of Impacts

The project would result in less than significant impacts relative to light and glare.

4.7.5.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.7.6 Issue 5: Aesthetics

The creation of a negative aesthetic site or project.

Pursuant to the City's Significance Determination Thresholds, projects that have a negative visual appearance may be significant if:

- The project creates a disorganized appearance and substantially conflicts with City codes (e.g., a sign plan which proposes extensive signage beyond the City's sign ordinance allowance).
- The project significantly conflicts with the height, bulk, or coverage regulations of the zone and does not provide architectural interest (e.g., a tilt-up concrete building with no offsets or varying window treatment).
- The project includes crib, retaining or noise walls greater than 6 feet in height and 50 feet in length with minimal landscape screening or berming, where the walls would be visible to the public.
- The project is large and would result in an exceeding monotonous visual environment.

These conditions may become more significant for projects that are highly visible from designated open spaces, roads, parks, or significant visual landmarks. The significance threshold may be lower for such projects.

4.7.6.1 Impacts

a. Disorganized Appearance

The project, which is composed of five main structures, would be unified by a common architectural theme. All of the buildings would typically include Jerusalem stone facades along the lower portions with stucco on the upper portions. A portion of the roofs would be domes, with either glass and steel or gold-toned shotcrete and stucco fabrication. Pillars (with formal pedestals, columns, and capitols) and archways-would also be used throughout the proposed buildings. All rooftop and ground level equipment would be screened. Likewise, the landscape plan for the project would provide screening and softening of the bulk and scale and further unify the proposed development. Heavy landscaping would be installed adjacent to Hotel Circle South (linear greenbelt), throughout the parking lot, and around the village timesharehotel building. Garden-like areas are specifically proposed around the pools at the wellness center and village, as well as behind the executive offices.

Landscaping would be also focused along walkways to promote pedestrian travel. Landscape screening of retaining walls would be provided as necessary. Therefore, the project would not result in a disorganized appearance.

As detailed in Section 4.7.4.1, no deviations to the development standards of the base zone are required for the project. The project would however, exceed the 40-foot height limit of the Hillside Subdistrict. The project proposes structures up to a height of 65 feet. As previously concluded, although the project would exceed the 40-foot height limit of the Hillside Subdistrict, the project would not be inconsistent with existing patterns of development in the vicinity relative to height and bulk. Therefore, the project would not result in negative aesthetics due to an inconsistency with City code.

b. Architecture

The project's consistency with height and bulk regulations and related visual impacts is discussed above in Section 4.7.4.1.

The project would provide architectural interest through the diversity of building shapes and sizes and use of a unique, but unifying architectural theme. Each of the on-site structures would have a unique shape: the welcome center would be circular; the pavilion would be rectangular with a partially curvilinear northern façade; the history center would be square; the executive offices building would be rectangular; and the timeshare village tower would include three wings. Each of the buildings would have unique architectural features and individualized design, but all would employ the same unifying neo-classical Roman motiftheme.

c. Walls

Retaining walls would be required in several locations within the project site as shown on Figure 4.7-1312. The maximum heights and lengths of all proposed retaining walls are summarized in Table 3-34.7-2. Walls within the project would exceed 6 feet in height and 50 feet in length. Retaining walls (numbered 1 through 6) would be generally concentrated behind the structures adjacent to the hillside in order to avoid encroachment into steep slopes. Therefore, the majority of the larger walls would be screened from view by intervening structures and landscaping. All four of the walls that would exceed the City's Municipal Code General Regulations regarding retaining wall height would not be visible from public viewpoints, as discussed above in EIR Section 4.7.3. Other walls (numbered 7-13 and 17) would be located toward the eastern side of the project site, adjacent to open space, and would not be visible from any public viewing area. Walls 13 through 16 would be located toward the project frontage along Hotel Circle South. As illustrated in Figure 4.7-13, these walls would not be visible from the public right-of-way due to the setback from the road and substantial intervening landscaping.

Due to the lack of visibility of any of the retaining walls within the project site from public vantage points, as illustrated in the visual simulations, these walls would not result in a significant impact relative to aesthetics.

d. Monotonous Visual Environment

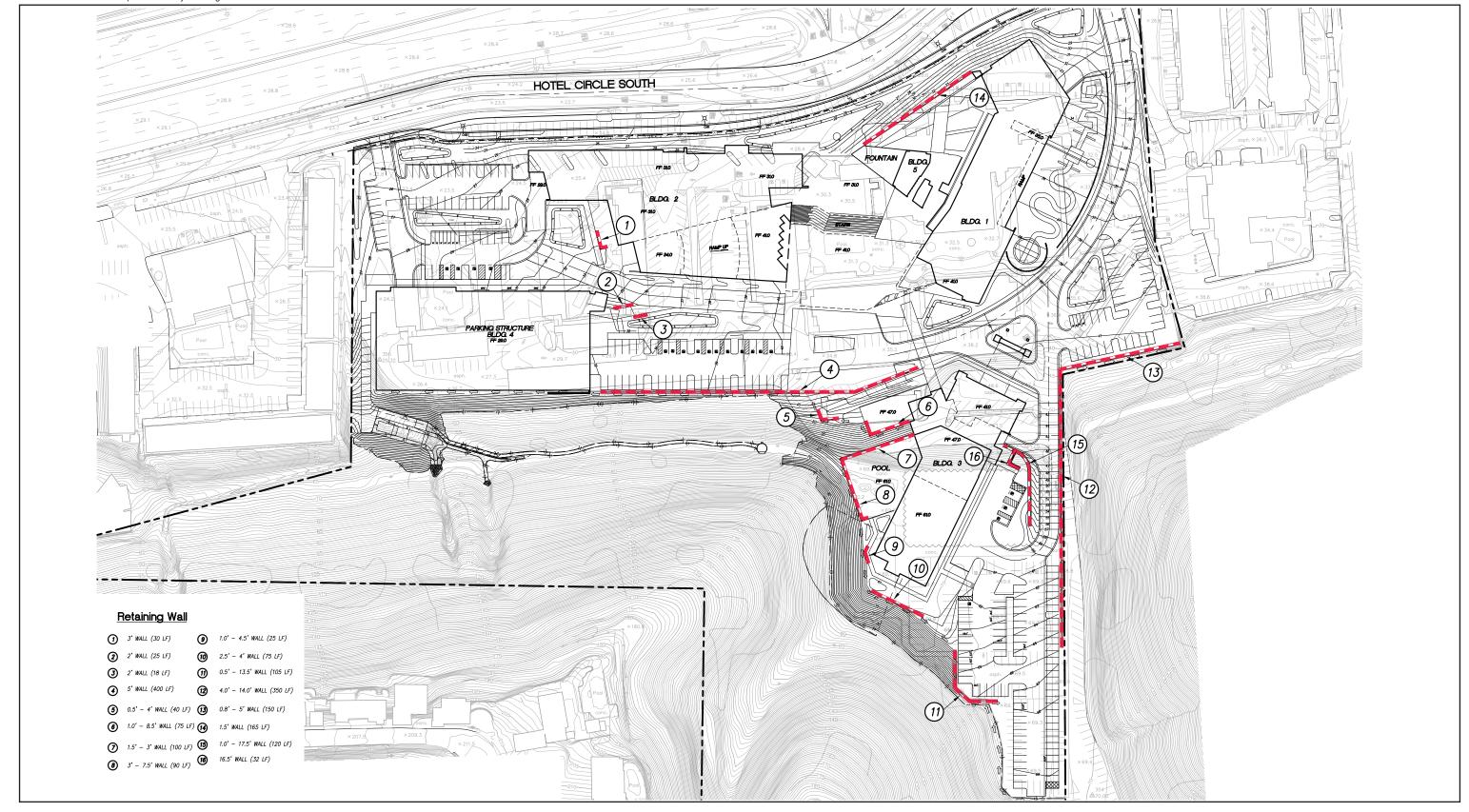
The project is relatively large in scale. However, the various proposed uses would be housed within five different structures, with varying shapes and architectural elements, as described above under (b). Landscaping and landscape elements, such as a fountain water feature and wailing wall sculpture, along with a central plaza with retail kiesks would serve to create a visually dynamic on-site environment. No impacts relative to visual monotony would result.

4.7.6.2 Significance of Impacts

Although walls greater than 6 feet in height and/or 50 feet in length are proposed, the walls would be located and shielded in a-such a way as to not be visible from public vantage points. All walls would be screened by appropriate landscape treatments as indicated on Table 4.7-2. Therefore, with incorporation of these design treatments, visual impacts associated with aesthetics would be less than significant.

4.7.6.3 Mitigation, Monitoring, and Reporting

Impacts associated with aesthetics would be less than significant. No mitigation measures are required.





4.0 Environmental Analysis

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TABLE 4.7-2
RETAINING WALLS

	N.4				
	Maximum	1			
\A/ II	Height	Length	- · · ·	V	
Wall	(feet)	(feet)	Finish	Vegetation/Screening	
	41	400	stucco	N/A	
2	9	122	stucco	N/A	
3	10	300	stucco	N/A	
4	12	200	stucco	N/A	
- 5	12	480	stucco	N/A	
6	8	160	stucco	N/A	
7	3	78	stucco	N/A	
8	16	80	stucco	N/A	
9	16	42	stucco	N/A	
10	2	57	stucco	N/A	
11	10	96	stucco	N/A	
				Evergreen shrubs ranging in size from 4 to 6	
12	6	10	stucco	Screening evergreen shrubs ranging in size from 4 to 12 feet planted at the bottom of the wall	
				Screening evergreen vines ranging in size from 4 to 10 feet planted at the bottom of the wall	
13	4	80	stucco	Screening evergreen shrubs ranging in size from 4 to 12 feet planted at the bottom of the wall	
14	4	30	stucco	Evergreen shrubs ranging in size from 4 to 6 feet planted at the bottom and top of the wall	
				Evergreen trees and semi-deciduous round headed shade trees, evergreen slope trees, and shade accent trees	
-	15 4		0 stuce	:0	
16	4	161	stucco		
17	5	11	stucco	N/A	

4.0 Environmental Analysis

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4.8 Noise

This section is based on the Noise Technical Report for the project prepared by RECON in September 2014 December 2016 (Appendix I). This section evaluates potential impacts associated with project construction and operation.

4.8.1 Existing Conditions

4.8.1.1 Existing Noise Standards

The noise metrics used for this study are the 1-hour average-equivalent noise level (L_{eq}), and the Community Noise Equivalent Level (CNEL). The 1-hour L_{eq} is the level of a steady sound which, in the stated time period and at a stated location, has the same A-weighted sound energy as the time-varying sound. In other words, the hourly equivalent sound level is the A-weighted sound level over a 1-hour period. A-weighting is a frequency correction that often correlates well with the subjective response of humans to noise.

The CNEL is a 24-hour A-weighted average sound level [dB(A) $L_{\rm eq}$] obtained after the addition of 5 decibels (dB) to sound levels occurring between 7:00 P.M. and 10:00 P.M., and 10 dB to sound levels occurring between 10:00 P.M. and 7:00 A.M. Adding 5 dB and 10 dB to the evening and nighttime hours, respectively, accounts for the added sensitivity of humans to noise during these time periods.

a. Traffic Noise

CEQA Significance Determination Thresholds

The City's developed and published Significance Determination Thresholds for use in California Environmental Quality Act (CEQA) determinations. Table 4.8-1 provides the general thresholds of significance for uses affected by traffic noise.

General Plan

The City's General Plan Noise Element specifies compatibility standards for different categories of land use. The land use compatibility standards are summarized in Table 4.1-5. As shown in the legend in Table 4.1-5, compatible means that activities associated with the land use may be carried out, and conditionally compatible means that feasible noise mitigation techniques should be analyzed and incorporated to make the outdoor activities acceptable. The project includes several different uses, including religious, restaurant, a TV studio/theaters, administrative offices, and lodging (timeshare units). The compatible noise and land use compatibility threshold for exterior usable areas of visitor accommodations is 65 CNEL. A discussion of the project's compatibility with the City's General Plan noise standards is included in Section 4.1, Land Use.

TABLE 4.8-1
TRAFFIC NOISE SIGNIFICANCE THRESHOLDS
(dBA CNEL)

Structure of Proposed Use that would be Impacted by Traffic Noise	Interior Space	Exterior Useable Space ¹	General Indication of Potential Significance
Single-family detached	45 dB	65 dB	Structure or outdoor
Multi-family, school, library, hospital, day care center, hotel, motel, park, convalescent home	Development Services Department ensures 45 dB pursuant to Title 24	65 dB	useable area ² is <50 feet from the center of the closest (outside) lane on a street with existing or future ADTs >7,500
Office, church, business, professional uses	n/a	70 dB	Structure or outdoor useable area is <50 feet from the center of the closest lane on a street with existing or future ADTs >20,000
Commercial, retail, industrial, outdoor spectator sports uses	n/a	75 dB	Structure or outdoor useable area is <50 feet from the center of the closest lane on a street with existing or future ADTs >40,000

ADT = Average Daily Traffic

b. Standards Applicable to On-Site Stationary Noise

Section 59.5.0401 of the City's Noise Abatement and Control Ordinance states that:

- A. It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit. . . .
- B. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts....

The applicable noise limits are summarized in Table 4.8-2.

¹ If a project is currently at or exceeds the significance thresholds for traffic noise described above and noise levels would result in less than a 3 dB increase, then the impact is not considered significant.

TABLE 4.8-2
APPLICABLE NOISE LEVEL LIMITS

		One-Hour Average
Land Use	Time of Day	Sound Level [dB(A) $L_{eq(1)}$]
	7:00 A.M. to 7:00 P.M.	50
Single-family Residential	7:00 P.M. to 10:00 P.M.	45
	10:00 Р.М. to 7:00 А.М.	40
Multi-family Residential (Up	7:00 A.M. to 7:00 P.M.	55
to a maximum density of	7:00 P.M. to 10:00 P.M.	50
1/2000)	10:00 Р.М. to 7:00 А.М.	45
	7:00 A.M. to 7:00 P.M.	60
All Other Residential	7:00 P.M. to 10:00 P.M.	55
	10:00 Р.М. to 7:00 А.М.	50
	7:00 A.M. to 7:00 P.M.	65
Commercial	7:00 P.M. to 10:00 P.M.	60
	10:00 Р.М. to 7:00 А.М.	60
Industrial or Agricultural	Anytime	75

The project site is zoned MVPD-MV-M/SP (Mission Valley – Multiple Use), the properties to the east and west are zoned MVPD-MV-CV (Mission Valley – Commercial Visitor), and the properties to the south are zoned RS-1-1 and RS-1-7 (Single-family Residential).

The applicable noise limits between the project site and the neighboring commercial uses are 65 dB(A) L_{eq} between 7:00 A.M. and 7:00 P.M., and 60 dB(A) L_{eq} between 7:00 P.M. and 7:00 A.M. The applicable noise limits between the project site and the neighboring residential uses are 57.5 dB(A) L_{eq} between 7:00 A.M. and 7:00 P.M., 52.5 dB(A) L_{eq} between 7:00 P.M. and 10:00 P.M., and 50 dB(A) L_{eq} between 10:00 P.M. and 7:00 A.M.

c. Standards Applicable to Construction Noise

Section 59.5.0404 of the City's Noise Abatement and Control Ordinance states that:

- A. It shall be unlawful for any person, between the hours of 7:00 P.M. of any day and 7:00 A.M. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise. . . .
- B. ... it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 A.M. to 7:00 P.M.

4.8.1.2 Existing Ambient Noise

Existing noise levels at the project site were measured on June 19, 2013. The primary source of on-site noise was due to traffic on Interstate 8 (I-8) and Hotel Circle South. The locations of the measurements are shown on Figure 4.8-1.

Measurement 1 was located at the northwestern portion of the project site, approximately 50 feet from the edge of Hotel Circle South. The main noise source at this location was vehicle traffic on Hotel Circle South and I-8. The average measured noise level during Measurement 1 was $66.9 \text{ dB}(A) L_{eq}$.

Measurement 2 was located at the northeastern portion of the project site, approximately 50 feet from the edge of Hotel Circle South. The main noise source at this location was vehicle traffic on Hotel Circle South and I-8. During the measurement period, traffic was moving freely on I-8. The average measured noise level during Measurement 2 was $68.6 \, dB(A) \, L_{eq}$.

Measurement 3 was located at the southeastern portion of the project site. While not visible at the Measurement 3 location, the main noise source was vehicle traffic on Hotel Circle South and I-8. The average measured noise level during Measurement 3 was $47.5 \, dB(A) \, L_{eq}$.

4.8.2 Issue 1: Ambient Noise

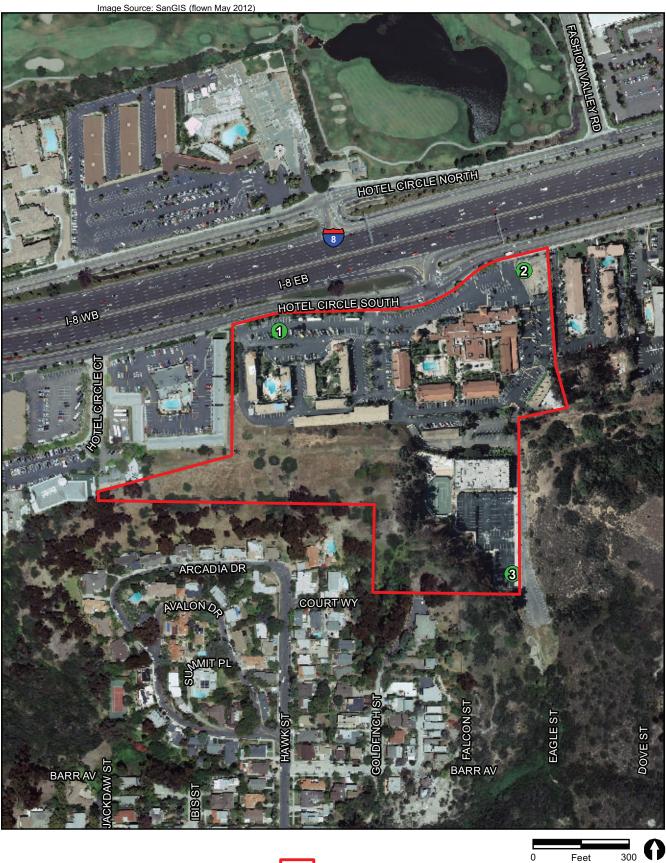
Would the proposal result or create a significant increase in the existing ambient noise levels?

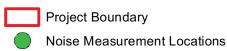
According to the City's Significance Determination Thresholds, impacts related to noise would be significant if the project would:

Result in or create a significant increase in the existing ambient noise levels.

4.8.2.1 Impacts

The project would increase traffic volumes on local roadways. Noise level increases would be greatest nearest the project site, which would represent the greatest concentration of project-related traffic. The project would not substantially alter the vehicle classifications mix on local or regional roadways, nor would the project alter the speed on an existing roadway or create a new roadway; thus, the primary factor affecting off-site noise levels would be increased traffic volumes. Direct impacts were determined by comparing existing average daily traffic volumes with the "existing plus project" condition at full buildout.







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Table 4.8-3 presents the existing average daily traffic volumes for the existing condition and for the existing condition with the project at full buildout, as well as the future buildout cumulative and cumulative plus project traffic volumes. Off-site traffic noise impacts have been evaluated based on the calculated change in noise levels due to the increase or decrease in traffic volumes from the existing condition.

A substantial noise increase is defined as an increase of 3 dB above existing conditions as stated in the City's California Environmental Quality Act significance standards. As shown in Table 4.8-3, direct off-site noise level increases due to the project would be less than 1 dB. Therefore, direct off-site noise impacts associated with the project would be less than significant.

TABLE 4.8-3
OFF-SITE NOISE LEVEL INCREASES

Street Segment	No Project ADT	<u>Project</u> ADT	Direct Increase CNEL	Project Contribution CNEL
Existing and	Existing plus I	Project		
Hotel Circle N				
I-8 WB Ramps to Fashion Valley Road	<u>16,800</u>	<u>16,930</u>	<u>>1</u>	<u>>1</u>
Fashion Valley Road to Camino De La Reina	<u>13,170</u>	<u>13,310</u>	<u>>1</u>	<u>>1</u>
Hotel Circle S				
I-8 EB Ramps to Project Driveway (E)	14,390	<u>14,510</u>	<u>>1</u>	<u>>1</u>
Project Driveway (E) to Bachman Place	14,390	<u>14,530</u>	<u>>1</u>	<u>>1</u>
Bachman Place to Camino De La Reina	<u>14,350</u>	<u>14,490</u>	<u>>1</u>	<u>>1</u>
<u>Cumulative and</u>	Cumulative pl	us Project		_
Hotel Circle N				
I-8 WB Ramps to Fashion Valley Road	31,220	31,350	<u>>1</u>	<u>>1</u>
Fashion Valley Road to Camino De La Reina	21,260	21,400	<u>>1</u>	<u>>1</u>
Hotel Circle S				
I-8 EB Ramps to Project Driveway (E)	<u>NA</u>	<u>NA</u>	<u>>1</u>	<u>>1</u>
Project Driveway (E) to Bachman Place	<u>20,750</u>	20,980	<u>>1</u>	<u>>1</u>
Bachman Place to Camino De La Reina	<u>19,520</u>	<u>19,660</u>	<u>>1</u>	<u>>1</u>

SOURCE: Appendix I

TABLE 4.8-3
OFF-SITE NOISE LEVEL INCREASES

Street Segment	Existing ADT	Existing + Project ADT	Direct Increase CNEL	Cumulative ADT	Cumulative + Project ADT	Cumulative Increase CNEL	Project Contribution CNEL
		Camino De	La Reina				
Hotel Circle to Avenida Del Rio	11,680	11,700	0.0	17,570	17,590	1.8	0.0
		Hotel Circ	cle North				
West of I-8 WB Ramps	8,650	8,720	0.0	21,400	21,470	3.9	0.0
I-8 WB Ramps to Fashion Valley Road	16,800	17,670	0.2	31,400	32,270	2.8	0.1
Fashion Valley Road to Camino De La Reina	13,170	14,070	0.3	21,600	22,500	2.3	0.2
		Hotel Circ	cle South				
West of Project Driveway (W)	7,800	7,870	0.0	17,290	17,360	3.5	0.0
Project Driveway (W) to I-8 EB Ramps	7,800	8,550	0.4	18,200	18,950	3.9	0.2
I-8 EB Ramps to Project Driveway (E)	14,390	15,160	0.2	21,500	22,270	1.9	0.2
Project Driveway (E) to Bachman Place	14,390	15,330	0.3	21,500	22,440	1.9	0.2
Bachman Place to Camino De La Reina	14,350	15,270	0.3	20,300	21,220	1.7	0.2
Fashion Valley Road							
Avenida Del Rio to Hotel Circle N	13,700	13,740	0.0	28,300	28,340	3.2	0.0

4.8.2.2 Significance of Impacts

Direct project-related traffic noise increases would be less than 3 dB and would not be audible. Therefore, direct off-site noise impacts associated with the project would be less than significant.

4.8.2.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.8.3 Issue 2: Noise Generation

Would the project result in the exposure of people to noise levels which exceed the City's Noise Abatement and Control Ordinance?

According to the City's Significance Determination Thresholds, impacts related to noise would be significant if the project would:

 Result in the exposure of people to noise levels which exceed the City's Noise Abatement and Control Ordinance (see Sections 4.8.1.1(b) and (c)).

4.8.3.1 Impacts

The project site is in an area of mixed residential and commercial uses. The project site is surrounded by residential development to the south and commercial development to the north and west and partially to the east. Undeveloped land borders the site on the southeast and southwest corners. The primary noise sources on-site would be mechanical equipment associated with buildings and sound amplification equipment required for the amphitheater. Other secondary noise sources would include parking lots, patrons visiting the site, and landscape maintenance. Due to the proximity to I-8 and as demonstrated by the noise level contours shown in Figure 4.1-4, these secondary activities would not be audible at adjacent properties over I-8 traffic.

Therefore, the following discussion focuses on the mechanical equipment, the amphitheater, and construction activities.

a. HVAC System

Noise levels were modeled for a series of nine-17 receivers located along the project property line to determine noise levels at the property boundaries. Receiver and source locations are shown in Figure 4.8-2. During the nighttime hours, less mechanical cooling would be required, and thus the nighttime noise levels would be lower as the Heating, Ventilating, and Air Conditioning (HVAC) units would operate less time in a given hour. For assessment purposes, the HVAC were modeled with all units operating at 100 percent capacity during the day and evening and all units operating at 75 percent capacity during the night.

The noise levels at the property line are summarized in Table 4.8-4.

TABLE 4.8-4 HVAC NOISE LEVELS

-	HVAC Noise Lev	vel [dB(A) L _{eq}]	Noise Ordinance Limit		
Receiver	Daytime/Evening	Nighttime	<u>Daytime</u>	Evening	<u>Nighttime</u>
<u>1</u>	<u>40</u>	<u>39</u>	65 65 65 65 57.5 57.5	<u>60</u>	<u>60</u>
<u>2</u>	<u>42</u>	<u>41</u>	<u>65</u>	60 60 60 60	<u>60</u>
<u>3</u>	<u>43</u>	<u>42</u>	<u>65</u>	<u>60</u>	<u>60</u>
<u>4</u>	<u>38</u>	<u>37</u>	<u>65</u>	<u>60</u>	<u>60</u>
<u>5</u>	<u>41</u>	<u>39</u>	<u>57.5</u>	52.5 52.5 52.5 52.5 52.5 52.5	<u>50</u>
<u>6</u>	<u>44</u>	<u>42</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>7</u>	<u>50</u>	<u>48</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>8</u>	<u>46</u>	<u>44</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>9</u>	<u>44</u>	<u>43</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>10</u>	<u>46</u>	<u>45</u>	<u>57.5</u>	52.5	<u>50</u>
<u>11</u>	<u>42</u>	<u>41</u>	<u>57.5</u>	<u>52.5</u> <u>52.5</u>	<u>50</u>
<u>12</u>	<u>43</u>	<u>42</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>13</u>	<u>44</u>	<u>43</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>14</u>	<u>44</u>	<u>43</u>	<u>57.5</u>	<u>52.5</u>	<u>50</u>
<u>15</u>	<u>45</u>	<u>44</u>	<u>65</u>	<u>60</u>	<u>60</u>
12 31 41 51 61 71 81 91 91 91 91 11 11 11 11 11 11 11 11 11	40 42 43 38 41 45 46 44 45 40 39	39 41 42 37 39 42 48 44 43 45 41 42 43 44 39 38	57.5 65 65 65	52.5 60 60	666655555555556666
<u>17</u>	<u>39</u>	<u>38</u>	<u>65</u>	<u>60</u>	<u>60</u>

	HVAC Noise Level	Noise Ordinance Limit			
Receiver	Daytime/Evening	Nighttime	Daytime	Evening	Nighttime
1	50.9	48.9	57.5	52.5	50
2	45.9	43.9	57.5	52.5	50
3	45.3	43.3	65	60	60
4	44.6	42.6	65	60	60
	27.4	25.4	65	60	60
6	44.3	42.3	65	60	60
7	43.9	41.9	57.5	52.5	50
8	50.1	48.1	57.5	52.5	50
9	47.7	45.7	57.5	52.5	50

As shown, maximum hourly noise levels at the property line due to the HVAC units are projected to be less than the property line noise limits. However, as the specific design has not been chosen at this stage. The project includes mitigation requiring the applicant to provide specifications for the selection and placement of rooftop HVAC prior to issuance of building permits.

b. Amphitheater

The proposed 300-seat amphitheater would be located south of the bazaar (see Figure 3-1). The amphitheater would include a sound amplification system. Based on planned operations, it is assumed that events would occur between 7 A.M. and 10 P.M. Property line



Project Boundary
Property Line Receivers
Planned HVAC
Project Walls
Plan Lines
Noise Level dB(A)
45-50
50-55



FIGURE 4.8-2
Daytime HVAC Noise Contours

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noise levels due to the amphitheater were modeled using the SoundPLAN noise model. Noise from the sound amplification system can be treated as a point source that attenuates at a rate of 6 dB(A) per doubling of distance for hard site conditions and 7.5 dB(A) per doubling of distance for soft site conditions. The amphitheater would be located adjacent to the vegetated slope south of the project site, and noise would travel up the slope towards the adjacent residences. Because the slope is vegetated, soft site conditions were assumed. Shielding provided by topography and proposed buildings was taken into account.

Speaking events and concerts would occur at the amphitheater. A very loud, unamplified speaking voice typically generates a noise level of 67 dB(A) L_{eq} at 3 feet. The exact sound amplification system to be used at the amphitheater is not known at this time. Noise levels were modeled for a very loud, unamplified voice, an amplified voice that is twice as loud as the unamplified voice (sound power level of 85 dB(A)), and an amplified voice that is four times as loud as the unamplified voice (sound power level of 95 dB(A)). Additionally, noise levels were modeled for a concert that generates a sound power level of 105 dB(A). This is typical of a small orchestra or folk music concert. Loud heavy rock bands can generate sound power levels ranging from 110 to 130 dB(A). Given the nature of the project, it is assumed that these types of events would not occur at the amphitheater.

Noise levels were modeled at a series of receivers located at the southern property line closest to the amphitheater. Modeled receiver locations are shown in Figure 4.8-3. The results are summarized in Table 4.8-5.

TABLE 4.8-5
AMPHITHEATER NOISE LEVELS

	Sour	nd Powe	r Level d	B(A)	Noise Ordinance Limit		
Receiver	75	85	95	105	Daytime	Evening	Nighttime
1	12.4	22.4	32.4	42.4	57.5	52.5	50
2	13.4	23.4	33.4	43.4	57.5	52.5	50
3	15.6	25.6	35.6	4 5.6	57.5	52.5	50
4	18.1	28.1	38.1	48.1	57.5	52.5	50
5	20.8	30.8	40.8	50.8	57.5	52.5	50
6	22.0	32.0	42.0	52.0	57.5	52.5	50
7	8.4	18.4	28.4	38.4	57.5	52.5	50
8	5.1	15.1	25.1	35.1	57.5	52.5	50
9	5.7	15.7	25.7	35.7	57.5	52.5	50
10	18.9	28.9	38.9	48.9	57.5	52.5	50

As shown, for unamplified and amplified speaking events, noise levels would be less than the daytime, evening, and nighttime noise ordinance limits at all modeled receivers.

For worst case music events, amphitheater noise levels at the property line would be less than the daytime and evening noise ordinances limit for all modeled receivers. Noise levels would exceed the nighttime noise ordinance limit at Receivers 5 and 6; however, the

amphitheater would be conditioned such that it may not be utilized after 10:00 p.m. which would preclude significant impacts.

eb. Construction Noise

Noise associated with the demolition, grading, building, and paving for the project will potentially result in short-term impacts to surrounding properties. A variety of noise-generating equipment would be used during the construction phase of the project, such as scrapers, backhoes, front-end loaders, and concrete saws, along with others. The exact number and pieces of construction equipment required are not known at this time. In the absence of specifics, it was assumed that the loudest noise levels would occur during grading activities. Grading activities are estimated to generate worst-case average noise levels of 84 dB(A) L_{eq} at a distance of 50 feet from the center of the activity (Federal Highway Administration 2006).

Construction noise generally can be treated as a point source and would attenuate at approximately 6 dB(A) for every doubling of distance. Construction activities, such as grading, generate the loudest noise levels. A grading noise level of 84 dB(A) L_{eq} at 50 feet would attenuate to approximately 75 dB(A) L_{eq} at 140 feet from the noise source.

The Noise Ordinance states that ". . . it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m."

Residential uses are located south of the project site. A steep slope separates the residential uses and the proposed grading area. Grading would not occur closer than 300 feet from the project boundary that is shared with the residential uses. A grading noise level of 82 dB(A) L_{eq} at 50 feet would attenuate to approximately 66 dB(A) L_{eq} or less at 300 feet from the noise source. Noise levels from construction would not exceed 75 dB(A) L_{eq}. Additionally, construction of the project would only occur between the hours of 7:00 A.M. and 7:00 P.M., Monday through Saturday, and thus would comply with local standards and regulations. Because construction noise is regulated by City ordinance and would be temporary in duration, the project would not result in the exposure of people to excessive noise levels due to construction noise.

4.8.3.2 Significance of Impacts

a. HVAC System

Maximum hourly noise levels at the property line due to the HVAC units are projected to be less than the property line noise limits. However, as the specific design has not been chosen at this stage, impacts would be potentially significant.

b. Amphitheater

Noise levels generated by the proposed amphitheater during both speaking and music events would be less than the daytime and evening noise ordinance limits at all modeled receivers. Noise levels would exceed the nighttime noise ordinance limit at Receivers 5 and 6; however, the project would be conditioned such that the amphitheater would not be utilized after 10:00 P.M. which would preclude impacts. Thus, impacts would be less than significant and no mitigation would be required.

eb. Construction Noise

Construction noise levels are not projected to exceed 75 dB(A) L_{eq} at the adjacent residential uses. The project would comply with construction time limits as required by the City's Noise Abatement and Control Ordinance. Therefore, construction noise impacts would be less than significant.

4.8.3.3 Mitigation, Monitoring, and Reporting

a. HVAC System

Maximum hourly noise levels at the property line due to the HVAC units are projected to be less than the City property line limits for the adjoining properties. Therefore, noise due to HVAC activity is not anticipated to exceed the noise ordinance limits at the property boundary. However, as the project has not selected the specific HVAC units and the final locations of the units may be altered prior to final design, the project will be required to implement mitigation measure N-1.

N-1: Prior to the issuance of a building permit, the applicant, or its designee, will prepare an acoustical study(s) of proposed mechanical equipment, which will identify all noise-generating equipment, predict noise levels at property lines from all identified equipment, and recommend measures to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City Noise Ordinance Section 59.5.0401.

b. Amphitheater

The project would be conditioned to prohibit the use of the amphitheater after 10:00 P.M. Therefore, amphitheater noise impacts would be less than significant and no mitigation is required.

eb. Construction Noise

Construction noise would be less than significant, and no mitigation is required.

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4.9 Health and Safety/Hazardous Materials

This section addresses the potential for public safety impacts associated with hazardous materials sites and interference with an adopted emergency response plan. Supporting technical documentation includes a Phase I Environmental Site Assessment, prepared by Geocon, Inc. (July 2013), which is included as Appendix J-1. In addition, a soil vapor survey was performed by Kleinfelder in order to further assess the previously identified closed Leaking Underground Storage Tank (LUST) case associated with the prior use, a Chevron station. The soil vapor survey report is attached as Appendix J-2.

4.9.1 Existing Conditions

4.9.1.1 Hazardous Materials Regulations

Numerous federal, state, and local laws and regulations regarding hazardous materials have been developed with the intent of protecting public health, the environment, surface water, and groundwater resources. Over the years, the laws and regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances. Relevant laws and regulations include:

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, also known as "Superfund," and the Superfund Amendments and Reauthorization Act (SARA) of 1986 (amended CERCLA, SARA Title III). CERCLA, SARA Title III provide a federal framework for setting priorities for cleanup of hazardous substances releases to air, water, and land. This framework provides for the regulation of the cleanup process, cost recovery, response planning, and communication standards.
- Federal Resource Conservation and Recovery Act (RCRA) of 1976. This act established
 the authority of the Environmental Protection Agency to develop regulations to track and
 control hazardous substances from their production, through their use, to their disposal.
- The U.S. Environmental Protection Agency (U.S. EPA), California Environmental Protection Agency (CalEPA), and the Occupational Health and Safety Administration (OSHA) regulate hazardous materials, including asbestos- and lead-containing materials. U.S. EPA banned several asbestos-containing products in the 1970s (see 40 Code of Federal Regulations [CFR] Part 61, Subpart M; 16 CFR Part 1305; and 16 CFR 1304). Per OSHA (29 CFR 1926.1101 and 29 CFR 1910.1001), insulation, surfacing, asphalt, and vinyl flooring materials prior to 1980 should be assumed to be asbestos-containing materials and handled accordingly. U.S. EPA and OSHA require proper abatement and disposal of asbestos- and lead-containing materials to protect human health and safety. If the abatement activities involve over 100 square feet of

asbestos-containing materials, then the asbestos abatement is required to be completed or overseen by a certified consultant (Title 8, California Code of Regulations (CCR), Article 2.6, Section 341.15). On a local level, these regulations are implemented through County of San Diego Air Pollution Control District (SDAPCD) and the County of San Diego (County) Department of Environmental Health (DEH).

 The California Health and Safety Code is the collection of state laws that govern the handling of hazardous waste, corrective action (remediation) and permitted facilities. The California Environmental Protection Agency Department of Toxic Substances Control (DTSC) develops regulations based on the California Health and Safety Code. The state regulations regarding corrective action, permitted facilities, and hazardous waste management are found in Title 22.

These acts established the authority of the Environmental Protection Agency to develop regulations to track and control hazardous substances from their production, through their use, and ultimately to their disposal. These acts also provided a framework for setting priorities for cleanup of hazardous substances and set the precedent for states and local authorities to do the same. Applicable regulatory agencies have kept records on hazardous materials storage, use, and disposal, and make these lists publicly available. Locally, these include the DTSC List and the San Diego County Hazardous Materials Division database.

DTSC regulates hazardous waste, maintains a database of potentially contaminated properties, cleans up existing contamination, and researches ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste primarily under the authority of the federal RCRA and the California Public Health and Safety Code (DTSC 2011).

At the local level, the City Fire Department screens inventories of substances and inspects sites every 12 months; the County Health Department screens inventories, inspects facilities every 15 months, and reviews the hazardous Materials Business Plan; and the San Diego County Air Pollution Control District evaluates projects for possible toxic emissions and issues permits as necessary.

The Hazardous Materials Division is the Certified Unified Program Agency for San Diego County responsible for regulating hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, aboveground petroleum storage, and risk management plans (County of San Diego 2011a).

4.9.1.2 Environmental Site Assessment

The Phase I Environmental Site Assessment (see Appendix J) involved the preliminary research and review of publicly available records in addition to a visual check of the site and surrounding area. The Phase I assessment for the proposed development included: (1) a review of federal, state, and local regulatory and municipal agency databases concerning the site and surrounding properties within a one-mile radius; (2) an on-site investigation;

(3) interviews with individuals familiar with site operations, materials, and history; and (4) photographic documentation of the current condition of the site and abutting properties. The results of the Phase I assessment study concerning hazardous materials on the project site are summarized below.

a. Records Search

The Phase I Environmental Site Assessment prepared for the project included a search of federal, state, and local databases for the project site and the surrounding area. The search showed 82 listings were found within one mile of the project site. Of those, 24 listings were within approximately 1,000 feet of the project site, and are associated with 6 facilities:

- 1. Chevron Station, 925 Hotel Circle South (formerly 755) is on the project site and has the potential to have impacted the site. This facility was listed as a Historical Auto Station from 1975 to 2009. There are three 10,000-gallon underground storage tanks (USTs) formerly associated with this facility. No violations are referenced in the RCRA Large Quantity Generators, Environmental Protection Agency Facility Index System, Hazardous Waste Facility and Manifest Information (HAZNET), Historical State Water Resources Control Board (SWRCB) Leaking Underground Storage Tank (LUST) Facilities and Solid Waste/Landfill Sites (HIST CORTESE), Emissions Inventory Data, or UST databases for this facility. The San Diego County Hazardous Materials Management Division (HMMD) database notes several violations. There are four closed cases and no open cases in the San Diego County Site Assessment and Mitigation Program (SAM) database.
- Stardust Mobil, 1110 Hotel Circle North is approximately 310 feet north of the project site. This facility was listed as a Historical Auto Station from 1970 to 1984, and there have been no reported violations.
- 3. <u>Sewer Release, 950 Hotel Circle South</u> is approximately 320 feet north of the project site. This site was listed in the California Hazardous Material Incident Reporting System database with one violation. The sewage release has since been mitigated. The site was also listed in the Notify 65 database, which does not provide information for violations associated with the facilities.
- 4. <u>San Diego Automotive Repair, 1235 Hotel Circle South</u> is approximately 360 feet southwest of the project site. This facility was listed as a Historical Auto Station in 2002, and there have been no reported violations.
- Town & Country Union 76, 504 Hotel Circle North is approximately 470 feet northeast of the project site. This facility was listed as a Historical Auto Station from 1961 to 1975. Three USTs are reported in conjunction with this site (two for vehicle fueling and one for waste oil). One violation is referenced for this facility and that

case has since been closed. The Statewide Environmental Evaluation and Planning System UST database reported a 10-000 gallon UST for this facility.

6. <u>Maxson Precision Motors, 4420 Hotel Circle South</u> is approximately 520 feet southwest of the project site. This facility was listed as a Historical Auto Station in 2004 and there have been no reported violations.

b. Historical Use

Historical aerial photographs (from 1953 to 2010) were reviewed for indications of past land uses that had the potential to have impacted the project site through the use, storage, or disposal of hazardous substances and/or petroleum. No direct evidence of recognized environmental conditions was observed in the project site vicinity based on review of the aerial photographs, with the exception of the gasoline station on the northeastern corner of the site (discussed above).

c. Site Reconnaissance

A reconnaissance of the project site and environs was conducted by Geocon on February 27, 2013. The on-site survey did not yield any evidence of soil staining, waste disposal, pits, USTs, aboveground storage tanks, or stressed vegetation. *De minimis* (i.e., a small amount) oil staining was observed throughout the parking areas, and an air compressor with *de minimis* staining was observed in a storage area. The site reconnaissance identified the following potentially asbestos containing materials (ACM): vinyl flooring, carpet mastic, drywall, tape, joint compound, textured wall and ceilings, and acoustic ceiling panels in the restaurant and fitness room. No direct evidence of potential recognized environmental conditions was observed during the on-site or off-site reconnaissance.

d. Interview

As part of the Phase I Environmental Site Assessment, an interview was conducted with a representative of the site owner. He stated that he was aware that a fuel station (i.e., Chevron station discussed in 4.9.1.2) was formerly located on the site and that the USTs and piping had been removed prior to the site owner's acquisition of the site. The representative also stated that he was unaware of environmental liens or use limitations associated with the site or of any existing environmental concerns at the site.

An interview was also conducted with a representative of the Mission Valley Resort, which currently occupies the site. He stated that he is aware that a lead-containing paint and asbestos-containing materials survey had been previously completed at the project site.

e. Soil Vapor Survey

The northeast corner of the site was previously occupied by a Chevron service station, which has an associated closed LUST case. In November 2016, Kleinfelder drilled two

geotechnical bores west of the former service station and observed strong hydrocarbon odors in both bores. Based on Kleinfelder's field observations and review of environmental documents pertaining to the LUST case, residual soil and groundwater contamination may exist beneath the site. Therefore, in order to identify potential health risks to future building occupants, Kleinfelder performed a soil vapor survey (Appendix J-2) at the northeast portion of the Site. Twelve soil vapor probes set at approximately 5.5 feet below ground surface were installed in existing parking areas and drive aisles, west-southwest of a former Chevron gasoline service station. Five of the soil vapor probes were installed within the footprint of the proposed Legacy Vision Center building.

4.9.1.3 Emergency Response/Evacuation and Planning

The County of San Diego Office of Emergency Services (OES) coordinates the overall county response to disasters. OES is responsible for notifying appropriate agencies when a disaster occurs; coordinating all responding agencies; ensuring resources are available and mobilized; developing plans and procedures for response to and recovery from disasters; and developing and providing preparedness materials for the public.

OES staffs the Operational Area Emergency Operations Center, a central facility that provides regional coordinated emergency response and also acts as staff to the Unified Disaster Council, its governing body. The Unified Disaster Council, established through a joint powers agreement among all 18 incorporated cities and the County of San Diego, provides for coordination of plans and programs countywide to ensure protection of life and property.

In 2010, the County and 18 local jurisdictions, including the City of San Diego, adopted the Multi-hazard Mitigation Plan, which is a countywide plan that identifies risks and ways to minimize damage by natural and manmade disasters. The plan is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination (County of San Diego 2011b).

The City of San Diego's disaster prevention and response activities are conducted in accordance with U.S. Department of Homeland Security Office of Domestic Preparedness requirements and incorporate the functions of planning, training, exercising, and execution. The City's disaster preparedness efforts include oversight of the City's Emergency Operations Center (EOC), including being responsible for maintaining the EOC in a continued state of readiness, training City staff and outside agency representatives in their roles and responsibilities, and coordinating EOC operations when activated in response to an emergency or major event/incident (City of San Diego 2008b).

4.9.2 Issue 1: Hazardous Materials/Human Health

Would the project 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, create a significant hazard to the public or environment?

According to the City's Significance Determination Thresholds, impacts associated with hazardous materials/public safety may be significant if:

- Known Contamination Sites: The project site is located on or near known contamination sources. Sources of this information are:
 - San Diego County Environmental Assessment Case Listing
 - State DTSC
 - Other possible sources—Sanborn maps, Fire Department records, topographic/ existing conditions surveys.
 - Site-specific emission data from the San Diego County Air Pollution Control District
 - State Water Resources Control Board
- Human Health: The project site meets one or more of the following criteria:
 - Located within 1,000 feet of a known contamination site
 - Located within 2,000 feet of a known border zone property (also known as a Superfund site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code
 - County of San Diego-DEH site file closed
 - Located in Centre City San Diego, Barrio Logan, or other areas known or suspected to contain contamination sites
 - Located on or near an active or former landfill
 - Located in a designated airport influence area and where the FAA has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration" as required by FAA regulations in the Code of Federal Regulations Title 14 §77.13.

4.9.2.1 Impacts

a. Known Contamination Sites

As detailed in Section 4.9.1.2, the Phase I Environmental Site Assessment prepared for the project included a search of federal, state, and local databases for the project site and the surrounding area, a historical use analysis, a site reconnaissance, and interviews.

Based on the sources referenced in Section 4.9.1.2, the former service station on the project site has the potential to have impacted the site. Soil testing at the site has shown that the residual contamination from the former UST site at 925 Hotel Circle South is at a depth of 10 feet in the northeastern corner. While the development planned for this area previously would have consisted of a parking lot, and substantial grading is not planned for this areathe refined project is proposing the Legacy Vision Center at this location. As discussed in Section 4.9.1(e) above, a soil vapor survey was performed (Appendix J-2) in order to further analyze the potential for health risks to future occupants of the building. Due to the low likelihood of encountering the residual contamination during grading, full-time monitoring of the grading by an environmental professional would not be warranted (M. Lesh, Geocon Senior Project Geologist; pers. comm., 2014). Enrollment in the Voluntary Assistance Program is not required. No other hazardous materials have been reportedly generated and releases/violations have not been reported at the project site.

As indicated in Appendix J-2, volatile total petroleum hydrocarbons (TPHv) and the volatile organic compounds (VOC) benzene, ethylbenzene, m,p-xylenes, naphthalene, isopropylbenzene, and n-propylbenzene were present at concentrations at or above their respective reporting limits in various soil vapor samples. The comparison of the results to the screening levels indicate that the measured TPHv, benzene, and ethylbenzene concentrations in the boring location nearest to the former Chevron gasoline service station exceed respective soil vapor screening levels for future residential and commercial properties. Furthermore, TPHv concentrations in three other locations also exceed the TPH soil vapor screening levels for both future residential and commercial properties. One of the boring locations where soil vapor concentrations exceed the screening levels falls within the future footprint of the Legacy Vision Center building.

The soil vapor study concludes that intrusion of VOC into the proposed Legacy Vision Center is a possibility, unless either a vapor intrusion barrier is implemented into the building design or the contaminated soil is remediated. The applicant has indicated that the contaminated soil would be remediated during project grading. Final grading drawings and project conditions of approval would include the provision to overexcavate the contaminated soil and remove it from the site to a location that is authorized to accept it.

Besides the former Chevron station, threeFour other facilities within approximately 1,000 feet of the project site are referenced as historical auto stations storing or disposing of hazardous materials; a release violation was reported at one site. The potential for these facilities to adversely affect the project is low due to either the lack of reported releases or the closed status of the case. Based on the distances of these facilities from the site, the nature of listings, and the information provided in the referenced databases, the Phase I Environmental Site Assessment concluded that the likelihood that these facilities would adversely impact the project site is low. Impacts associated with hazardous contamination sources would be less than significant.

b. Human Health

Superfund Site

The EnviroStor database search (Appendix J) showed that the project site is not located within 2,000 feet of a known border zone property (also known as a Superfund site), or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code. Impacts would be less than significant.

Asbestos and Lead-containing Materials

The existing structures on-site have potential to contain asbestos and lead, as they were constructed in prior to 1980. Per OSHA (29 CFR 1926.1101 and 29 CFR 1910.1001), insulation, surfacing, asphalt, and vinyl flooring materials prior to 1980 should be assumed to be asbestos-containing materials and handled accordingly. The Mission Valley Inn buildings were largely constructed in the late 1950s and contain materials dating to prior to 1980. However, U.S. EPA, CalEPA, and OSHA heavily regulate both asbestos- and lead-containing materials. Regulations (CFR Part 61, Subpart M; 16 CFR Part 1305; and 16 CFR 1304) and OSHA (29 CFR 1926.1101 and 29 CFR 1910.1001) require proper abatement and disposal of asbestos- and lead-containing materials to protect human health and safety. As the abatement activities would potentially involve over 100 square feet of asbestos-containing materials, asbestos abatement would be completed or overseen by a certified consultant (Title 8, CCR, Article 2.6, Section 341.15). Compliance with these regulations would ensure that impacts associated with asbestos or lead-containing materials would be less than significant.

4.9.2.2 Significance of Impacts

As described in Section 4.9.2.1(a) above, there are four facilities within 1,000 feet of the project site that are listed on various hazardous waste databases. A release violation was reported at one site, but there have been no reported violations for the other three sites. The contaminated soil associated with residual soil vapors associated with the previous Chevron station would be remediated during project grading. Final grading drawings and project conditions of approval shall include the provision to overexcavate the contaminated soil and remove it from the site to a location that is authorized to accept it. Removal of the soil offsite would preclude any significant impacts associated with the residual soil vapors. The potential for these facilities to adversely affect the project is low due to either the lack of reported releases or the closed status of the case. Impacts associated with hazardous contamination sources would be less than significant.

The buildings located on-site have potential to include lead and asbestos-containing materials. Demolition activities therefore have the potential to expose workers and adjacent properties to airborne lead and asbestos. However, proper abatement and disposal of asbestos- and lead-containing materials would be completed or overseen by a certified

consultant pursuant to Title 8, CCR, Article 2.6, Section 341.15). Regulatory compliance would ensure that impacts would be less than significant.

4.9.2.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation would be required.

4.9.3 Issue 2: Hazardous Emissions and Materials

Would the project result in hazardous emissions or include the handling, storage, and treatment of hazardous materials?

4.9.3.1 Impacts

There are no schools within one-quarter-mile of the project site. Four schools are within approximately one-half-mile of the site: Southern States University is to the north, Unitarian Cooperative Preschool is to the east, and Mission Hills Community Preschool and St. Vincent DePaul Elementary School are to the south.

The construction of the project would require the transport, temporary storage, and use of asphalt fuels, paints, and solvents, which could potentially be released and result in exposure to these chemicals. The use and handling of materials associated with the construction of the project would follow all applicable federal, state, and local regulations, including California Occupational Safety and Health Administration, California Department of Transportation, and DEH Hazardous Materials Division. The project would comply with all applicable state and local regulations for hazardous materials and waste management during project construction. Therefore, impacts related to hazardous emissions and materials within a quarter-mile of a school would be less than significant.

4.9.3.2 Significance of Impacts

The project would comply with all applicable state and local regulations for handling of hazardous materials. Compliance with these regulations would ensure that impacts to schools within one-quarter-mile of the project would be less than significant.

4.9.3.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.9.4 Issue 3: Emergency Response

Would the proposal impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

According to the City's Significance Determination Thresholds, impacts associated with hazardous materials/public safety may be significant if the project would:

 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

4.9.4.1 Impacts

The project area is within the service area of the City of San Diego's Fire Department. As discussed in Section 2.3.1 of this report, the San Diego Fire Department strives to meet the national standard requiring an initial response (four-person engine company) within five minutes (90 percent of the time) or an effective fire force (15 firefighters) within nine minutes (90 percent of the time).

The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed changes in circulation have been reviewed by the Fire Department and were determined not to result in an increase in response times or present a constraint to fire/emergency response to the project area. In consultation with the San Diego Fire Department, the project has been designed to comply with emergency access requirements, allowing full-sized fire engines to access the interior of the site and the rear (south side) of the Pavilion (Building #1) and History Dome (Building #3) in the event of an emergency.

4.9.4.2 Significance of Impacts

The project would not result in an increase in response times or present a constraint to fire/emergency response in the area. Impacts would be less than significant.

4.9.4.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant. No mitigation is required.

4.10 Greenhouse Gas Emissions

This section addresses effects of the project with regard to global climate change. In December 2015, the City adopted a Climate Action Plan (CAP) that outlines the actions that the City will undertake to achieve its proportional share of state GHG emission reductions. In conjunction with the CAP, the City requires all projects to prepare CAP Consistency Checklists to show that measures required by the CAP are implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. If project consistency is shown, no further technical studies are required. The CAP Consistency Checklist for the Legacy International Center Project (Checklist) is included as Appendix K. A greenhouse gas (GHG) emissions analysis technical report was prepared for the project by RECON Environmental, Inc. in October 2015. The results and conclusions are summarized below and the report is included in its entirety as Appendix K of this report.

4.10.1 Existing Conditions

To evaluate the incremental effect of the project on statewide greenhouse gas (GHG) emissions and global climate change, it is important to have a basic understanding of the nature of the global climate change problem. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. The earth's climate is in a state of constant flux with periodic warming and cooling cycles. Extreme periods of cooling are termed "ice ages," which may then be followed by extended periods of warmth. For most of the earth's geologic history, these periods of warming and cooling have been the result of many complicated interacting natural factors that include: volcanic eruptions that spew gases and particles (dust) into the atmosphere; the amount of water, vegetation, and ice covering the earth's surface; subtle changes in the earth's orbit; and the amount of energy released by the sun (sun cycles). However, since the beginning of the Industrial Revolution around 1750, the average temperature of the earth has been increasing at a rate that is faster than can be explained by natural climate cycles alone.

With the Industrial Revolution came an increase in the combustion of carbon-based fuels such as wood, coal, oil, natural gas, and biomass. Industrial processes have also created emissions of substances not found in nature. This in turn has led to a marked increase in the emissions of gases shown to influence the world's climate. These gases, termed "greenhouse" gases, influence the amount of heat trapped in the earth's atmosphere. Because recently observed increased concentrations of GHGs in the atmosphere are related to increased emissions resulting from human activity, the current cycle of "global warming" is generally believed to be largely due to human activity. Of late, the issue of global warming or global climate change has arguably become the most important and widely debated environmental issue in the United States and the world. Because it is the

collective of human actions taking place throughout the world that contributes to climate change, it is quintessentially a global or cumulative issue.

4.10.1.1 Implications of Climate Change

The increase in the earth's temperature is expected to have wide-ranging effects on the environment. Although global climate change is anticipated to affect all areas of the globe, there are numerous implications of direct importance to California. Statewide average temperatures are anticipated to increase by between 3 and 10.5 degrees Fahrenheit by 2100. Some climate models indicate that this warming may be greater in the summer than in the winter. This could result in widespread adverse impacts to ecosystem health, agricultural production, water use and supply, and energy demand. Increased temperatures could reduce the Sierra Nevada snowpack and put additional strain on the region's water supply. In addition, increased temperatures could result in lower inversion levels leading to a decrease in air quality. It is important to note that even if GHG emissions were to be eliminated or dramatically reduced, it is projected that the effect of those emissions would continue to affect global climate for centuries.

4.10.1.2 GHGs of Primary Concern

There are numerous GHGs, both naturally occurring and manmade. Table 4.10-1 summarizes some of the most common. Each GHG has variable atmospheric lifetime and global warming potential (GWP).

TABLE 4.10-1
GLOBAL WARMING POTENTIALS (GWPs) AND ATMOSPHERIC LIFETIMES
(YEARS)

Gas	Atmospheric Lifetime	100-year GWP
Carbon dioxide (CO ₂)	50–200	1
Methane (CH ₄)*	12±3	21
Nitrous oxide (N ₂ O)	120	310

SOURCE: U.S. EPA 2010, Annex 6.

The atmospheric lifetime of the GHG is the average time a molecule stays stable in the atmosphere. Most GHGs have long atmospheric lifetimes, staying in the atmosphere hundreds or thousands of years. The potential of a gas to trap heat and warm the atmosphere is measured by its GWP. Specifically, GWP is defined as (U.S. EPA 2010):

^{*}The methane global warming potential (GWP) includes the direct effects and those indirect effects due to the production of tropospheric ozone and stratospheric water vapor. The indirect effect due to the production of CO₂ is not included.

The cumulative radiative forcing—both direct and indirect effects—integrated over a period of time from the emission of a unit mass of gas relative to some reference gas.

The reference gas for establishing GWP is carbon dioxide (CO_2), which has a GWP of 1. As an example, methane (CH_4), while having a shorter atmospheric lifetime than CO_2 , has a 100-year GWP of 21, which means that it has a greater global warming effect than CO_2 on a molecule-by-molecule basis.

All of the gases in Table 4.10-1 are produced by both biogenic (natural) and anthropogenic (human) sources. These are the GHGs of primary concern in this analysis. CO_2 would be emitted by the project due to the combustion of fossil fuels in vehicles (including construction), from electricity generation and natural gas consumption, water use, and from solid waste disposal. Smaller amounts of CH_4 and nitrous oxide (N_2O) would be emitted from the same project operations.

4.10.1.3 State and Regional GHG Inventories

California Air Resources Board (CARB) performs statewide GHG inventories. The inventory is divided into nine broad sectors of economic activity: agriculture, commercial, electricity generation, forestry, high GWP emitters, industrial, recycling and waste, residential, and transportation. Emissions are quantified in million metric tons of CO₂ equivalent (MMT CO₂E). Table 4.10-2 shows the estimated statewide GHG emissions for the years 1990, 2008 and 2011.

TABLE 4.10-2
CALIFORNIA GHG EMISSIONS BY SECTOR IN 1990, 2008, AND 2011

	1990 ¹	2008 ³	2011
	Emissions in	Emissions in	Emissions in
_	MMT CO ₂ E	MMT CO ₂ E	MMT CO ₂ E
Sector	(% total) ²	(% total) ²	(% total) ²
Sources			
Agriculture	23.4 (5%)	33.88 (7%)	32.24 (7%)
Commercial	14.4 (3%)	15.56 (3%)	15.62 (3%)
Electricity Generation	110.6 (26%)	120.14 (25%)	86.57 (19%)
High GWP		11.48 (2%)	15.17 (3%)
Industrial	103.0 (24%)	89.27 (18%)	93.24 (21%)
Recycling and Waste		6.69 (1%)	7.0 (2%)
Residential	29.7 (7%)	29.03 (6%)	29.85 (7%)
Transportation	150.7 (35%)	177.16 (37%)	168.42 (38%)
Forestry (Net CO ₂ flux)	-6.69		
Not Specified	1.27		
TOTAL	426.6	483.22	448.11

SOURCE: California Energy Commission 2014, CARB 2007, CARB 2013

As shown in Table 4.10-2, statewide GHG source emissions totaled 427 MMT CO₂E in 1990, 483 MMT CO₂E in 2008, and 448 MMT CO₂E in 2011. Many factors affect year-to-year changes in GHG emissions, including economic activity, demographic influences, environmental conditions such as drought, and the impact of regulatory efforts to control GHG emissions. While CARB has adopted multiple GHG emission reduction measures, the effect of those reductions will not be seen until around 2015. According to CARB, most of the reductions since 2008 have been driven by economic factors (recession), previous energy-efficiency actions, and the renewable portfolio standard (CARB 2013). Transportation-related emissions consistently contribute the most GHG emissions, followed by electricity generation and industrial emissions.

The forestry sector is unique because it not only includes emissions associated with harvest, fire, and land use conversion (sources), but also includes removals of atmospheric CO_2 (sinks) by photosynthesis, which is then bound (sequestered) in plant tissues.

A San Diego regional emissions inventory was prepared by the University of San Diego School of Law, Energy Policy Initiative Center that took into account the unique characteristics of the region. Their 2006 emissions inventory for San Diego is duplicated in Table 4.10-3. The sectors included in this inventory are somewhat different from those in the statewide inventory, which is based on the 2008 Scoping Plan categories.

¹⁹⁹⁰ data was retrieved from the CARB 2007 source.

²Percentages may not total 100 due to rounding.

³2008 and 2011 data was retrieved from the CARB 2013 source.

⁴Reported emissions for key sectors. The inventory totals for 2008 and

²⁰¹¹ did not include Forestry or Not Specified sources.

TABLE 4.10-3
SAN DIEGO COUNTY GHG EMISSIONS BY SECTOR IN 2006

	2006 Em	iccione
0	2006 Emissions	
Sector	in MMT CO ₂ E (% total) ¹	
Agriculture/Forestry/Land Use	0.7	2%
Waste	0.7	2%
Electricity	9.0	25%
Natural Gas Consumption	3.0	8%
Industrial Processes & Products	1.6	5%
On-road Transportation	16.0	45%
Off-road Equipment and Vehicles	1.3	4%
Civil Aviation	1.7	5%
Rail	0.3	<1%
Waterborne Navigation	0.127	<0.5%
Other Fuels/Other	1.1	3%
TOTAL	35.5	

SOURCE: University of San Diego 2008.

Similar to the statewide emissions, transportation-related GHG emissions contributed the most countywide, followed by emissions associated with energy use.

4.10.1.4 On-site Greenhouse Gas Emission Sources

Current sources of on-site GHG emissions are associated with the vehicle use, energy use, water use, area sources (landscaping and other equipment use) and waste disposal practices of existing land uses. Existing land uses include the hotel, restaurant, and liquor store. The existing Frog's Health Club and gas station are currently vacant and, therefore, they are not significant sources of GHG emissions.

4.10.1.5 Regulatory Framework

In response to rising concern associated with increasing GHG emissions and global climate change impacts, several plans and regulations have been adopted at the international, national, and state levels with the aim of reducing GHG emissions. The following is a discussion of the federal, state, and local plans and regulations most applicable to the project.

a. Federal

The federal government, U.S. Environmental Protection Agency (U.S. EPA), and other federal agencies have many federal level programs and projects to reduce GHG emissions.

¹Percentages may not total 100 due to rounding.

Environmental Protection Agency

The U.S. EPA has many federal level programs and projects to reduce GHG emissions. The U.S. EPA provides technical expertise and encourages voluntary reductions from the private sector. One of the voluntary programs applicable to the proposed project is the Energy Star program.

Energy Star is a joint program of U.S. EPA and the U.S. Department of Energy, which promotes energy-efficient products and practices. Tools and initiatives include the Energy Star Portfolio Manager, which helps track and assess energy and water consumption across an entire portfolio of buildings, and the Energy Star Most Efficient 2013, which provides information on exceptional products that represent the leading edge in energy-efficient products in the year 2013 (U.S. EPA 2013).

The U.S. EPA also partners with the public sector, including states, tribes, localities, and resource managers, to encourage smart growth, sustainability preparation, and renewable energy and climate change preparation. These initiatives include the Clean Energy – Environment State Partnership Program, the Climate Ready Water Utilities Initiative, the Climate Ready Estuaries Program, and the Sustainable Communities Partnership (U.S. EPA 2014).

Corporate Average Fuel Economy Standards

The project would generate additional vehicle trips. These vehicles would consume fuel and would result in GHG emissions. The federal Corporate Average Fuel Economy (CAFE) standards determine the fuel efficiency of certain vehicle classes in the U.S. While the standards had not changed since 1990, as part of the Energy and Security Act of 2007, the CAFE standards were increased in 2007 for new light-duty vehicles to 35 miles per gallon (mpg) by 2020. In May 2009, plans were announced to further increase CAFE standards to require light-duty vehicles to meet an average fuel economy of 35.5 mpg by 2016. In August 2012, fuel economy standards were further increased to 54.5 mpg for cars and light-duty trucks by Model Year 2025. This will nearly double the fuel efficiency of those vehicles compared to new vehicles currently on our roads. With improved gas mileage, fewer gallons of transportation fuel would be combusted to travel the same distance, thereby reducing nationwide GHG emissions associated with vehicle travel.

b. State

The State of California has adopted a number of plans and regulations aimed at identifying statewide and regional GHG emissions caps, GHG emissions reduction targets, and actions and timelines to achieve the target GHG reductions.

Executive Order S-3-05

Executive Order (EO) S-3-05, signed by Governor Schwarzenegger on June 1, 2005, established the following GHG emission reduction targets for the state of California:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020 reduce GHG emissions to 1990 levels;
- By 2050 reduce GHG emissions to 80 percent below 1990 levels.

Executive Order B-30-15

EO B-30-15, issued on April 29, 2015, establishes an interim GHG emission reduction goal for the state of California by 2030 of 40 percent below 1990 levels. Pursuant to this EO, CARB is expected to develop statewide inventory projection data for 2030, as well as commence its efforts to identify reduction strategies capable of securing emission reductions that allow for achievement of the EO's new interim goal.

Assembly Bill 32

In response to EO S-3-05, the California legislature passed Assembly Bill (AB) 32 (Nuñez), the "California Global Warming Solutions Act of 2006." AB 32 codified the 2020 emission reduction target from EO S-3-05, and requires CARB to adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. CARB is also required to publish a list of discrete GHG emission reduction measures.

As directed by AB 32, the Climate Change Scoping Plan (Scoping Plan) prepared by CARB in December 2008 includes measures to reduce statewide GHG emissions to 1990 levels by 2020. These reductions are what CARB identified as necessary to reduce business as usual (BAU) 2020 emissions. CARB will update the Scoping Plan at least once every five years to allow evaluation of progress made and to correct the Scoping Plan's course where necessary. The First Update to the Scoping Plan was recently approved in May 2014 (CARB 2014). The First Update defines CARB's priorities for the next five years and sets the groundwork to reach long-term goals set forth in EO S-3-05. Table 4.10-4 summarizes the Scoping Plan-recommended GHG reduction measures, which will contribute toward achieving the 2020 statewide reduction goal.

The Scoping Plan reduction measures and complementary regulations are described further below, grouped under the two headings of Transportation-related Measures and Non-transportation-related Measures as representative of the sectors to which they apply.

Transportation-related Measures

AB 1493—Pavley GHG Vehicle Standards

AB 1493 (Pavley) directed CARB to adopt vehicle standards that lowered GHG emissions from passenger vehicles and light-duty trucks to the maximum extent technologically feasible, beginning with the 2009 model year. CARB has adopted amendments to its regulations that would enforce AB 1493 but provide vehicle manufacturers with new compliance flexibility. With these actions, the 2010 projections (post-economic downturn) estimate that Pavley I and the Advanced Clean Cars, a program that regulates smog and emissions for model years 2017 through 2025, will reduce GHG emissions from passenger vehicles by a total of 29.9 MMT CO₂E, 37 percent of the total 80 MMT CO₂E reduction target. CARB has also adopted a second phase of the Pavley regulations, termed "Pavley II," now called the Low Emission Vehicle III (LEV III) Standards, which covers model years 2017 to 2025. The estimated reductions from this measure are expected to be quantified in the 2013 Scoping Plan update. These reductions are to come from improved vehicle technologies such as small engines with superchargers, continuously variable transmissions, and hybrid electric drives.

EO S-01-07—Low Carbon Fuel Standard

EO S-01-07 directed that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020 through a Low Carbon Fuel Standard (LCFS). CARB adopted the LCFS as a discrete early action measure pursuant to AB 32 and includes it as a reduction measure in its Scoping Plan. The LCFS is a performance standard with flexible compliance mechanisms intended to incentivize the development of a diverse set of clean low-carbon transportation fuel options. Its aim is to accelerate the availability and diversity of low-carbon fuels such as biofuels, electricity, and hydrogen by taking into consideration the full life cycle of GHG emissions.

Senate Bill 375—Regional Emissions Targets

Senate Bill 375 requires CARB to set regional targets for reducing passenger vehicle GHG emissions in accordance with the Scoping Plan measure described above. Its purpose is to align regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation to reduce GHG emissions by promoting high-density, mixed-use developments around mass transit hubs.

TABLE 4.10-4 CARB SCOPING PLAN-RECOMMENDED GHG REDUCTION MEASURES

Recommended Reduction Measures	Towards 2	s Counted 020 Target TCO ₂ E otal) ²
ESTIMATED REDUCTIONS RESULTING FROM THE COMBINATION OF CAPPED SECTORS AND COMPLEMENTARY MEASURES	146.7	,
California Light-duty Vehicle Greenhouse Gas Standards	31.7	(22%)
 Implement Pavley Standards 		
 Develop LEV III light-duty vehicle standards 		
Energy Efficiency	26.3	(18%)
 Building/appliance efficiency, new programs, etc. 		
 Increase combined heat and power generation by 30,000 		
gigaWatts (GWh)		
 Solar Water Heating (AB 1470 goal) 		
Renewables Portfolio Standard (RPS) (33% by 2020)	21.3	(14%)
Low Carbon Fuel Standard	15.0	(10%)
Regional Transportation-related GHG Targets ¹	5.0	(4%)
Vehicle Efficiency Measures	4.5	(3%)
Goods Movement	3.7	(3%)
 Ship Electrification at Ports 		
System-wide Efficiency Improvements		
Million Solar Roofs	2.1	(2%)
Medium/Heavy Duty Trucks	1.4	(<1%)
 Heavy-duty Vehicle Greenhouse Gas Emissions Reduction 		
(Aerodynamic Efficiency)		
 Medium- and Heavy-duty Vehicle Hybridization 		
High Speed Rail	1.0	(<1%)
Industrial Measures (for sources covered under cap & trade program)	0.3	(<.5%)
Refinery Measures		
 Energy Efficiency and Co-Benefits Audits 		
Additional Reductions Necessary to Achieve the Cap	34.4	(23%)
ESTIMATED REDUCTIONS RESULTING FROM UNCAPPED SECTORS	27.3	
Industrial Measures (for sources not covered under cap & trade	1.1	
program)		
Oil and Gas Extraction and Transmission		
High Global Warming Potential Gas Measures	20.2	
Sustainable Forests	5.0	
Recycling and Waste (landfill methane capture)	1.0	
TOTAL REDUCTIONS COUNTED TOWARDS 2020 TARGET	174.0 ³	

SOURCE: Table 2 of CARB 2008.

¹This number represents an estimate of what may be achieved from local land use changes. It is not the Senate Bill 375 regional target. CARB will establish regional targets for each Metropolitan Planning Organization following input of the Regional Targets Advisory Committee and a public stakeholders' consultation process per Senate Bill 375.

stakeholders' consultation process per Senate Bill 375.

Percentages are relative to the capped sector subtotal of 146.7 MMTCO₂E, and may not total 100 due to rounding.

³The total reduction for the recommended measures slightly exceeds the 169 MMTCO2E of reductions estimated in the BAU 2020 Emissions Forecast. This is the net effect of adding several measures and adjusting the emissions reduction estimates for some other measures.

Tire Pressure Program

The purpose of this regulation is to reduce GHG emissions from vehicles operating with inflated tires by inflating them to the recommended tire pressure rating. Automotive service providers, among other requirements, must check and inflate each vehicle's tires to the recommended tire pressure rating at the time of performing any automotive maintenance or repair service; indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the service were performed; and keep a copy of the service invoice for a minimum of three years and make the vehicle service invoice available to the CARB or its authorized representative upon request.

Non-transportation-related Measures

In the energy sector, Scoping Plan measures aim to provide better information and overcome institutional barriers that slow the adoption of cost-effective energy-efficiency technologies. They include enhanced energy-efficiency programs to provide incentives for customers to purchase and install more efficient products and processes, and building and appliance standards to ensure that manufacturers and builders bring improved products to market. Over the long term, the recommended measures will increase the amount of electricity from renewable energy sources and improve the energy efficiency of industries, homes, and buildings. While energy efficiency accounts for the largest emissions reductions from this sector, other applicable land development measures—such as water conservation materials use and waste reduction, and green building design and development practices—achieve additional emissions reduction. The project would result in additional non-transportation-related GHG emissions. The following is a discussion of those applicable to the proposed project.

Renewables Portfolio Standard

The Renewables Portfolio Standard (RPS) promotes diversification of the state's electricity supply. Originally adopted with a goal to achieve a 20 percent renewable energy mix by 2020, the goal has been accelerated and increased to a goal of 33 percent by 2020 and 50 percent by 2030. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. Increasing the RPS to 33 percent accelerates the transformation of the electricity sector, including investment in the transmission infrastructure and systems changes to allow integration of large quantities of intermittent wind and solar generation. Increased use of renewables would decrease California's reliance on fossil fuels, thus reducing emissions of GHGs from the electricity sector. As part of the 2008 Scoping Plan original estimates, CARB estimated that full achievement of the RPS 2020 goal would decrease statewide GHG emissions by 21.3 MMT CO_2E (CARB 2008).

California Code of Regulations, Title 24, Part 6—California Energy Code

The California Code of Regulations, Title 24, Part 6 is the California Energy Code. This code establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy consumption. The Energy Code is updated periodically to incorporate and consider new energy-efficiency technologies and methodologies as they become available. The most recent amendments to the Energy Code, known as 2013 Title 24 or the 2013 Energy Code became effective January 1, 2014. Based on an impact analysis prepared by the California Energy Commission (CEC 2013), 2013 Title 24 provides a 23.3 percent increased electricity use efficiency and 3.8 percent increased natural gas use efficiency for multi-family residences over the 2008 Energy Code. Non-residential structures are estimated to achieve a 21.8 and 16.8 percent increase in electricity and natural gas efficiencies, respectively. Many of the state's long-term energy and GHG reduction goals identify energy-saving targets relative to 2005 Title 24. The 2016 Energy Code becomes effective January 1, 2017.

New construction and major renovations must demonstrate their compliance with the current Energy Code through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the California Energy Commission. The compliance reports must demonstrate a building's energy performance through the use of California Energy Commission-approved energy performance software that shows iterative increases in energy efficiency given selection of various heating, ventilation, and air conditioning; sealing; window glazing; insulation; and other components related to the building envelope. Title 24 governs energy consumed by the major building envelope systems such as space heating, space cooling, water heating, some aspects of the fixed lighting system, and ventilation. Non-building energy use, or "plug-in" energy use (such as appliances, equipment, electronics, plug-in lighting), are independent of building design and are not subject to Title 24.

California Code of Regulations, Title 24, Part 11—California Green Building Standards

CalGreen instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial and low-rise residential buildings and state-owned buildings, schools, and hospitals. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory requirements and may adopt CalGreen with amendments for stricter requirements.

The mandatory standards require:

- 20 percent mandatory reduction in indoor water use relative to specified baseline levels;
- 50 percent construction/demolition waste diverted from landfills;

- mandatory inspections of energy systems to ensure optimal working efficiency;
- requirements for low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;
- Dedicated circuitry to facilitate installation of electric vehicle charging stations in newly constructed attached garages for single-family and duplex dwellings; and
- Installation of electric vehicle charging stations at least 3 percent of the parking spaces for all new multi-family developments with 17 or more units.

The voluntary standards include:

- Tier I—15 percent improvement in energy requirements, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste, 10 percent recycled content, 20 percent permeable paving, 20 percent cement reduction, cool/solar reflective roof; and
- Tier II—30 percent improvement in energy requirements, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste, 15 percent recycled content, 30 percent permeable paving, 30 percent cement reduction, cool/solar reflective roof.

Similar to the compliance reporting procedure described above for demonstrating code compliance under Title 24 Part 6,in new buildings and major renovations, compliance with the CalGreen water reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. The water use compliance form must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CalGreen or a reduced per-plumbing-fixture water-use rate.

The CARB Scoping Plan includes a Green Building Strategy with the goal of expanding the use of green building practices to reduce the carbon footprint of new and existing buildings. Consistent with CalGreen, the Scoping Plan recognized that GHG reductions would be achieved through buildings that exceed minimum energy-efficiency standards, decrease consumption of potable water, reduce solid waste during construction and operation, and incorporate sustainable materials. Green building is thus a vehicle to achieve the Scoping Plan's statewide electricity and natural gas efficiency targets, and lower GHG emissions from waste and water transport sectors.

c. Local

City of San Diego Climate Action Plan

In December 2015, the City adopted its CAP. The CAP identifies measures to meet GHG reduction targets for 2020 and 2035. The CAP consists of a 2010 inventory of GHG

emissions, a BAU projection for emissions at 2020 and 2035, state targets, and emission reductions with implementation of the CAP. The City identifies GHG reduction strategies focusing on energy- and water-efficient buildings; clean and renewable energy; bicycling, walking, transit, and land use; zero waste; and climate resiliency. Accounting for future population and economic growth, the City projects GHG emissions will be approximately 15.9 MMTCO₂E in 2020 and 16.7 MMTCO₂E in 2035. To achieve its proportional share of the state reduction targets for 2020 (AB 32) and 2050 (EO S-3-05), the City would need to reduce emissions below the 2010 baseline by 15 percent in 2020 and 50 percent by 2035. To meet these goals, the City must implement strategies that reduce emissions to approximately 11.0 MMTCO₂E in 2020 and 6.5 MMTCO₂E in 2035. Through implementation of the CAP, the City is projected to reduce emissions even further below targets by 1.2 MMTCO₂E by 2020 and 205,462 MTCO₂E by 2035.

As a means to implement the CAP, the City created a checklist utilized by projects to assure compliance with the measures identified in the CAP.

Climate Protection Action Plan

The City developed a Climate Protection Action Plan (CPAP) that identifies policies and actions to decrease GHG emissions from City operations (City of San Diego 2005). Recommendations are included in CPAP for transportation-related measures, such as increasing carpooling and transit ridership, improving bicycle lanes, and converting the City vehicle fleet to low-emission or non-fossil-fueled vehicles. Recommendations in the CPAP for energy and other non-transportation emissions reductions include increasing building energy efficiency (i.e., requiring that all City projects achieve the U.S. Green Building Council's Leadership in Energy and Environmental Design Silver standard), reducing waste from City operations, continuing use of landfill CH₄-as an energy source; reducing the urban heat island by avoiding dark roofs and roads which absorb and retain heat; and increasing shade tree and other vegetative cover plantings.

Because of City actions implemented prior to adoption of the CPAP, moderate GHG emissions reductions were reported in the CPAP. City actions taken to capture CH₄ gas from solid waste landfills and sewage treatment plants resulted in the largest decrease in GHG emissions. The 2008 amended City General Plan includes a Policy CE-A.13 to regularly monitor and update the CPAP.

Sustainable Building Policies

In several of its policies, the City aims to reduce GHG emissions by requiring sustainable development practices in City operations and incentivizing sustainable development practices in private development. In Council Policy 900-14—Green Building Policy, Council Policy 900-16—Community Energy Partnership, and the updated Council Policy 900-14—Sustainable Buildings Expedite Program, the City establishes a mandate for all City projects to achieve the U.S. Green Building Council's Leadership in Energy and Environmental

Design Silver standard for all new buildings and major renovations over 5,000 square feet. Incentives are also provided to private developers through the Expedite Program, which expedites project review of green building projects and discounts project review fees.

The City has also enacted codes and policies aimed at helping the City achieve the state's 50 percent waste diversion mandate, including: the Refuse and Recyclable Materials Storage Regulations (Municipal Code Chapter 14, Article 2, Division 8), Recycling Ordinance (O-19678 Municipal Code Chapter 6, Article 6, Division 7), and the Construction and Demolition Debris Deposit Ordinance (0-19420 & 0-19694 Municipal Code Chapter 6, Article 6, Division 6). In 2011, the target for waste diversion was increased in AB 341 from 50 percent to 75 percent. The goal is a statewide goal, but the state agency imposed requirements on local governments to move toward this goal through mandatory recycling ordinances.

City of San Diego General Plan

The City General Plan includes several climate change-related policies aimed at reducing GHG emissions from future development and City operations (City of San Diego 2008a). For example, Conservation Element policy CE-A.2 aims to "reduce the City's carbon footprint" and to "develop and adopt new or amended regulations, programs, and incentives as appropriate to implement the goals and policies set forth" related to climate change. The Land Use and Community Planning Element; Mobility Element; Urban Design Element; and Public Facilities, Services, and Safety Element also identify GHG reduction and climate change adaptation goals. These elements contain policy language related to sustainable land use patterns, alternative modes of transportation, energy efficiency, water conservation, waste reduction, and greater landfill efficiency. The overall intent of these policies is to support climate protection actions, while retaining flexibility in the design of implementation measures, which could be influenced by new scientific research, technological advances, environmental conditions, or state and federal legislation.

Cumulative impacts of GHG emissions were qualitatively analyzed and determined to be significant and unavoidable in the Program Environmental Impact Report for the General Plan (City of San Diego 2008b). A Program Environmental Impact Report Mitigation Framework was included that indicated "for each future project requiring mitigation (measures that go beyond what is required by existing programs, plans, and regulations), project-specific measures will [need to] be identified with the goal of reducing incremental project-level impacts to less than significant; or the incremental contributions of a project may remain significant and unavoidable where no feasible mitigation exists" (City of San Diego 2008a).

4.10.2 Issue 1: Greenhouse Gas Emissions

Would the proposal generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

The City has not adopted its own GHG Thresholds of Significance for California Environmental Quality Act, and is following guidance from the California Air Pollution Control Officers Association (CAPCOA) report CEQA & Climate Change, dated January 2008, for interim screening criteria to determine when a GHG analysis would be required (City of San Diego 2010) to determine when a cumulatively significant contribution of GHGs has occurred.

Although the CAPCOA criteria are interim guidance, they represent a good faith effort to evaluate whether GHG impacts from a project are significant, taking into account the type and location of the proposed development, the best available scientific data regarding GHG emissions, and the current statewide goals and strategies for reduction of GHG emissions.

Projects are evaluated first against a screening level threshold of 900 metric tons of CO₂ equivalent (MTCO₂E). Projects that would surpass the 900 MTCO₂E screening threshold require a detailed GHG analysis, which would include a BAU analysis and a GHG reduction measure analysis to demonstrate that the regulation and project design features will achieve a 28.3 percent emissions reduction.

4.10.2.1 Impacts

To evaluate the project's net GHG emissions, emissions were calculated using the CalEEMod program. The emissions sources include construction (off-road vehicles), mobile (on-road vehicles), area (consumer products [cleansers, aerosols, solvents], landscape maintenance equipment, architectural coatings), water and wastewater, and solid waste sources. Calculation and methodology details are contained in Appendix K. The following is a brief discussion of each emission source.

a. Estimating Construction Emissions

Construction activities emit GHGs primarily though combustion of fuels (mostly diesel) in the engines of off-road construction equipment and through combustion of diesel and gasoline in on-road construction vehicles and the commute vehicles of the construction workers. Smaller amounts of GHGs are also emitted through the energy use embodied in water use for fugitive dust control. Every phase of the construction process, including demolition, grading, paving, and building, emits GHGs in volumes proportional to the quantity and type of construction equipment used.

Construction emissions are calculated for each year of construction activity, and amortized over 30 years and added to operational GHG emissions (SCAQMD 2009).

b. Estimating Vehicle Emissions

GHG emissions from vehicles come from the combustion of fossil fuels in vehicle engines. The vehicle emissions are calculated based on the vehicle type and the trip rate for each land use.

The project would generate 4,477 Average Daily Traffic. A main project objective is to provide a mix of timeshare, retail, entertainment, recreational, and administrative/office uses that would provide a range of activities and amenities for visitors and employees on-site. It is anticipated that most visitors of the project would have extended stays at the project site and visit a variety of buildings and uses within the site, thus reducing vehicle trips. The project would also provide shuttle services to transfer visitors between major transportation hubs as well as other popular tourist destinations. Vehicle emission calculations take this into account as well as the Low Carbon Fuel Standard, Tire Pressure Program, and of Low Emission Vehicles III.

c. Estimating Energy Use Emissions

GHGs are emitted as a result of activities in buildings for which electricity and natural gas are used as energy sources. GHGs are generated during the generation of electricity from fossil fuels off-site in power plants. These emissions are considered indirect, but are calculated in association with a building's operation.

The project would be subject to 2013 Title 24 Part 6 standards. Based on compliance with current (2013) Title 24 standards, 21.8 percent increase in electricity efficiency and 16.8 percent increase in natural gas efficiency over the 2008 standards. Additionally, the energy use emissions for the project are reduced by 27 percent to reflect the effect of the state RPS on the energy supplied in California.

d. Estimating Area Source Emissions

Area sources include GHG emissions that would occur from the use of landscaping equipment, as well as from the use of consumer products and architectural coatings. The use of landscape equipment emits GHGs associated with the equipment's fuel combustion. The landscaping equipment values were derived from the 2011 In-Use Off-Road Equipment Inventory Model (CARB 2011).

e. Estimating Water and Wastewater Emissions

The amount of water used and wastewater generated by a project has indirect GHG emissions associated with it. These emissions are a result of the energy used to supply, distribute, and treat the water and wastewater. In addition to the indirect GHG emissions associated with energy use, wastewater treatment can directly emit both CH₄ and N₂O.

GHG emissions associated with supplying and treating the water and wastewater are calculated for this project. The project will be subject to 2013 Title 24 Part 11 standards, also known as the California Green Building Standards, which include a 20 percent increase in water use efficiency.

f. Estimating Solid Waste Emissions

The disposal of solid waste produces GHG emissions from anaerobic decomposition in landfills, incineration, and transportation of waste. To calculate the GHG emissions generated by disposing of solid waste for the project, the total volume of solid waste was calculated using waste disposal rates identified by California Department of Resources Recycling and Recovery.

g. Existing GHG Emissions

In order to determine the net increase of GHG emissions generated at the site, this analysis must determine the existing emissions generated at the site. As identified in the existing conditions, the existing hotel, restaurant, and liquor store are existing GHG emission sources. Conservatively, 2005 Title 24 standards were utilized to estimate emissions associated with these uses ¹. Trip generation rates for the existing land uses were obtained from the project traffic report. As shown in Table 4.10-5, existing land uses on the project site would emit 3,677 MT CO₂E annually based on year 2020 conditions.

TABLE 4.10-5
EXISTING LAND USES 2020 GHG EMISSION ESTIMATES
(annual MT CO₂E)

Emission Source	
Sector	Emissions
Area	0
Energy	1,944
Mobile	1,640
Water	66
Solid Waste	27
TOTAL	3,677

⁴Emission sources may not sum up to total due to independent rounding.

⁴ As the majority of the structures on-site were constructed circa 1956 prior to 2005 energy efficiency standards, the existing structures likely consume more electricity than estimated and have a lower energy efficiency than assumed in this analysis. Thus, the energy-efficiency standards used in this analysis are conservative.

h. Net Project GHG Emissions

As part of the project, all existing land uses would be removed and associated existing traffic would be eliminated. The proposed project would generate new emissions through the proposed land uses, including emissions from vehicles (area source), energy use, area sources, water use, solid waste disposal, and construction. Table 4.10-6 summarizes the existing on-site GHG emissions (see Section 4.10.1.4) as well as the GHG emissions due to the project.

TABLE 4.10-6
PROJECT (2020) GHG EMISSIONS
(MT CO2E PER YEAR)

	Existing Land	Proposed	
	Uses GHG	Project GHG	
Emission Source Sector	Emissions	Emissions	Net Change
Area	0	102	102
Energy	1,944	678	-1266
Mobile	1,640	2,460	820
Water	66	294	228
Solid Waste	27	157	130
Construction	0	38	38
Total Project Emissions	3,677	3,691	14

SOURCE: CalEEMod Version 2013.2.2 (Appendix K) NOTE: Totals may vary due to independent rounding

As shown, the removal of the existing uses would reduce emissions by 3,677 MT CO₂E annually, and the addition of the proposed uses would increase emissions by 3,691 MT CO₂E annually. While the new buildings would be larger than the existing occupied buildings, construction of new structures in compliance with the new Title 24 regulations would greatly increase the building efficiencies and would effectively reduce the GHG emissions per square foot. Overall, the project would result in a net increase of GHG emissions of approximately 14 MT CO₂E in 2020.

4.10.2.2 Significance of Impacts

Based on this analysis, the project's net GHG emissions would not exceed the City's 900 MTCO₂E threshold, and a detailed analysis demonstrating that the project would reduce GHG emissions by 28.3 percent when compared to BAU is not required. As the project would not exceed 900 MTCO₂E, impacts associated with the project's contribution of GHGs to cumulative statewide emissions would be less than significant.

4.10.2.3 Mitigation, Monitoring, Reporting

Impacts would be less than significant. No mitigation is required.

4.10.32 Issue 12: Consistency with Adopted GHG Plans, Policies, and Regulations

Would the proposal conflict with any applicable plan, policy, or regulation of an agency, including the City CAP, adopted for the purpose of reducing the emissions of GHG?

4.10.32.1 Impacts

Executive Orders S-3-05 and B-30-15 established GHG emission reduction targets for the state, and AB 32 codified the 2020 goal of Executive Order S-3-05 and launched the Climate Change Scoping Plan that outlined the reduction measures needed to reach these targets. As demonstrated under Issue 1, using the City's methodology, project-related net increase in GHG emissions were shown to be less than 900 MT CO₂E and would result in a less than significant impact. The project would therefore be consistent with the state reduction targets for transportation, energy, and other emissions associated with land use and development, and would be consistent with the Scoping Plan. The project's energy-efficiency reductions are also consistent with state GHG reduction goals and climate change adaptation strategies. The project is also consistent with green building strategies recommended in the State Climate Change Scoping Plan.

The City of Villages Strategy of the City's General Plan (City of San Diego 2008a) aims to direct compact growth in limited areas that are served by transit. Policies that address local GHG mitigation strategies in the City are integrated within the General Plan. Together, this collection of policies supports and promotes the adopted recommendations outlined in the City's Climate Action Plan and provides a mechanism for the City to achieve the goals of AB 32 and the CARB Scoping Plan at a program level. Thus, findings are based on the project's consistency with General Plan policies.

Policies within the General Plan have been designed to reduce GHG emissions. Specifically, the General Plan includes Conservation, Land Use and Community Planning, Mobility, and Urban Design elements that include several policies aimed at reducing GHG emissions from target emission sources and/or aimed at adapting to climate change. These policies are also consistent with green building strategies recommended in the State Climate Change Scoping Plan and several of the measures identified in the 2010 <u>California Air Pollution Control Officers Association (CAPCOA)</u> GHG Mitigations Measures report. Table 4.10-75 summarizes the project's consistency with applicable General Plan policies.

TABLE 4.10-75 PROJECT CONSISTENCY WITH GENERAL PLAN POLICIES

Policy Number	Policy	Project Consistency
CE-A.5	Employ sustainable or "green" building techniques for the construction and operation of buildings. Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings.	The project would be constructed to be consistent with 2013 Title 24 Part 6 requirements, which represent a 25 percent increase in energy efficiency over the previous 2008 Title 24.
CE-A.8	Reduce construction and demolition waste in accordance with the Public Facilities Element, Policy PF-I.2, or by renovating or adding on to existing buildings, rather than constructing new buildings.	Project construction and waste will be reduced in accordance with PF-1.2.
CE-A.11	 Implement sustainable landscape design and maintenance. Use integrated pest management techniques, where feasible, to delay, reduce, or eliminate dependence on the use of pesticides, herbicides, and synthetic fertilizers. Decrease the amount of impervious surfaces in developments, especially where public places, plazas, and amenities are proposed to serve as recreation. Strategically plant deciduous shade trees, evergreen trees, and drought tolerant native vegetation, as appropriate, to contribute to sustainable development goals. Reduce use of lawn types that require high levels of irrigation. Strive to incorporate existing mature trees and native vegetation into site designs. Minimize the use of landscape equipment powered by fossil fuels. Implement water conservation measures in site/building design and landscaping. Encourage the use of high-efficiency irrigation technology and recycled site water to reduce the use of potable water for irrigation. Use recycled water to meet the needs of development projects to the maximum extent feasible. 	The project would be consistent with 2013 Title 24 Part 11 requirements, which require a 20 percent water reduction. The project would also implement best management practices to create a sustainable landscape design and maintenance.

TABLE 4.10-75 PROJECT CONSISTENCY WITH GENERAL PLAN POLICIES (continued)

Policy Number	Policy	Project Consistency
CE-F.6	Encourage and provide incentives for the use of alternatives to single-occupancy vehicle use, including using public transit, carpooling, vanpooling, teleworking, bicycling, and walking. Continue to implement programs to provide City employees with incentives for the use of alternatives to single-occupancy vehicles.	The project is located in an area that is served by local transit, which would encourage the use of public transportation to reduce vehicle trips. Additionally, a main project objective is to provide a mix of timeshare, retail, entertainment, recreational, and administrative/office uses that would provide a range of activities and amenities for visitors and employees on site. It is anticipated that most visitors of the project would have extended stays at the project site and visit a variety of buildings and uses within the site, thus reducing vehicle trips. The project would also provide shuttle services to transfers visitors between major transportation hubs as well as other popular tourist destinations. The project would also encourage pedestrian activity through the provision of walkways/trails, a linear greenbelt with water features, courtyards/plazas, an outdoor bazaar and underground educational catacombs that serve as pedestrian passageways between buildings.
CE-I.4	Maintain and promote water conservation and waste diversion programs to conserve energy.	The project would be consistent with 2013 Title 24 Part 11 requirements.
ME-A.8	Encourage a mix of uses in villages, commercial centers, transit corridors, employment centers and other areas as identified in community plans so that it is possible for a greater number of short trips to be made by walking.	The project is located in a developed area and would provide a mix of timeshare, retail, entertainment, recreational, and administrative/office uses on site, thus promoting increased walking and decrease VMTs. See also CE-F.6.
ME-E.3	Emphasize the movement of people rather than vehicles.	See ME-A.8 and CE-F.6.

TABLE 4.10-75 PROJECT CONSISTENCY WITH GENERAL PLAN POLICIES (continued)

Policy Number	Policy	Project Consistency
ME-E.6	Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle-friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing TDM strategies such as car sharing vehicles and parking spaces, bike lockers, preferred rideshare parking, showers and lockers, on-site food service, and child care, where appropriate.	
UD-A.4	Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.	The project would be constructed to consistent with 2013 Title 24 Parts 6 and 11 which would increase energy and water use efficiencies.

The project would increase energy efficiency and decrease water consumption by being consistent with 2013 Title 24 Part 11 requirements. Additionally, the project would reduce Vehicle Miles Traveled generated by visitors. The project is located in an area that is served by local transit, which would encourage the use of public transportation to reduce vehicle trips. Additionally, a main project objective is to provide a mix of timesharelodging, retail, entertainment, recreational, and administrative/office uses that would provide a range of activities and amenities for visitors and employees on-site. It is anticipated that most visitors of the project would have extended stays at the project site and visit a variety of buildings and uses within the site, thus reducing vehicle trips. The project would also provide shuttle services to transfers visitors between major transportation hubs as well as other popular tourist destinations. The project would also encourage pedestrian activity through the provision of walkways/trails, a linear greenbelt, with a water features, and courtyards/plazas, an outdoor bazaar, and underground, educational catacombs that serve as pedestrian passageways between buildings.

Project Consistency with City CAP

The CAP establishes five primary strategies for achieving the goals of the plan. Many of these strategies are specific to City operations; however, there are strategies that could apply to general development projects. The Phase 1/Phase 2 project prepared its CAP Checklist, which identifies specific features that are required to be implemented as part of the project. These measures reflect the project's consistency with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. As detailed below, the proposed project would be consistent with the CAP, as determined through the use of the CAP Checklist (refer to Appendix K), and may therefore rely on the CAP for the analysis of GHG emissions:

Step 1: Land Use Consistency – The first step in determining CAP consistency for discretionary development projects is to assess the project's consistency with the growth projections used in the development of the CAP. The project is consistent with the land use designations of the existing general and community plans; the Community Plan Amendment (CPA) does not change the designation; rather, it removes the project site from the Atlas Specific Plan. The project site would be designated Commercial Recreation both before and after the CPA. However, the project would require a rezone in order to proceed; thus triggering Checklist Item #3 under Step 1. The project would result in an increase in GHG emissions when compared to the existing designations, but is located in a Transit Priority Area (TPA) and would implement CAP Strategy 3 actions, as determined in Step 3. The project has also fulfilled the requirements to complete Step 3 as discussed below.

<u>Step 2: CAP Strategies Consistency</u> – The second step of the CAP consistency review is to review and evaluate a project's consistency with the applicable strategies and actions of the CAP.

- Strategy 1 (Energy and Water-Efficient Buildings) includes goals, actions, and targets with the aim of reducing building energy consumption, including reduction of daily per capita water consumption. The proposed project includes project design features aimed at sustainability and conservation of energy. As identified in the Checklist, these design features include plumbing fixtures and fittings that do not exceed the maximum flow rate and appliances and fixtures that meet the provisions of the California Green Building Standards Code. Specifically, as previously discussed in Section 4.5, the proposed project would achieve a minimum 15 percent improvement in energy efficiency over previous standards. This would be accomplished through improved Heating, Ventilating, and Air Conditioning systems and duct seals; enhanced ceiling, attic, and wall insulation; EnergyStar appliances; high-efficiency water heaters; energy-efficient three-coat stucco exteriors; energy-efficient lighting; and high-efficiency window glazing.
- Strategy 2 (Clean and Renewable Energy) includes goals for passive or zero net energy use for new building design. The proposed project provides parking spaces for electric vehicles. Additionally, as included in the Checklist, the proposed project would be designed to have an energy budget that meets identified performance standards when compared to the Title 24, Part 6 Energy Budget for the Proposed Design Building as calculated by Compliance Software certified by the California Energy Commission. Specifically, the proposed project would include on-site renewable energy in the form of solar photovoltaic panels on top of the parking structure. Solar panels would be provided sufficient to reduce energy demand equivalent to a ten percent improvement over Title 24.
- Strategy 3 (Bicycling, Walking, Transit & Land Use) has a number of goals that relate to land use and planning. As identified in the Checklist, the project would include bicycle parking and shower facilities. A minimum of 3 percent of the total parking would be reserved and wired for electrical vehicles; with half of those spaces fully equipped with electric vehicle charging equipment. Additionally, the project would promote walkability by providing a facility within a convenient and walkable (one-quarter mile) distance to a bus stop. As the project would accommodate over 50 tenant-occupants, the permit package includes a transportation demand management (TDM) program. Lastly, the project would designate at least 10 percent of the minimum parking stalls for some combination of low-emitting, fuel-efficient, or carpool/vanpool vehicles.

Step 3: Project CAP Conformance Evaluation – According to Step 1, Criteria 3, a project that is not consistent with land use and zoning designations and results in an increase in GHG emissions may still be consistent with the CAP if it is located within a TPA and implements CAP Strategy 3 actions, as determined in Step 3. The project site is located within a TPA. Therefore, the project would be required to implement CAP Strategy 3 (City of

San Diego 2016b). A discussion of the Specific Plan's compliance with these Strategy 3 criteria is provided below:

1. Would the proposed project implement the General Plan's City of Villages strategy in an identified TPA that will result in an increase in the capacity for transitsupportive residential and/or employment densities?

Considerations for this question:

- Does the proposed land use and zoning designation associated with the project provide capacity for transit-supportive residential densities within the TPA?
- Is the project site suitable to accommodate mixed-use village development, as defined in the General Plan, within the TPA?
- Does the land use and zoning associated with the project increase the capacity for transit-supportive employment intensities within the TPA?

The General Plan Land Use Element establishes a City of Villages strategy to focus growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system. Implementation of this strategy can decrease vehicle miles traveled and reduce GHG emissions.

The General Plan shows the project site to be within an area of "medium high to high propensity" value for development as an urban village site per the Village Propensity Map of the General Plan. The project site includes a bus stop and easy access to several existing light rail transit stations; the project will provide shuttle services to allow for easy access to the light rail system. This will allow users, employees, and visitors of the project to utilize mass transit to move throughout the region.

The existing Commercial Recreation designation would remain. The project site is zoned MVPD-MV-M/SP. This is a multiple use zone within the Mission Valley Planned District, which is applied in conjunction with a Specific Plan. As a result of the Community Plan Amendment, which would remove the project site from the Atlas Specific Plan, the project site also would be rezoned to remove the Specific Plan designation. The proposed base zone for the site is the MVPD-MV-CV, which allows for commercial visitor-oriented development such as those establishments catering to the lodging, dining, and shopping needs of visitors. The project site is well suited for the accommodation of a mix of uses consistent with the Commercial Recreation designation of the site.

The multiple use zone provides for and increases the capacity for transit-supportive visitorserving and employment intensities within the TPA. The project would construct a mixeduse development envisioned by the City of Villages strategy. The project would replace the existing single-use hotel with a new hotel, retail, office, entertainment, and recreational uses. The project is designed as a pedestrian-friendly work, shop, and play activity center that would be connected to the larger San Diego area by the regional bus and light rail transit systems. The project would implement the City of Villages strategy in an identified TPA and would result in an increase in the capacity for transit-supportive visitor-serving and employment densities.

2. Would the proposed project implement the General Plan's Mobility Element in TPAs to increase the use of transit?

Considerations for this question:

- <u>Does the proposed project support/incorporate identified transit routes and stops/stations?</u>
- Does the project include transit priority measures?

The Legacy International Center project provides a direct bus connection and takes advantage of the existing and Fashion Valley Mall trolley station and direct access to both Interstate 8 and Interstate 163 to provide strong linkages to the regional circulation system. These existing transportation systems assist with the creation of a community that encourages non-vehicular modes of transport both internally and externally. Bicycle and pedestrian modes of transportation are strongly encouraged within the planning area.

The project site is located approximately 0.8 mile from the Fashion Valley Transit Center, one of the major transit hubs in the Mission Valley Community. The project site is well connected to the transit center by Metropolitan Transit System (MTS) Route 88. An existing bus stop located on Hotel Circle South fronting the project (serviced by MTS Route 88) will be relocated and upgraded by the project as required by permit conditions. An additional bus stop is also located at the Hotel Circle South/Bachman Place intersection (served by MTS Routes 20 and 120). This is located approximately 630 feet to the east and is within walking distance of the project site. MTS Routes 20 and 120 connect the project site to Kearny Mesa, City College, Old Town, Downtown, and Del Lago.

The project area is served by one trolley transit line provided by the MTS Green Line, with the closest station at Fashion Valley Mall. Service is provided on 15-minute headways during the weekday commute and varies from 15 to 20 minutes headways on the weekend mid-day hours. The Green Line provides service from Downtown San Diego to the City of Santee every day from approximately 5:00 A.M. to midnight. Each train can hold approximately 450 to 600 passengers with a throughput capacity of about 11,000 passengers per hour (20 arrivals per hour; 12 from the west, 8 from the east).

The project would also implement the goals of the General Plan's Mobility Element in a TPA to increase the use of transit. Objectives of the project include having the future mixed-use development utilize shared parking, incorporate electric vehicle charging stations (15 spaces), provide partially subsidized transit passes, and potentially provide other transit-

oriented development parking demand management measures from the table below. Partially subsidized transit passes in exchange for the employee parking benefit would encourage future employees to use the local transit system instead of driving.

The project includes TDM measures to reduce single-occupant vehicle trips into the project site. As shown below, the project TDM would include the measures consistent with the CAP, as well as additional measures aimed to reduce emissions associated with transportation. To be consistent with the CAP, the project must include one component from the first list and three components from the second TDM list (see Checklist Step 2 #8). The project TDM would include the "parking cashout program" from the first list in the form of a transit pass subsidy in exchange for the employee giving up their on-site parking benefit. The three proposed project TDM components from the second list would consist of "flexible or alternative work hours", "bikesharing", and "transit, carpool, and van subsidies". Thus, the project would be consistent with the CAP's TDM Program strategies.

TRAFFIC DEMAND MANAGEMENT MEASURES

CAP Consistency TDM Measures

<u>Parking Cashout Program – In exchange for the employee giving up their on-site parking space benefit, provide employees with a \$50 cashout per month.</u>

Flexible or alternative work hours to reduce trips during peak traffic hours

Bikesharing—A third-party company will be contracted to provide a bike-sharing program. This would include approximately 20 bikes, which would be located adjacent to the parking structure.

Transit, carpool, and van subsidies

<u>- Provide building management and retail/office tenant employees with a 50% subsidy for transit passes.</u>

Additional TDM Measures

A free shuttle will be provided for on-site employees and those visiting the Legacy International Center. The project will include a shuttle stop on-site with signage, lighting and seating. The shuttle would provide group transport to key destination points such as airport, hotels, and visitor-serving facilities.

Electric vehicle charging stations

- a minimum of 1 space per 30,000 square feet of office space, a minimum of 1 space per 100 hotel rooms
- The project will provide 15 charging stations within the parking structure.

Bicycle storage - a minimum of 1 space for every 10 parking spaces

Upgraded transit stop adjacent to *new development*, including shelter, seating, lighting and ongoing routine maintenance through an agreement with the appropriate transit agency for the life of the improvement.

On-site shower facilities available to all tenants/employees of a building. Showers will be located with Pavilion Building and the Legacy Village Hotel Building near employee use areas.

- a minimum of 1 space per 100,000 square feet of office space
- a minimum of 1 space per 100 hotel rooms

<u>Preferential parking for car-sharing, carpool and vanpool (minimum 5% of permitted parking)</u>

<u>Preferential parking for vehicles with CARB classifications Ultra-Low Emissions Vehicle (ULEV), Super Ultra-Low Emissions Vehicle (SULEV), Partial Zero Emissions Vehicle (PZEV), and Zero Emissions Vehicle (ZEV).</u>

3. Would the proposed project implement pedestrian improvements in TPAs to increase walking opportunities?

Considerations for this question:

- Does the proposed project circulation system provide multiple and direct pedestrian connections and accessibility to local activity centers (such as transit stations, schools, shopping centers, and libraries)?
- <u>Does the proposed project urban design include features for walkability to promote a transit supportive environment?</u>

The project would implement pedestrian improvements in a TPA to increase walking opportunities. Pedestrian modes of transportation are strongly encouraged within the project area, as the project is designed as a pedestrian-friendly visitor-serving area where visitors and on-site workers can work, shop, and stay within the project and be connected to the larger San Diego area by the immediately adjacent bus stop and Fashion Valley Mall light rail transit stations. The project would reinforce transit, with a pedestrian emphasis. The project includes development of public common spaces, public areas, and recreation areas that include pedestrian activities.

To promote internal pedestrian circulation, a linear greenbelt with a meandering pathway is provided along the Hotel Circle South frontage and will connect to the recreational trail within the property. The public access trail will travel along the service road on the west side of the property and join the recreational trail located within already disturbed areas along the base of the southern hillside. The recreational trail will provide the ability to walk from Hotel Circle South to the south side of the property. The outdoor plazas will provide open pedestrian circulation.

Specifically, the project will provide an 8-foot parkway and 5-foot sidewalk for connectivity along Hotel Circle South making it more friendly and accessible to pedestrians. Additionally, extra bicycle parking has been added to the project to help facilitate the project as a "destination" for cyclists riding through Mission Valley. Within the project, accessible pathways connect pedestrians to the various project amenities which are completely open to the public. These amenities include garden-like landscaping with shade trees and drought tolerant planting, access to over 25,000 square feet of plaza space with plantings, a water feature that functions with or without water, shaded seating, cafe and restaurant access, and seating and views to the adjacent restored hillsides. The project would also provide trail linkages through the site as well as educational opportunities along the pedestrian trail on the southern hillside. This trail would be a mix of concrete and stabilized decomposed granite to accommodate visitors and employees.

4. Would the proposed project implement the City of San Diego's Bicycle Master Plan to increase bicycling opportunities?

Considerations for this question:

- Does the proposed project circulation system include bicycle improvements consistent with the Bicycle Master Plan?
- Does the overall project circulation system provide a balanced, multi-modal,
 "complete streets" approach to accommodate mobility needs of all users?

Bicycle modes of transportation are strongly encouraged within the project area. The bicycle infrastructure in the project vicinity includes Class I, II, and III facilities and they provide linkages to the regional bicycle system.

Class I bike paths or also shared-use or multi-use paths are paved right-of-way for exclusive use by bicyclists, pedestrians and those using non-motorized modes of travel. They are separated from vehicular traffic and can be constructed in roadway right-of-way or exclusive right-of-way. Class I bike paths in the vicinity of the project area include the San Diego River Pathway, located along the San Diego River under State Route 163.

Class II bike lanes are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bike lanes are one-way facilities on either side of a roadway. Class II bike lanes in the vicinity of the project are located along Camino del Rio North, Friars Road, Hotel Circle North, and Hotel Circle South.

Class III bike routes provide shared use with motor vehicle traffic within the same travel lane. Designated by signs, but no striping, bike routes provide continuity to other bike facilities or designate preferred routes through corridors with high demand. Class III bicycle routes are located along Camino De La Reina and Hotel Circle South (west of Taylor Street) in the project vicinity.

The project proposes a diverse mix of visitor serving, commercial, recreational, educational, and public and private uses that are accessible to adjacent uses, bike paths, and the river by multi-use pathways and public transportation. Internal drives would be designed to facilitate alternative transportation modes including walking and bicycling. Additionally, as summarized in the previous table, the project would implement TDM measures including the provision of bicycle storage areas and on-site shower facilities. The project would implement the City's Bicycle Master Plan to increase bicycling opportunities.

<u>5. Would the proposed project incorporate implementation mechanisms that support</u>
Transit Oriented Development?

Considerations for this question:

- Does the proposed project include new or expanded urban public spaces such as plazas, pocket parks, or urban greens in the TPA?
- Does the land use and zoning associated with the proposed project increase the potential for jobs within the TPA?
- Do the zoning/implementing regulations associated with the proposed project support the efficient use of parking through mechanisms such as: shared parking, parking districts, unbundled parking, reduced parking, paid or time-limited parking, etc.?

The Legacy International Center (Project) proposes the redevelopment of the existing Mission Valley Resort property into a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses dispersed among three buildings:

1) a 63,477-square-foot pavilion (with a restaurant, gift shops, learning center, and theater),
2) a 41,071-square-foot "Legacy Vision Center" building (with a welcome center, catacombs, a dome theater, a museum, a gallery, and retail uses), and 3) a 7,783-square-foot outdoor plaza, and a five-story 88,120-square-foot Legacy Village building containing a 127-room hotel, a restaurant, and a wellness center. This mix of uses is anticipated to create the need for an estimated 1,100 construction jobs over the two-year demolition and construction efforts and an estimated 185 permanent jobs versus the approximate 38 jobs at the existing facility.

The project's site design includes a pedestrian network (over ½ mile) of paths and would be extensively landscaped to provide garden-like connections to the amenities mentioned above. This pedestrian network would provide direct connections to the projects main outdoor features: wailing wall, prayer garden, water feature, and plazas. Along the paths would be shade and seating elements that would be available for public use. The project would also provide bicycle parking in excess of the requirement to facilitate the opportunity to create a destination for local cyclists. All of these mixed uses contribute in supporting transit-oriented development.

See also the discussion provided in Step 2: CAP Strategies Consistency. Future development would implement the measures summarized in the TDM Measures table. Potential measures include providing designated parking for a combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles and developing transportation demand management programs that include participation in the SANDAG iCommute program, electric charging stations, and partial transit subsidies for employees. By creating a mixed-use project with visitor-serving and employment opportunities along with on-site services

within a TPA combined with expanded recreational opportunities, the project would support Transit Oriented Development. See also the discussions provided in response to CAP Strategies 1 through 4.

The project proposes a mixed-use development consisting of religious, lodging, administrative, recreational, and commercial uses. To account for the mixed-use and synergy between the various land uses, shared parking is assumed to maximize efficiency.

6. Would the proposed project implement the Urban Forest Management Plan to increase urban tree canopy coverage?

Considerations for this question:

- Does the proposed project provide at least three different species for the primary, secondary and accent trees in order to accommodate varying parkway widths?
- Does the proposed project include policies or strategies for preserving existing trees?
- Does the proposed project incorporate tree planting that will contribute to the City's
 20 percent urban canopy tree coverage goal?

There are existing trees included in the landscaped areas immediately outside the existing and developed project area. These trees would be preserved, and the area would be further enhanced by the restoration of existing areas with native plants and trees. The project would create an urban tree canopy coverage of at least 15 percent, with a goal of achieving coverage of 20 percent at full maturity. As discussed, the project would include parks, plazas, trails, and open areas. These areas would be landscaped with a variety of native and adapted trees. Tree species will be selected based on their location, shade, accent, screening, and habitat value; ultimately providing a diverse palette that will enhance the Mission Valley Corridor. The hillsides and perimeter of the site will be landscaped with native and near native plants and trees to preserve and enhance the natural character of the valley edges while requiring little supplemental water after establishment. New parking areas would be required to be planted with trees and other landscaping pursuant to City requirements, contributing to the urban tree canopy coverage. By converting the site from an expansive and sparsely planted parking lot to a mixed-use development that would include trees and native landscaping consistent with City standards, the project would implement the Urban Forest Management Plan and increase the urban tree canopy coverage.

The proposed project and associated discretionary actions would be consistent with and would implement the CAP. Therefore, impacts associated with GHG emissions would be less than significant.

4.10.32.2 Significance of Impacts

The project is consistent with the goals and strategies of local and state plans <u>(including the City CAP)</u>, policies, and regulations aimed at reducing GHG emissions from land use and development. The level of impacts would be less than significant.

4.10.32.3 Mitigation, Monitoring, Reporting

No significant impacts would occur; therefore, no mitigation measures would be necessary.

4.11 Hydrology

This hydrology analysis is summarized from the Preliminary Drainage Study for the project prepared by Project Design Consultants, dated May 30, 2014 February 3, 2017. The drainage study provides preliminary design of the on-site storm drain system and assessment of impacts to runoff peak flow rates. This technical report is included in its entirety as Appendix L of this report.

4.11.1 Existing Conditions

4.11.1.1 Receiving Waters

According to the Water Quality Control Plan for the San Diego Basin 9 (California RWQCB 1994), the project is within the San Diego River Watershed Hydrologic Unit (HU 907.10) as defined by the Water Quality Control Plan for the San Diego Basin. The San Diego River Watershed Hydrologic Unit covers a total watershed area of 440 square miles. The property specifically lies in the Lower San Diego hydrologic area (HU 907.11). At its closest point, the San Diego River is approximately 0.25 mile feet due north of the northern boundary of the project site.

4.11.1.2 Drainage Patterns

The project area lies within the Mission San Diego Hydrologic Sub Area. Steep-sloped canyons on the southern and eastern edges of the project area convey runoff from the rim of the canyon underground in a 42-inch/45-inch storm drain toward the project site or above ground into Hotel Circle by surface features. Sheetflow in the project area is conveyed by one of two storm drain systems under Interstate 8 and into the San Diego River.

4.12.1.3 Flood Hazards

The project site lies within Flood Insurance Rate Map 06073C1618G zones X and AE along its northern boundary. The AE Zone is designated as being within the 100-year floodplain and the X Zone is designated as being within the 500-year floodplain. Figure 4.11-1 shows the demarcation of the 100-year and 500-year flood zones at the project site.

4.11.2 Issue 1: Drainage Patterns

Would the proposal result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

According to the City's Significance Determination Thresholds, impacts related to hydrology would be significant if the project would:

 Result in modifications to existing drainage patterns that would impact environmental resources such as biological communities and archaeological resources.

4.11.2.1 Impacts

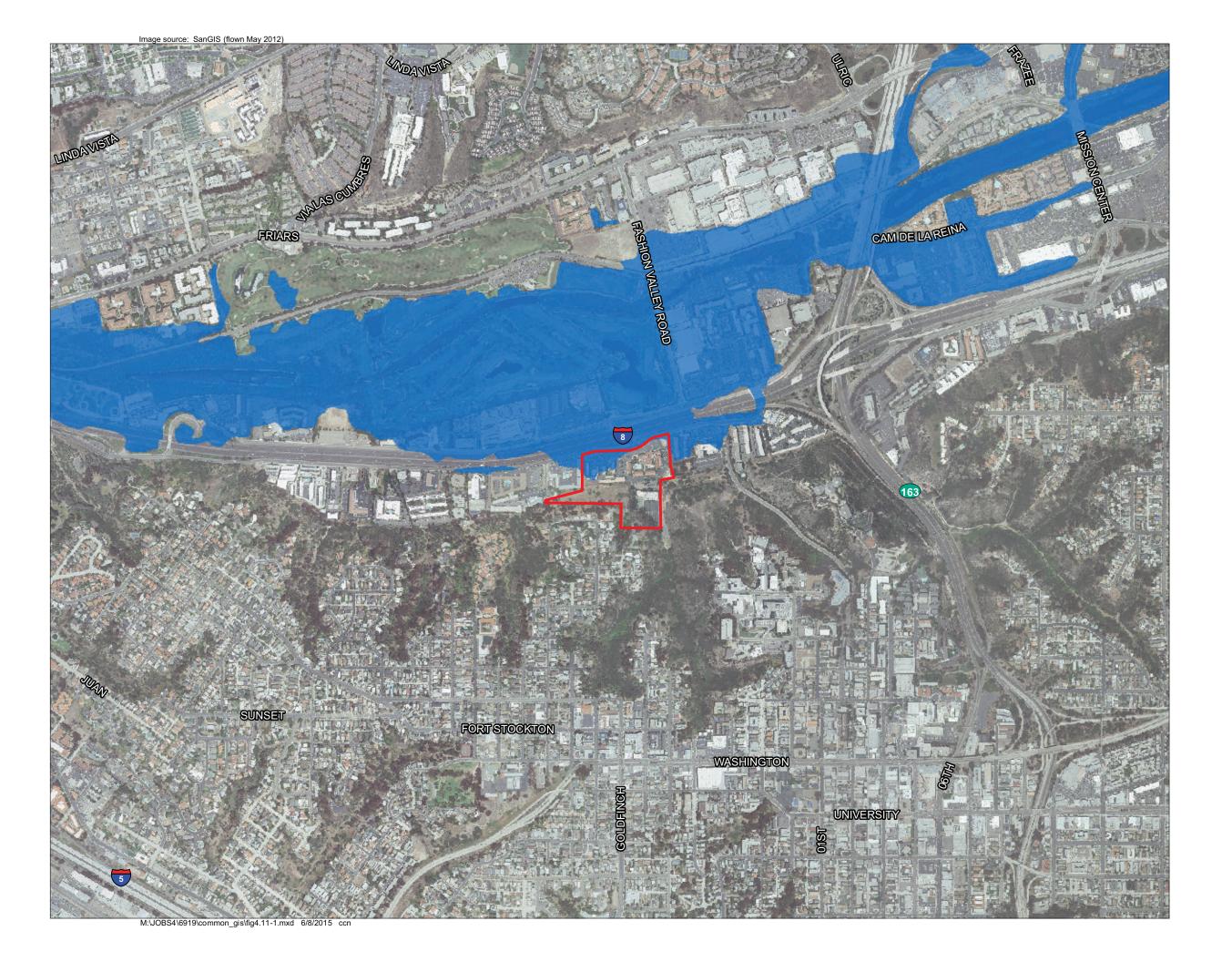
Redevelopment of the project site would involve the demolition of existing on-site hotel facilities and involve 13 acres of disturbance on the site. The proposed project would be designed to retain the existing urbanized drainage patterns on-site without substantially increasing the amount of runoff leaving the site and would not alter the ultimate discharge points of on-site and off-site runoff. The proposed storm drain system for the project would also be designed for the 100-year storm event.

The existing on-site storm drain system would be upsized and rerouted to facilitate site redevelopment and improve drainage patterns. The current capacity of the existing 42-inch/45-inch system is approximately 130 cubic feet per second (cfs) and the hydrologic analysis shows the off-site runoff at this location to be 243 cfs. Approximately 113 cfs would overtop the headwall and surface drain onto the project site (see Appendix L). A 60-inch storm drain system would replace the existing 42-inch/45-inch system to fully capture off-site flows and convey them underground through the site. A new headwall would also be installed at the upstream end of the 60-inch storm drain.

The existing 45-inch storm drain conveying flows beneath Hotel Circle would remain. The connection from the proposed 60-inch system to the existing 45-inch storm drain would occur at the cleanout near the easterly project entrance just south of Hotel Circle South. Because the Federal Emergency Management Agency (FEMA) 100-year floodline is near the same elevation as the cleanout, the storm drain line is already inundated during a 100-year event. Any flow above the capacity of the existing 45-inch pipe would flow out of most downstream inlet openings into Hotel Circle South. The proposed site drainage patterns would be modified so that flows into the 45-inch storm drain outlet would be roughly the same as existing conditions, resulting in less than significant impacts to downstream systems.

The proposed project would also include connecting a 24-inch/30-inch storm stdrain system to the existing 30-inch storm drain beneath Hotel Circle near the northwest corner of the site. Southwest off-site flows would be captured and conveyed beneath the project site in the proposed storm drain. A proposed 18-inch storm drain system will collect on-site flows that drain towards biofiltration basins and will then convey runoff to the 24-inch drain. On the upstream end of the 24-inch drain, there will be a headwall, which will collect in a brow ditch the contributing off-site runoff from the canyons that slope towards the southern perimeter of the project boundary.

To compare the flow rates in the pre- and post-project conditions, a hydrologic analysis for the project site was performed using the City's Drainage Design Manual (Table 4.11-1).



Project Boundary

100-year Flood Plain



FIGURE 4.11-1 100-Year Flood Hazard Zone 4.11 Hydrology

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TABLE 4.11-1
PRE- AND POST-PROJECT FLOW COMPARISON

			Composito	
			Composite	
System	Discharge	Total Area	Runoff	100-Year Runoff
Number	Location	(acres)	Coefficient	(cfs)
		Pre-proje	ect	
100	45-inch pipe	144.3	0.64	275.4
400	30-inch pipe	24.3	0.63	48.5
500	Hotel Circle	2.0	0.89	6.4
Pro	e-project Total	170.6	n/a	330.3
Post-project Post-project				
100	45-inch pipe	145.3 144.3	0.63	276.8
400	30-inch pipe	24.4 23.9	0.68	50.5
500	Hotel Circle	1.0	0.95	4.2
Pos	t-project Total	170.7 169.2	n/a	331.5 328.1

Source: Appendix L

The improvements would maintain similar drainage patterns compared to pre-project conditions and result in similar post-project peak flow rates. Flows to Systems 100 and 400 would increase slightly, while flows to System 500 would decrease. The overall change between the existing and proposed condition would be <u>0.7less than 0.5</u> percent and is considered negligible. In addition, the site would be graded to direct on-site flows into storm drain inlets.

The project would not modify drainage patterns in a manner that would significantly impact environmental resources such as archaeological resources or vegetation communities. Specifically, based on the available and surveyed data regarding the locations of archaeological resources, the project would not substantially alter drainage patterns to these historical resources. As described in Section 4.12, Water Quality, the project would incorporate Low Impact Development (LID) Best Management Practices (BMPs); i.e., storm water management and land development strategies that emphasize conservation and the use of on-site natural features integrated with engineered small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. An example of LID BMPs includes landscaping proposed for steep hillsides and other proposed slopes with native plants selected for erosion control.

As a result of these improvements and the project design described above, the project would not result in significant impacts to drainage patterns that would significantly impact environmental resources such as biological communities or archaeological resources.

4.11.2.2 Significance of Impacts

The project would maintain overall drainage pattern as compared to the existing condition and would not cause adverse impacts to the hydraulics of existing drainage systems located downstream of the project or to the on-site or off-site properties. The project would not modify drainage patterns in a manner that would significantly impact environmental

resources such as archaeological resources or vegetation communities. Implementation of the project would result in an overall change in the 100-year runoff from the existing 330.3 cfs to the proposed 328.1331.5 cfs, which would be a less than 0.75 percent change. Implementation of the described project design measures and conformance with applicable federal, state, and City regulatory standards would effectively avoid and/or address potentially significant short-and long-term impacts related to hydrology; therefore, impacts would be less than significant.

4.11.2.3 Mitigation, Monitoring, and Reporting

The project would not cause a significant impact to drainage patterns. Therefore, no mitigation is required.

4.11.3 Issue 2: Floodplains

Would the project develop wholly or partially within the 100-year floodplain identified in the FEMA maps or impose flood hazards on other properties?

4.11.3.1 Impacts

The proposed project would include a subterranean parking structure and catacombs that would fall partially within the 100-year floodplain. The proposed parking structure for the project would include aboveground levels and a subterranean level in the western portion of the site near the western entrance. Subterranean parking would be developed under the Pavilion and the surface parking area to the north of the Pavilion, under the Village, and under the executive offices. All subsurface parking would be flood-proofed. The project would also include 5,992 square feet of underground catacombs that would serve as pedestrian passageways between buildings.

The project site is partially located within FEMA floodplain zones X (500-year floodplain) and AE (100-year floodplain) along its northern boundary (Figure 4.11-1). These areas within the floodplain are currently developed with hardscape and structures with minimal landscaping. With the implementation of the proposed project, these areas would continue to be developed and the ground level elevations would remain relatively similar. Thus the project is not anticipated to redirect any flood flows or otherwise impose a flood hazard on other properties.

To determine the need for floodproofing the proposed project structures, a preliminary analysis was completed utilizing the North American Vertical Datum of 1988 (NAVD88), City and FEMA floodproofing requirements, and the architectural plans (Appendix L-1). The NAVD88 data are based on sea level data available for North America and consider the fact that mean sea level is not the same level at all tidal bench marks. This analysis found the lowest floor elevations to avoid floodproofing would be 30.7 feet at Building 1, 30.4 feet at

Building 2, and 30.2 feet at the parking structure. The architectural plans currently propose the bottom level of Building 1 as 29.0 feet, the bottom level of Building 2 as 31.0 feet, and the bottom level of the parking structure as 29.6 feet. Thus, proposed Building 1 and the parking structure are anticipated to require floodproofing. Project redevelopment will require floodproofing of the buildings for which the lowest basement elevation is lower than the flood zone water surface elevation of 28.9 feet. The lowest basement elevation is 25 feet. The catacombs would be part of the basement and as such—similar to any other part of the building—would need to be part of the floodproofing design. Floodproofing requirements will be addressed by the architect during final engineering and will-shall comply with the City's flood ordinance. Per Section 143.0146(c)(8) for non-residential construction, floodproofing per FEMA requirements is an alternative to complying with 143.0146(c)(6).

4.11.3.2 Significance of Impacts

While the proposed project would be developed partially within the 100-year floodplain, the project design <u>would</u> include <u>s waterproofing of the subterranean parking structure and eatacombsfloodproofing of structures in accordance with the City's flood ordinance.</u> Development of the proposed project would maintain the same drainage characteristics in the post-project condition as compared to the pre-project conditions. In addition, the proposed storm drain system upgrades would be designed to reduce the potential for onand off-site flows to exceed the capacity of the storm drain system and result in local flooding. Development of the project would not cause significant flooding impacts on-site or to upstream or downstream properties, nor would it have a significant effect on local or global drainage patterns. Impacts related to flood hazards would be less than significant.

4.11.3.3 Mitigation, Monitoring, and Reporting

Because impacts related to flood hazards would be less than significant, no mitigation would be required.

4.11.4 Issue 3: Runoff

Would the proposal result in a substantial increase in impervious surfaces and associated increased runoff?

According to the City's Significance Determination Thresholds, impacts related to hydrology would be significant if the project would:

 Result in increased flooding on- or off-site that may impact upstream or downstream properties and environmental resources.

4.11.4.1 Impacts

The overall drainage area as well as the drainage characteristics in the post-project condition would remain similar as compared to the pre-project conditions. Implementation of the project would result in a slight increase to the 100-year runoff from the site; however, it would not result in significant impacts to upstream or downstream properties, nor environmental resources.

Development of the proposed project would add 1 acre contributing to runoff at the 45-inch storm drain system and 0.1 acre to the existing 30-inch system. The area contributing to runoff at the Hotel Circle discharge would be reduced by 1.1 acre, resulting in no overall change in contributing area for runoff under the proposed project.

The project would include permanent storm water management facilities, including LID BMPs and/or Treatment Control BMPs that would help further manage, detain, and attenuate post-project runoff flows prior to discharge from the project (Appendixes ML-1 and ML-2). Thus, impacts associated with impervious surfaces and associated runoff would be less than significant.

4.11.4.2 Significance of Impacts

The project would not significantly impact the quantity of runoff compared to the pre-project condition, since the project site would maintain similar runoff rates. The project would also include LID and treatment control BMPs that would further reduce/slow runoff for post-project conditions. Implementation of the project design measures and conformance with applicable federal, state, and City regulatory standards would effectively avoid and/or address potentially significant short- and long-term impacts related to hydrology; therefore, impacts would be less than significant.

4.11.4.3 Mitigation, Monitoring, and Reporting

Because impacts related to an increase in runoff would be less than significant, no mitigation would be required.

4.12 Water Quality

This water quality analysis is based on the water quality technical report (WQTR)storm water quality management plan (SWQMP), dated May February 3, 201730, 2014, prepared by Project Design Consultants and included in its entirety as Appendix M-1. The WQTRSWQMP evaluates potential water quality impacts to downstream waters and prescribes measures that would be incorporated into the project to reduce impacts to downstream waters and habitat. The WQTRSWQMP follows requirements described in the City Storm Water Standards Manual, 2016January 2011. A storm water infiltration study was prepared by Kleinfelder (November 17, 2016), which provides the results of the storm water best management practice (BMP) evaluation (Appendix M-2).

4.12.1 Existing Conditions

4.12.1.1 Surface/Receiving Waters

As defined by the Water Quality Control Plan for the San Diego Basin, the project site is within the San Diego River Watershed Hydrologic Unit (HU 907.10) and drains into the San Diego River and eventually into the Pacific Ocean. The project site discharges directly through a hardened conveyance system to the San Diego River, which is an exempt receiving water body and which adheres to San Diego Storm Water Standards.

a. Beneficial Uses

Section 303(d) of the federal Clean Water Act requires states to periodically prepare a list of all surface waters in the state for which beneficial uses of the water—such as for drinking, recreation, aquatic habitat, and industrial use—are impaired by pollutants. These include water quality limited estuaries, lakes, streams, and coastal regions that fall short of state water quality standards and are not expected to show improvement in the next two years.

Receiving waters from the project site include the San Diego River. Existing beneficial uses of the San Diego River Watershed include municipal, agricultural, industrial, recreational, wildlife habitat, and rare, threatened, or endangered species habitat.

b. 303(d) List Status

Under Section 303(d) of the 1972 Clean Water Act, states, territories, and authorized tribes are required to develop a list of water quality limited segments. These waters on the list do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that the abovementioned jurisdictions establish priority rankings for waters on the lists and develop action plans, called Total Maximum Daily Loads, to improve water quality.

The Lower San Diego River is listed as an impaired water body. Pollutants of concern include bacteria (enterococcus and fecal coliform), low dissolved oxygen, manganese, nutrients (nitrogen and phosphorus), total dissolved solids, and toxicity. Pollutants of concern for the San Diego River Watershed include coliform bacteria, total daily solids, nutrients, petroleum chemicals, toxics, and trash.

c. Environmentally Sensitive Areas

Pursuant to the City's Storm Water Requirements Applicability Checklist (see Appendix M), the project site is within or directly adjacent to, or directly discharges runoff into a Water Quality Sensitive Area (WQSA), in which the project either creates 2,500 square feet of impervious surface area on the project site or increases the impervious surface area of the site by 10 percent or more. WQSAs include environmentally sensitive areas as defined by the Municipal Storm Water Permit (Order R9-2007-0001). WQSAs include: 303(d) listed (impaired) water bodies; rare beneficial use water bodies (water bodies that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered); Citydefined environmentally sensitive areas or open space preserve areas, floodways, and/or wetland habitat.

4.12.1.2 Existing Pollutant Discharge

The site is currently developed with a resort hotel, a gym, and parking lots. Currently, site runoff would likely include pollutants such as sediments from the undeveloped steep slopes and landscaped areas; pesticides, nutrients, and herbicides associated with landscaping; motor vehicle fluids such as oils and hydrocarbons from the parking lots; and general trash and debris. There are currently no runoff treatment management practices being employed on-site to treat runoff from the existing uses before being discharged into the San Diego River.

4.12.1.3 Regulatory Framework

Various federal, state, and local regulations provide requirements for new development to control erosion and runoff contaminants, as well as direct discharge of water quality pollutants.

Construction projects in the City of San Diego are subject to the erosion control requirements of the City's Grading Ordinance. Projects must also comply with the federal and state Clean Water Act. Conformance with the Clean Water Act is established through compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for the City of San Diego (Municipal Permit), No. R9-201507-0001.

The NPDES Municipal Permit, issued in 20163 to the City by the San Diego Regional Water Quality Control Board, requires the development and implementation, to the maximum

extent practicable, of storm water pollution Best Management Practices (BMPs), both during project construction and in the project's permanent design to reduce discharge of pollutants. To address pollutants that may be generated from new development during and post-construction, the Municipal Permit further requires that the City implement a series of construction and permanent BMPs described in the Model Standard Urban Storm Water Mitigation Plan, which is contained in the City's 20164 Storm Water Standards Manual. The City's Storm Water Standards Manual provides information to project applicants on how to comply with all of the City's construction and post-construction permanent storm water BMP requirements, including the Standard Urban Storm Water Mitigation Plan.

Upon formal project submittal, applicants must complete and submit the Storm Water Requirements Applicability Checklist in order to determine the project's storm water BMPs required during construction and post-construction. If the project requires treatment control BMPs, per the Storm Water Applicability Checklist, the applicant must submit a WQTRSWQMP consistent with the City's Storm Water Standards. The report must include, but not be limited to, appropriate BMP selection, BMP maintenance schedules, and the responsible party for future maintenance and associated costs. The report must also address water quality by describing the type of pollutants that would be generated during construction and post-construction, as well as identifying pollutants captured and treated by the proposed BMPs.

4.12.2 Issue 1: Water Quality

Would the proposal result in an increase in pollutant discharge to receiving waters during or following construction? Would the proposal discharge identified pollutants to an already impaired water body?

What short-term and long-term effects would the project have on local and regional water quality? What types of pre and post-construction Best Management Practices (BMPs) would be incorporated into the project to preclude impacts to local and regional water quality?

As stated in the City's Significance Determination Thresholds for water quality, compliance with federal, state, and local water quality standards is assured through project adherence to the City's Storm Water Standards and related conditions placed on building permits prior to project approval. Adherence to the City's Storm Water Standards is considered to preclude water quality impacts unless substantial evidence supports a fair argument that a significant impact would still occur. Project adherence to the City's Storm Water Standards comprises the City's water quality threshold.

4.12.2.1 Impacts

a. Construction

The main water quality pollutant of concern on the project site during construction activities would be sediment from soil erosion. Erosion control and management of construction activities for the project would be conducted in accordance with the City's Storm Water Standards and applicable state storm water requirements. Construction activities would be required to comply with the State Water Resources Control Board NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit [CGP]). Per this CGP, the project would be required to submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) detailing the storm water management and erosion and sediment control BMPs that would be used on the construction site. A Construction Site Monitoring Program would also be prepared, in accordance with requirements set forth in the CGP. Implementation of the SWPPP and Construction Site Monitoring Program would be subject to inspection and enforcement by the Regional Water Quality Control Board.

The BMPs relating to construction activity to be incorporated into the project would include:

- Perimeter protection BMPs
- Sediment control and sediment control tracking BMPs
- Standby BMP materials
- "Weather triggered" action plan and BMP implementation plan (40 percent chance of rain), if applicable
- Physical or vegetation erosion control BMPs as soon as grading/excavation completed
- Concrete washout area
- Storage areas for materials and wastes
- Daily removal and storage of remnant trash and debris
- Storage, service, cleaning, and maintenance area for vehicles identified and protected
- On-site materials for spill control/containment
- Non-storm-water discharge eliminated or controlled
- Erosion control BMPs upgraded for storms within rainy season
- Physical or vegetation erosion control BMPs installed prior to rainy season and maintained throughout season
- Vegetation erosion control established prior to rainy season to be considered a BMP

- Limiting area of exposed soil to amount that can be adequately protected
- Disturbed area not completed and not being actively graded must be fully protected if left for seven or more calendar days.

Erosion control plans with notes and locations of BMPs would be submitted with the final project grading plans and/or within project-specific SWPPP.

As a condition of approval, the construction phase of the project would be monitored by a qualified person to verify implementation of the SWPPP. Monitoring activities would be conducted by a qualified person with documented training in storm water management, and would include daily forecasting, daily evaluations of conditions during construction activities that are conducted during the wet season (October 1 to April 30), and weekly inspections during the dry season (May 1 to September 30). The qualified person would evaluate the conditions of the project site with respect to storm water pollution prevention and would represent the owner or contractor on storm water issues. Specific responsibilities of the qualified person would include:

- Ensuring that BMPs are properly documented and implemented
- Identifying maintenance and repair needs
- Verifying implementation of the SWPPP, including erosion and sediment control and waste management requirements.

b. Post-construction

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants. Land development generally leads to increased opportunity for contaminated runoff that carries oil, heavy metals, pesticides, fertilizers, and other contaminants to enter a watershed.

The project would be categorized in the following types of land use according to Table 4-1 of the City's Storm Water Standards Manual (January 20164): commercial development; restaurants; steep hillside development; parking lots; and streets, highways, and freeways. According to the same table, the anticipated and potential pollutants generated by these proposed land uses would include:

- Sediments anticipated and potential (potential if landscaping exists on-site)
- Nutrients potential (potential if landscaping exists on-site)
- Heavy metals anticipated
- Organic compounds (petroleum hydrocarbons) anticipated and potential (potential if the project includes uncovered parking areas)
- Trash and debris anticipated

- Oxygen demanding substances (including solvents) anticipated and potential (potential if landscaping exists on-site)
- Oil and grease anticipated (potential if the project includes uncovered parking areas)
- Bacteria and viruses anticipated and potential (potential if landscaping exists onsite and if land use involves food or animal waste products)
- Pesticides potential (potential if landscaping exists on-site)

Considering the downstream water body impairments and the potential pollutants resulting from development of the proposed project, the primary pollutants of concern are heavy metals, organic compounds, nutrients, trash and debris, oxygen-demanding substances, and bacteria and viruses.

the proposed project would incorporate construction of Low Impact Development (LID) site design, source control, priority project category, and treatment control BMPs. BMP selection depends on procedures set forth in the City's Storm Water Standards Manual (January 20112016). These BMPs are identified below and detailed in the WQTRSWQMP included as Appendix M-1 of this report. In brief, BMPs are selected for their effectiveness in precluding or lessening pollutants and conditions of concern specific to the proposed project and project site.

Low Impact Development BMPs

The project design incorporates LID BMPs where feasible to minimize directly connected impervious surface areas and promote infiltration and evaporation of on-site runoff. In order to manage the quantity and quality of storm water runoff, LID practices use site design and specific devices to create a post-development condition that is similar to the hydrologic condition that existed prior to development. LID facilities such as bioretention, pervious surfaces and/or flow-through planters would be used to retain, reuse, or promote evapotranspiration of storm water. The following LID BMPs have been incorporated into the project design:

- Utilize bioretention areas
- Conserve natural areas, preserve existing native trees and shrubs, and concentrate
 or cluster development on the least environmentally sensitive portions of the site
- Minimize impervious footprint
- Topsoil improvement
- Convey runoff safely from the tops of slopes

Source Control BMPs

Source control BMPs consist of measures to reduce pollutant loads in runoff, particularly for storm events, by reducing the potential for contamination at the source of pollution. Generally, the selected source control BMPs would minimize contact between pollutants and urban runoff. The following source control BMPs are proposed for the project:

- Steep hillside landscaping
- Use efficient irrigation systems and landscape design
- Design trash storage areas to reduce pollution contribution
- Employ integrated pest management principles
- Provide storm water conveyance system stamping and signage
- Manage fire sprinkler system discharges
- Manage air conditioning condensate
- Use non-toxic roofing materials where feasible
- Other source control requirements, pursuant to the storm water standards

Treatment Control BMPs

The primary strategy for structural BMP implementation for the site includes implementation of eight lined biofiltration basins to manage the design capture volume. These basins are distributed fairly uniformly throughout the site to limit the accumulation of pollutants in the storm water prior to treatment. In the infiltration report prepared by the geotechnical engineer (Appendix M-2), it was found that high groundwater tables and possible historical contamination due to a demolished gas station would preclude infiltration near the front of the site, while steep slopes and liquefaction susceptible soils make infiltration near the back of the site unsafe. As the irrigation demand did not justify harvest and use BMPs, lined biofiltration basins were selected as the pollutant-control strategy. Over the course of the site design there were upwards of 15 basins, some small and some large, and ultimately these were whittled down to the most efficient largest basins where runoff could be conveniently routed. Runoff and pollutant loads would be managed by treatment control BMPs. Selected treatment control BMPs target the current pollutants for which the downstream receiving water, the San Diego River, is impaired as well as the anticipated project-generated pollutants. The following storm water treatment control BMPs would be implemented as part of the project design:

- Bioretention
- High-rate media filters.

The selection of treatment control BMPs would follow the requirements in the Storm Water Standards manual, and would include preference to LID BMPs for use as Treatment Control BMPs where feasible (i.e., bioretention), with use of proprietary Treatment Control BMPs limited to highly constrained treatment locations, including project areas that would retrofit existing drainage systems (i.e., high rate media filters).

As a result of the installation of water quality BMPs that are not currently present on-site, and the implementation of a project-specific SWPPP during construction, the project would not have a significant adverse impact on water quality of runoff leaving the site.

4.12.2.2 Significance of Impacts

The site is currently developed and contributes pollutants to runoff. Due to proposed construction activities and the post-construction increase in development intensity, the project would potentially increase runoff pollutants generated at the project site. Runoff from the site would be directed into the storm drain system that outlets to the San Diego River, which is 303(d) listed as an impaired waterbody. Based on the potential pollutants generated by the project and the downstream impairments, the primarily pollutants of concern are heavy metals, organic compounds, nutrients, trash and debris, oxygendemanding substances, and bacteria and viruses. The project would incorporate construction BMPs and post-construction BMPs, including eight lined biofiltration basins, to reduce the project site pollutants of concern discharges, thus avoiding significant adverse water quality impacts to the San Diego River. The project would comply with all applicable federal, state, and local water quality standards through adherence to the City's Storm Water Standards and the CGP. Implementation of the proposed BMPs described above would reduce potential impacts to water quality to less than significant.

4.12.2.3 Mitigation, Monitoring, and Reporting

With the application of the proposed BMPs, water quality impacts would be less than significant and no mitigation would be required.

4.13 Geologic Conditions

Kleinfelder prepared a geotechnical investigation for the refined project in April 2016. The results of the geotechnical investigation are summarized below and included as Appendix G-1 of this Environmental Impact Report (EIR). In addition, Kleinfelder provided additional foundation information in an addendum (Addendum 1, dated November 8, 2016), a consistency review of this EIR section (Addendum 2, dated March 1, 2017), and an addendum to respond to City comments (Addendum 3, dated March 17, 2017). These addendums are provided as Appendixes G-2 to G-4, respectively. Geocon prepared a preliminary geotechnical investigation for the project site in March 2013. The results of the geotechnical investigation are summarized below and included as Appendix G of this Environmental Impact Report.

4.13.1 Existing Conditions

The project area lies on the western portion of a coastal plain environment within the Peninsular Ranges Geomorphic Province of Southern California. The coastal plain is characterized by a series of marine terraces, with the youngest to the west, that have been dissected by west-flowing rivers that drain the Peninsular Ranges to the east. The project area is within the broad alluvial valley of the San Diego River, with an approximate width of 3,500 feet in the project area. The surface elevation across the width of the valley is approximately 10 to 15 feet above mean sea level.

4.13.1.1 Geology and Soils

The site is composed of two distinct geologic areas; the northern area formed by floodplain cuts of the San Diego River, and the southern area composed of the Mission Valley slope. The northern area is underlain by shallow fill soils, stream deposited alluvium, slope wash (colluvium), and alluvial fan deposits. The steep slopes at the southern portion of the project site are composed of Stadium Conglomerate, with overlying undocumented artificial fill and alluvium overlying the Stadium Conglomerate across the developed portion of the project site (Figure 4.13-1). These soils are described below.

a. Undocumented Artificial Fill (afQudf)

Undocumented Artificial fill was encountered in the northwest and southeast portions of the project site. The undocumented fill consists of a variety of materials, including silty clay with sand, clayey sand, clayey sand with gravel, silty sand with gravel, sandy silt with gravel, and sandy clay with gravelstiff to hard clay, silty clay and loose to medium dense sand and silty to clayey sand. Gravel and cobble is present in isolated areas of the project site, with the possibility of boulders in excess of 18 inches. This undocumented fill is not considered

suitable for support of structural fill and/or structural loading and would require remedial grading.

b. Colluvial Deposits (Qc)

This formation typically forms from downslope movement of material along a hillside. Colluvial deposits on-site are located along the edge of the slope and were found to consist of a variety of material, including lean clay with sand, silty sand, well-graded and poorly graded sands with gravel, and clayey sand with gravel and silt.

c. Alluvium (Qal)

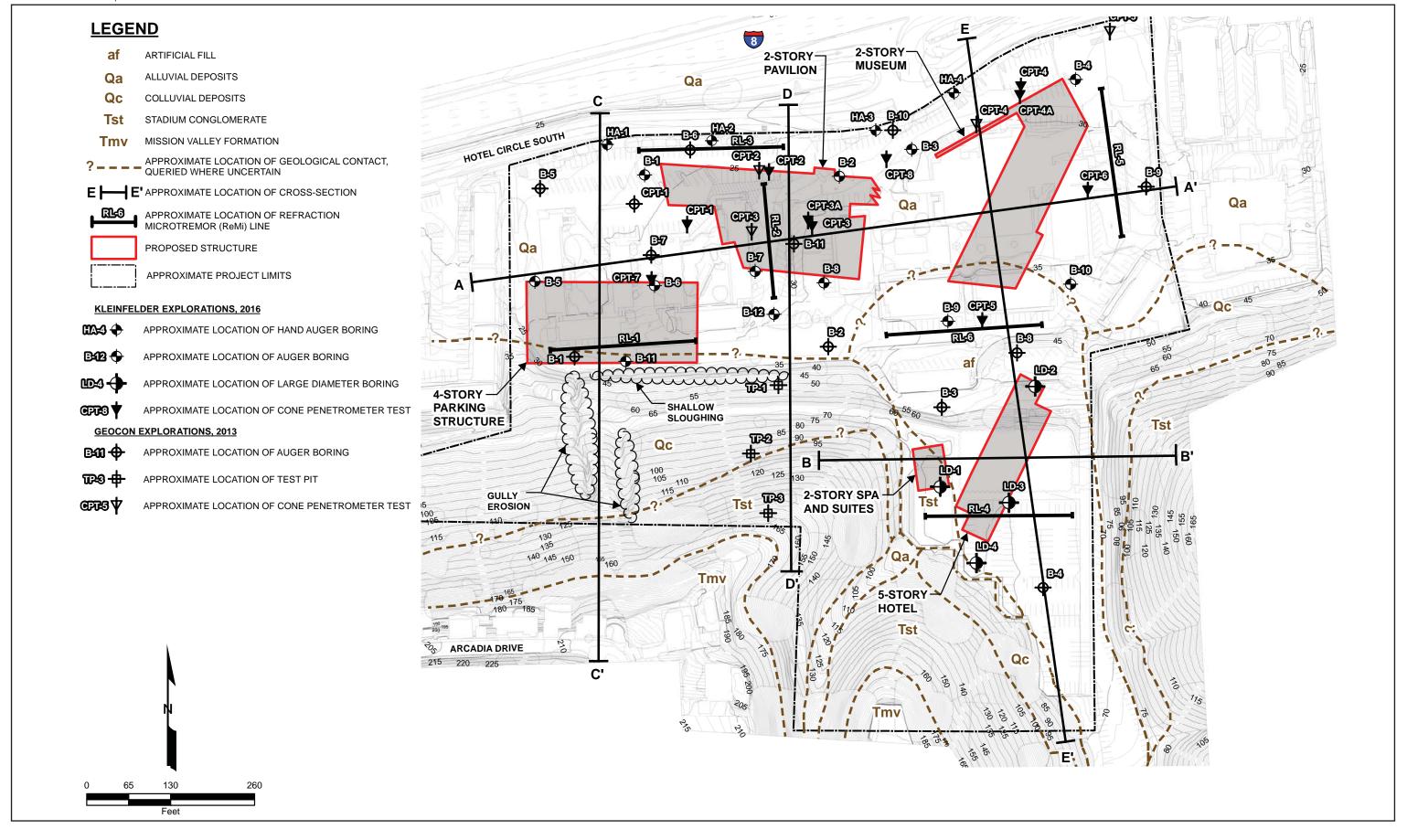
Alluvium was located in both the northern and southern area of the site. at the project site underlies the undocumented fill and is exposed at grade. The alluvium-encountered soils include the most soils in the spectrum, including clays, silts, sands, gravels, cobbles, and boulders with widely variable gradations. consists of very soft to hard sandy silt, sandy clay, and loose to very dense sand and silty to clayey sand. Portions of the alluvium are susceptible to liquefaction. The clay portions of the alluvium are compressible and the upper portions will require remedial grading.

<u>de</u>. Stadium Conglomerate (Tst)

Stadium Conglomerate is exposed in the slope areas on the southern and southeastern portion of the project site. According to published geologic maps, the Stadium Conglomerate underlies the alluvium across the project site. The Stadium Conglomerate consists of medium to very dense silty sand and firm to very stiff silty clay with gravel and cobble. It is considered suitable for the support of planned improvements.

4.13.1.2 Groundwater

Groundwater seepage and ponding are often the result of alteration of the permeability characteristics of the soil, alteration in drainage patterns, or increased precipitation or irrigation water. Groundwater seepage or ponding could occur after development of the project site, even where none was present before development. Groundwater was encountered on the project site between 15.58 and 20.533.5 feet below grade during the February to March 2016 testing by Kleinfelder (between elevations of 10.5 and 18.5 feet above mean sea level).



4.0 Environmental Analysis

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4.13.1.3 Geologic Structure/Faults

The site is located in the seismically active southern California region. No known active, potentially active, or inactive faults traverse the project site. The closest active fault is the Rose Canyon fault, which is located approximately 1.4 miles to the west. The closest potentially active fault is the Texas Street fault located 1.6 miles to the east. The Florida Canyon and Texas Street faults, which are considered "potentially active, inactive, presumed inactive, or activity unknown faults", are approximately 1.5 and 1.9 miles east of the project site, respectively.

Active faults in the region that could possibly affect the project site include the Newport–Inglewood, Rose Canyon, Coronado Bank, Palos Verdes Connected, Elsinore, and Earthquake Valley faults.—The proximity of the Rose Canyon/Newport–Inglewood fault system (approximately 1.5 miles west and southwest)—makes it the dominant source of potential ground motion at the project site. Nonetheless, an earthquake at other active faults in the region could also. An earthquake along any of these faults could result in moderate to severe ground shaking levels at the project site, depending on such factors as the magnitude of the seismic event and the distance to the epicenter. The discussion of earthquake ground shaking is discussed further below.

4.13.1.4 Geologic Hazards

Based on the Seismic Safety Study maps (City of San Diego 2008c), the southern portion of the project site is within geologic hazards category 53, and the northern portion of the site is within Category 31. Category 53 is assigned to level or sloping terrain with unfavorable geologic structure and has a low to moderate risk potential. Category 31 denotes liquefaction and a high potential of risk, such as areas with shallow groundwater, major drainages, and hydraulic fills.

a. Landslides

Landslides are deep-seated ground failures in which a large arcuate or block-shaped section of a slope detaches and slides downhill. Within the San Diego region, landslides are typically associated with clayey soils that become saturated with water. While the northern area of the site is relatively flat, the southern area includes a steep hillside (approximately 2 to 1 horizontal to vertical gradient). This slope consists of Stadium Conglomerate and the Mission Valley Formation. There are no landslides at the project site or in a location that could impact the project site.

b. Earthquake Ground Shaking

The project site could be subjected to moderate to severe ground shaking in the event of an earthquake along any of the faults in the southern California/northern Baja California region. Based on the geotechnical investigation report (Appendix G-1), the average characteristic

shear wave velocity for a depth of 100 feet on-site are estimated to be between 600 and 1,200 feet per second based on a Site Class D (Stiff Soil Profile).). The calculated peak ground acceleration is 0.538 g.peak ground acceleration with a 2 percent probability of exceedance in 50 years may be up to about 60 percent of the acceleration of gravity at the subject site.

c. Liquefaction and Settlement

Liquefaction typically occurs when a site is located in a zone with seismic activity, and where on-site soils are relatively cohesionless, groundwater is encountered within 50 feet of the surface, and soil relative densities are less than about 70 percent. The potential for liquefaction during a strong earthquake is limited to soils that are in a relatively loose, unconsolidated condition and located below the groundwater table. A liquefaction analysis was completed for the project site due to the presence of groundwater, and silty and sandy soils (Appendix G-1). Per the analysis, soils on-site exhibit potential for liquefaction that could result in settlements up to 7 inches.

Another type of seismically induced ground failure that can occur as a result of seismic shaking is dynamic compaction, or seismic settlement. Based on the soils encountered, the existing soils on-site are also susceptible to 0 to 12 inches of dynamic compaction settlement. A potential for liquefaction within the project site soil exists due to the relatively low density of the alluvial deposits and the depth to groundwater encountered on-site.

d. Expansive Soil

Expansive soils are characterized by their ability to undergo significant volume changes (shrink or swell) due to variations in moisture content. The surface soils (top 5 feet of the site) are primarily non-plastic granular soils to low plasticity silts and clays having an Expansion Index of approximately 5 (very low) to 41 (low). Per the Geotechnical Investigation (Appendix G-1), the majority of soils within the upper 5 feet of the site are likely to have a low to moderate expansion potential.

e. Tsunamis

Tsunamis are great sea waves produced by a submarine earthquake or volcanic eruption. Historically, wave heights from tsunamis in the San Diego area have not exceeded 3.7 feet. The potential for a tsunami to affect the project site is low due to project site elevation (23 feet above mean sea level) and its location approximately 5 miles from the Pacific Ocean.

fe. Seiches

Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays, or reservoirs. The potential for a seiche to affect the project site is low, because the site is approximately 0.4 mile south of the San Diego River and 8 miles west of Lake Murray.

4.13.1.5 Regulatory Framework

a. California Building Code

Slope instability or erosion problems in the City are primarily regulated through the California Building Code (CBC) and the City's Grading Ordinance (see below). The CBC requires special foundation engineering and investigation of soils on proposed development sites located in geologic hazard areas. These reports must demonstrate either that the hazard presented by the project will be eliminated or that there is no danger for the intended use. The CBC also contains design and construction regulations pertaining to seismic safety for buildings. These regulations cover issues such as ground motions, soil classifications, redundancy, drift, and deformation compatibility.

Other applicable state regulations include the Alquist–Priolo Earthquake Fault Zoning Act of 1972, the Seismic Hazards Mapping Act of 1997, and the Unreinforced Masonry Law of 1986.

b. City of San Diego Land Development Code

The City's Grading Ordinance is located within the Land Development Code as Section §142.0101. The purpose of the City's grading regulations is to address slope stability, protection of property, erosion control, water quality, and landform preservation and to protect the public health, safety, and welfare of persons, property, and the environment. To reduce slide danger and erosion hazards, a grading permit must be obtained for all projects involving the process of moving soil and rock from one location to another. The grading ordinance is designed in part to assure that development in earthquake- or landslide-prone areas does not threaten human life or property.

4.13.2 Issues 1 and 2: Geologic Hazards

Would the project be located on a geologic unit or soil that is unstable or that would become unstable as a result of the proposal, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Would the project expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

The City's 2011 Significance Determination Thresholds do not include thresholds for the issue of geology. Instead, this section relies upon the City's Initial Study Checklist questions for Geologic Conditions.

4.13.2.1 Impacts

Since the project involves grading for construction and new structures, the potential hazards related to geologic conditions are discussed in more detail below. For purposes of analyzing impacts associated with geology and soils, the following discussions are inclusive of all components of the project.

a. Geology and Soils

The <u>surficial soils</u>undocumented fill on-site is-<u>are</u> not suitable <u>in their current condition</u> for the support of structures and could expose people to hazards. <u>In addition</u>, the undocumented fill would need to be completely removed within the areas proposed for grading prior to site development. The clay portions of the alluvium are compressible, and the upper portions would also require remedial grading. Removal and re-compaction of the undocumented fill and upper portion of the alluviumsurficial soils is a standard grading technique required by the CBC and included as a recommendation in the geotechnical reports prepared for the project (see Appendixes G-1 and G-2). The geotechnical investigation recommends excavation and recompaction as engineered fill to minimum depth of 3 feet in below shallow foundations and floor slabs and a depth of 12 inches in hardscape/pavement areas. Deep foundations are also utilized to support heavier structures on compressible soils. The project would ultimately be conditioned to adhere to the final geotechnical investigation report recommendations to the satisfaction of the City. Adherence to these requirements would ensure that impacts associated with compressible soils would be less than significant.

b. Groundwater

No surface expressions of groundwater seepage or ponding were found within the site or immediate vicinity. However, as noted above (Section 4.13.1.2), groundwater can be encountered as shallow as 8 feet, thus, groundwater seepage or ponding could occur after development of the project site. As analyzed in Section 4.11, Hydrology, project redevelopment will require flood-proofing of Building 1 and the parking structure based on current architectural plan elevations. Ultimately, flood proofing requirements will be addressed by the architect during final engineering and shall comply with the City's flood ordinance. the buildings for which the lowest basement elevation is lower than the flood zone water surface elevation of 28.9 feet. Therefore, the design for the subterranean parking and catacombs include waterproofing because of the shallow groundwater depth.

Standard engineering design for proper surface drainage of irrigation and rainwater, and subsurface drainage structures if necessary, is required for construction of the project. Proper engineering design of drainage features and structures and compliance with the CBC would reduce the risk of groundwater seepage to less than significant.

c. Geologic Structure/Faults

The active Rose Canyon/Newport–Inglewood fault system is the dominant source of potential ground motion at the project site. Other active faults in the region that could possibly affect the project site include the Coronado Bank, Palos Verdes Connected, Elsinore, and Earthquake Valley faults. While the site is located in a seismically active area, no particular characteristic of the site indicates an unusual or heightened seismic risk comparative to the San Diego region. The site is not crossed by a known active fault; therefore no impacts due to surface fault-rupture are anticipated.

d. Geologic Hazards

Landslides

As discussed above, there are no landslides at the project site or in a location that could impact the project site. Landslide hazards are less than significant.

Earthquake Ground Shaking

The project site could be subjected to moderate to severe ground shaking in the event of an earthquake along any of the faults in the southern California/northern Baja California region. Potential impacts to buildings associated with earthquake ground shaking would be reduced to an acceptable level of risk by compliance with the CBC. Such compliance would be reinforced though adherence to the final geotechnical investigation report recommendations to the satisfaction of the City.

Liquefaction

The potential for liquefaction within the project site soil exists due to the relatively low density of the alluvial deposits and the depth to groundwater encountered on-site. The project foundations, footings, and retaining walls consider this existing liquefaction potential (see EIR Section 3.4.5). Compliance with the recommendations of the final geotechnical investigation and CBC would reduce the liquefaction hazard to a less than significant level. Liquefaction hazards would be significant.

Tsunamis

The potential for a tsunami to affect the project site is low due to the elevation of the project site as well as distance from the nearest shoreline (approximately 5 miles). Tsunami hazards would be less than significant.

Seiches

The San Diego River is approximately 0.4 mile north of the project site and Lake Murray is approximately 8 miles to the east. The potential hazards resulting from a seiche would be low due to the distance to these water bodies. Impacts would be less than significant.

4.13.2.2 Significance of Impacts

Compliance with existing regulations would be required to ensure that structures would not be located on an unstable or expansive geologic unit or soil and that the soil would not become unstable as a result of earthquake ground shaking. Similarly, the existing liquefaction potential was considered in the design of the project and pursuant to satisfying the CBC and City of San Diego requirements (see EIR Section 3.4.5). Ultimately, the project would be conditioned to adhere to the final geotechnical investigation report recommendations to the satisfaction of the City. Impacts would be less than significant.

Of the geological hazards described above, the potential for soil liquefaction as a secondary effect of earthquake ground shaking has been identified as a potential significant impact on the proposed development. Several possible measures are recommended by the project's geotechnical consultant (Appendix G) to mitigate the potential impact of soil liquefaction (GEO-1).

4.13.2.3 Mitigation, Monitoring, and Reporting

Adherence to the City's Grading Ordinance, CBC, and implementation of the recommendations described in the geotechnical investigation (see Appendixes G-1, G-2, and G-3) would ensure that geologic hazard impacts would be less than significant.

- **GEO-1** The mitigation of liquefiable soils would likely be necessary for settlement-sensitive structures. The type and extent of mitigation depends on the type and location of structures on the final design plan. Several alternatives are available for mitigation including deep foundations, ground improvements, and structural mitigations:
 - Deep foundation systems such as driven piles or auger-cast-in-place piles typically exhibit the least amount of design total and differential settlements (½ to 1 inch or less).
 - The second alternative is ground improvement using stone columns, consisting of densifying existing soils with a vibrating probe and placing crushed rock. This method typically exhibits total settlements (static and seismic) of 1 to 3 inches.

 Mat slab foundations can also typically be designed to accommodate total settlement of 1 to 3 inches. The selection of the type of mitigation and performance standards will depend on the final building plans and building loads.

4.13.2.4 Significance of Impacts after Mitigation

Impacts would be less than significantafter mitigation of liquefaction hazards (implementation of **GEO-1**).

4.13.3 Issue 3: Erosion

Would the proposal result in a substantial increase in wind or water erosion of soils, either on or off the site?

The City's 2011 Significance Determination Thresholds do not include thresholds for the issue of geology. Instead, this section relies upon the City's Initial Study Checklist questions for Geologic Conditions.

4.13.3.1 Impacts

Implementation of the proposed project is not anticipated to result in substantial soil erosion because the site is a mostly developed area. Approximately 51,420 cubic yards of cut and 53,398 cubic yards of fill would be required for grading on-site. Graded areas would be revegetated, and slopes beyond the limits of grading would remain undisturbed. During project construction, redevelopment activities will need to comply with erosion control measures pursuant to the City's Grading Ordinance. The project is also subject to the City's stormwater regulations and erosion control measures as identified in Chapter 3.0, Project Description, and discussed further in Section 4.12, Water Quality.

The City's Grading Ordinance requires extensive measures to control erosion during and after grading or construction. These include:

- Desilting basins, improved surface drainage, or planting of ground covers required early in the improvement process in areas that have been stripped of native vegetation or areas of fill material.
- Short-term measures such as sandbag placement and temporary detention basins.
- · Catch basins.
- Restrictions on grading during the rainy season (November through March), depending on size of the grading operation, and on grading in proximity to sensitive wildlife habitat.

- Immediate post-grading slope revegetation or hydroseeding with erosion-resistant species to ensure coverage of the slopes prior to the next rainy season in accordance with Revegetation and Erosion Control Requirements found in section 142.0411 and Table 142-04F of the Land Development Code, Landscape Regulations. All required revegetation and erosion control is required to be completed within 90 calendar days of the completion of grading or disturbance (Land Development Code 142.0411 [c]).
- Proper drainage and infiltration basin design (Appendixes L, M-1, M-2, and M-3).
 This includes the consideration that the majority of the site (6 of the 8 basin areas) is not suitable for infiltration pursuant to the Categorization of Infiltration Feasibility Conditions analysis.

Conformance to such mandated City grading requirements would ensure that proposed grading, construction, and fill disposal operations would avoid significant soil erosion impacts. Incorporation of recommendations described in the geotechnical investigation into project grading design would additionally serve to lessen the potential soil erosion impacts (see Appendixes G-1 to G-4). The construction of the project will not increase water erosion of soil on- or off-site. The project civil engineer will provide storm water management devices that will prevent water from eroding areas adjacent to the project (Appendixes L and M-1). Thus, potential impacts due to erosion would be less than significant.

4.13.3.2 Significance of Impacts

Adherence to the City's Grading Ordinance, CBC, and implementation of the recommendations described in the geotechnical investigation (see Appendixes G-1 to G-4) would ensure that erosion impacts would be less than significant.

4.13.3.3 Mitigation, Monitoring, and Reporting

Impacts would be less than significant; therefore, no mitigation is required.

4.14 Public Utilities

This section discusses public utilities, including water, wastewater, energy infrastructure, and solid waste disposal and is based on technical studies prepared for the project. A Water System Analysis for the off-site public water system was prepared by Dexter Wilson Engineering (Appendix N-1) and updated by Project Design Consultants pursuant to the refined project in Appendix N-2. Appendix N-3 is an addendum to the project's Private Fire Protection System and Private Domestic Water Systems Study for the refined project. A Sewer Study was prepared by Project Design Consultants (Appendix O). RECON Environmental prepared a Waste Management Plan (Appendix P), to address the management of solid waste generated by the project. The topic of energy supply and demand is addressed separately in Section 4.16.

4.14.1 Existing Conditions

4.14.1.1 Water Supply

The City Public Utilities Department (PUD) provides water service to the project site. The PUD purchases up to 90 percent of its water from the San Diego County Water Authority (CWA), which in turn purchases most of its water from the Metropolitan Water District of Southern California (MWD). While the PUD imports the majority of its water, it also relies on three local supply sources to meet or offset potable water demands. These include local surface water, conservation, and recycled water. The availability of sufficient imported and regional water supplies to serve existing and planned uses within the PUD service area is demonstrated through water management plans.

a. Metropolitan Water District of Southern California

The MWD was formed in 1928 to develop, store, and distribute supplemental water in southern California for domestic and municipal purposes. The MWD is a wholesale supplier of water to its member agencies. It obtains supplies from local sources, the Colorado River via the Colorado River Aqueduct, which it owns and operates, and the Sacramento–San Joaquin Delta via the State Water Project.

Planning documents such as the Regional Urban Water Management Plan (RUWMP) and Integrated Water Resources Plan (IWRP) help ensure the reliability of water supplies and the infrastructure necessary to provide water to southern California. MWD's 2005 RUWMP (superseded by the November 2010 update) documents the availability of these existing supplies and additional supplies necessary to meet future demands. The 2005 RUWMP includes the resource targets included in the IWRP and contains a water supply reliability assessment that includes a detailed evaluation of the supplies necessary to meet demands over a 25-year period in average, single-dry year and multiple-dry year periods. As part of this process, MWD also uses San Diego

Association of Governments' regional growth forecast in calculating regional water demands. In accordance with state law, the RUWMP is updated every five years.

MWD's IWRP identifies a mix of resources (imported and local) that, when implemented, will provide 100 percent reliability for full-service demands through the attainment of regional targets set for conservation, local supplies, State Water Project supplies, Colorado River supplies, groundwater banking, and water transfers. The latest IWRP (2007) includes a planning buffer to mitigate against the risks associated with implementation of local and imported supply programs. The planning buffer identifies an additional increment of water that could potentially be developed if other supplies are not implemented as planned. The planning buffer is intended to ensure that the southern California region, including the City, will have adequate water supplies to meet future demands. The IWRP is currently undergoing an update to address water supply and infrastructure investments through 2035.

b. San Diego County Water Authority

The CWA purchases water from the MWD that is delivered to the region through two aqueducts. Of the MWD's 24 member agencies, the CWA is the largest member agency in terms of deliveries and purchases accounting for about 25 percent of all the water the MWD delivered in fiscal year 2007. As a retail member agency of the CWA, the PUD purchases water from the CWA for retail distribution within its service area.

The CWA's 2005 (updated in 2010) Urban Water Management Plan (UWMP), in accordance with state law and the RUWMP, contains a water supply reliability assessment that identified a diverse mix of imported and local supplies necessary to meet demands over the next 25 years in average, single-dry year and multiple-dry year periods. The CWA's UWMP documents that no shortages are anticipated within its service area. The CWA also prepared an annual water supply report for use by its members that provides updated documentation on existing and projected water supplies. Similar to MWD, the CWA is in the process of updating the 2005 UWMP to address water reliability in light of recent challenges to water supply and in response to the population, housing, land use, and economic growth projections in San Diego Association of Governments' 2050 Regional Growth Forecast.

c. Challenges to Regional Water Supply

Water supply for southern California faces many short-term and long-term challenges, including restrictions for endangered species and other environmental protections, droughts, funding shortfalls for new projects, climate change, and others. The PUD, CWA, and MWD prepare and revise their water supply and management plans as needed to ensure their continuing ability to serve the water supply needs of the region. These agencies continue to adopt measures and develop new programs, policies, and

projects to provide a greater degree of certainty during periods of prolonged drought or to offset possible reductions in other sources of supply.

Operation of the State Water Project along with the Central Valley Project in the San Joaquin Valley were challenged in 2007 in efforts to protect endangered species and habitat, resulting in reduction in the water delivery capacity of both projects. To ensure reliability of the Sacramento–San Joaquin Delta water supply, the MWD adopted a Delta Action Plan as a framework to address water supply risks in the Sacramento-San Joaquin Delta both for the near, mid-, and long term. In the near-term, MWD will continue to rely on plans and polices outlined in its RUWMP and IWRP to address water supply shortages and interruptions to meet water demands. Campaigns for voluntary water conservation, curtailment of replenishment water, and agricultural water delivery are some of the actions outlined in the RUWMP. If necessary, reduction in municipal and industrial water use and mandatory water allocation could also be implemented. MWD also entered into a series of agreements to ensure the stability of its Colorado River supplies and to gain substantial storage capacity in years with surplus supplies. As a result, MWD's water supply is anticipated to be restored to previous levels in the future.

At the local level, the CWA is in the process of minimizing the amount of water it purchases from MWD by diversifying its water supply portfolio. The CWA intends to increase its local water supplies to 40 percent of the region's water supplies by 2020 through conservation programs, recycling, and groundwater development projects.

In addition, the PUD emphasizes the importance of water conservation to minimize water demand and avoid excessive water use. In accordance with Municipal Code Section 147.04, all residential, commercial, and industrial buildings—prior to a change in ownership—are required to be certified as having water-conserving plumbing fixtures in place.

Also, in accordance with the Conservation Element of the City's General Plan (Policy CE-A.11), development projects shall implement sustainable landscape design such as planting "deciduous shade trees, evergreen trees, and drought-tolerant native vegetation, as appropriate, to contribute to sustainable development goals" and using "recycled water to meet the needs of development projects to the maximum extent feasible" to aid in water conservation (City of San Diego 2008a).

d. Global Climate Change

MWD's sources of water supply could be negatively impacted by global climate change and associated challenges, including, but not limited to reduction in the average annual snow pack; changes in the timing, intensity, location, and amount and variability in precipitation; long-term changes in watershed vegetation and increased incidence of wildfires; rise in sea level; increased water temperatures; and changes in urban and agricultural water demand (State of California 2006).

While the impacts of global climate change on MWD's water supply cannot be quantified at this time, MWD has taken actions to decrease potential impacts of climate change on the reliability of its water supplies, which are reflected in its IWRP and RUWMP. In addition to policies emphasizing diversification and adaptability of supply sources to manage uncertainties, current MWD water supply planning stresses the importance of local water supplies such as conservation, water reclamation, and groundwater recharge, which would be less affected by global climate change. MWD has also entered into agreements to store water in groundwater reservoirs within and outside southern California.

The CWA is currently in the planning phase for projects to obtain potable water from ocean desalinization plants, which would relieve pressure on imported water sources and expand the local water supply.

e. Water Supply Assessment and Verification

California Senate Bills (SB) 221 and 610 went into effect January 2002 with the intention of linking water supply availability to land use decisions made by cities and counties. SB 610 requires water suppliers to prepare a water supply assessment (WSA) report for inclusion by land use agencies in the California Environmental Quality Act process for large-scale projects. SB 221 requires water suppliers to prepare written verification that sufficient water supplies are planned to be available prior to approval of large-scale subdivisions. As defined in SB 221 and SB 610, large-scale projects include those that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project and/or shopping centers or businesses employing more than 1,000 people or having more than 500,000 square feet of floor space. In making these water calculations, 500 equivalent dwelling units are assumed to require 250,000 gallons per day (gpd).

The project's size and projected water demand, as discussed below, does not meet the thresholds that trigger the requirement to prepare a WSA under the provisions of SB 610 or a Water Supply Verification report under the provisions of SB 221.

4.14.1.2 Water Systems

As discussed in Section 4.14.1.1, the PUD provides water service in the City of San Diego with water purchased from MWD and the CWA. The PUD maintains surface storage reservoirs, water treatment plants, and pump stations as part of their water system. The water system also includes transmission and distribution pipelines to deliver potable water to developed areas.

The PUD operates and maintains several water pipelines and associated facilities in the project vicinity. The project site is within the City of San Diego University Heights 390 Pressure Zone water system, which includes connections to the 30-inch Alvarado 1st

Transmission Pipeline and 8-inch distribution pipelines in Hotel Circle South and Hotel Circle North (Figure 4.14-1).

4.14.1.3 Wastewater Systems

The PUD Wastewater Division provides wastewater collection, treatment, and disposal services to the San Diego region through its Metropolitan Sewerage System. The system serves a population of two million, which generates approximately 180 million gallons per day (mgd) of wastewater. Planned improvements to existing facilities would increase wastewater treatment capacity to serve an estimated population of 2.9 million through the year 2050, when nearly 340 mgd of wastewater are anticipated to be generated.

Sewer service is available within the project area. The site is serviced by an 8-inch sewer line that feeds into the existing 27-inch sewer main within Hotel Circle South, which also collects off-site flows from a secondary sewer facility running along the southern and western ends of the project site (see Figure 4.14.1).

Wastewater collected at the project site is conveyed west through various interceptors and pump stations and then finally to the City's Point Loma Wastewater Treatment Plant approximately nine miles southwest of the project area.

4.14.1.4 Solid Waste Management

Solid waste generated on-site and in the project area is collected by private franchised haulers and taken to the City's West Miramar Sanitary Landfill (Miramar Landfill), which is north of State Route 52, or Sycamore Landfill, which is east of Interstate 15. Waste from the project is expected to be disposed of primarily at the <u>800-acre</u> Miramar Landfill. The Miramar Landfill is permitted to receive 8,000 tons per day. Its remaining capacity is approximately 15.5 million cubic yards. The estimated closure date of the Miramar Landfill is August 2015 (State of California 2015). The Sycamore Landfill is permitted to receive a maximum of 3,800 tons per day. Per the current permit, the Sycamore Landfill has a remaining capacity of 42.2 million cubic yards and would close December 2031 (State of California 2015).

The City of San Diego has adopted several programs and policies to reduce solid waste generation within its borders in response to landfill constraints and the state's 1989 Integrated Waste Management Act, which mandated that all cities reduce waste disposed of in landfills by 50 percent. The Environmental Services Department developed the Source Reduction and Recycling Element to plan and manage the City's long-term disposal needs and achieve mandated waste reduction goals. The Environmental Services Department requires all new development projects, within a 40,000-square-foot threshold, to prepare a <u>Waste Management Plan (WMP)</u> that

addresses disposal of waste generated during short-term project construction and long-term post-construction operation.

The WMP is required to identify how the project would reduce waste and achieve target reduction goals and must include projected waste generation calculations and identification of the types of waste materials generated; description of how materials would be reused on-site; identification of source separation techniques for recycling; and identification of recycling and reuse facilities where waste would be taken if not reused on-site. In tandem with the WMP, all new development projects must comply with the City's Construction and Demolition Ordinance and Section 142.0830 of the Land Development Code, which outlines the requirements for refuse and recyclable materials storage. The Legacy International Center project would comply with City waste reduction requirements through preparation and implementation of a project WMP and adherence to applicable City ordinances and codes.

4.14.1.5 Energy Infrastructure

San Diego Gas & Electric (SDG&E) is the owner and operator of natural gas and electricity transmission and distribution infrastructure in San Diego County. The project site is developed and presently receiving electricity and natural gas service. There are existing above and below ground utilities on-site, including an SDG&E transformer, an overhead utility line, underground electric, and a gas line. There are no overhead utilities fronting the project site. Refer to Section 4.16 for additional information pertaining to SDG&E facilities, electricity, and natural gas.

4.14.2 Issue 1: Water

Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: water, sewer, and solid waste disposal?

Based on the City's Significance Determination Thresholds, impacts related to water would be significant if the project would:

 Result in a need for new or substantially altered water systems which would create physical impacts, propose predominantly non-drought resistant landscaping, or result in the use of excessive amounts of water.

4.14.2.1 Impacts

For purposes of analyzing impacts associated with utilities and infrastructure (water supply, water delivery, sewer infrastructure, and solid waste), the following discussions are inclusive of all components of the project.



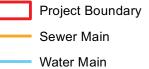




FIGURE 4.14-1
Water and Sewer Infrastructure

4.14 Public Utilities

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a. Water Supply

The average day, maximum day, and peak-hour water demand scenarios indicate that the proposed project would not meet the thresholds (500 dwelling units or the equivalent – 250,000 gpd) that trigger the requirement to prepare a WSA under the provisions of SB 610 or a Water Supply Verification report under the provisions of SB 221.

The current regional water planning document, the 2010 Urban Water Management Plan (UWMP), assumes the site would be developed with 306-room resort, 20,000 square feet of banquet space, and 27,000 square feet of health club based on the approved Atlas Specific Plan. Compared to these land uses, the proposed project would include a smaller lodging component (127-room timeshare) but a larger event facility component and added religious facility components. As shown by the City's Water Department Capital Improvement Program Guidelines and Standards: Facility Design Guidelines (City of San Diego 2002), hotels typically generate more water demand than commercial or institutional uses per acre. Thus, replacing the existing hotel uses with greater institutional and commercial uses would result in a decreased site water demand when compared to the current water use assumptions.

More specifically, the existing 13-acre hotel on-site would require 85,215 gpd based on the City's average usage rate of 6,555 gpd per acre for this type of use. (City of San Diego 2002). With the implementation of the proposed project and the utilization of the commercial and institutional water usage rate (5,000 gpd per acre), the site's water demand would be approximately 64,800 gpd on an average day (see Appendix N). This represents a 24 percent reduction in water demand for the proposed project.

As shown by these calculations, the conversion of hotel acreage to commercial and institutional uses would generally reduce site water demand. While it is not factored into the general water use assumption calculations, it is noted that the project would comply with the current Title 24 requirements that mandates a 20 percent indoor water use reduction, use drought-tolerant landscaping as required by the City's Municipal Code (see Section 4.14.6.1 below), and convert design the large water featureountain to potted veriscape plants or silk plants during be supplied with condensate from the building chiller in order to allow the feature to continue to operate during mandatory water conservation periods. Therefore, compliance with the current Title 24 requirements and the City's current landscaping regulations would further reduce water use rates of the project relative to the existing conditions.

Overall, proposed project would reduce water usage on the property relative to the existing conditions and assumed water usage in the regional water planning documents, and the project development would have a less than significant impact on water demand.

b. Water System

The proposed private water system would include domestic and fire protections service. The project would not result in a substantial increase in demand for water, as described above (and documented in Appendixes N-2 and N-3), and therefore, would not warrant substantial changes to the existing on-site water system. The existing 8-inch water distribution pipeline at Hotel Circle South would be converted to a private water line and upgraded to a 12-inch line to serve the project's water demands. The existing 8-inch line that connects the 30-inch Alvarado line to the existing 8-inch Hotel Circle South line would also be upgraded to 12 inches. Further, the proposed water supply infrastructure would be sized to accommodate the fire flow requirement of 4,000 gallons per minute.

4.14.2.2 Significance of Impacts

a. Water Supply

Implementation of the project would not require the addition of new water service facilities or generate a demand for water that has not been accounted for by the applicable planning documents. Thus, impacts to water supply would be less than significant.

b. Water System

Since no new or substantially altered water systems would be required for water service to the project, and no impacts from the installation of such facilities would occur, impacts would be less than significant.

4.14.2.3 Mitigation, Monitoring, and Reporting

a. Water Supply

Impacts would be less than significant; therefore, no mitigation would be required.

b. Water System

Impacts would be less than significant: therefore, no mitigation would be required.

4.14.3 Issue 2: Wastewater Systems

Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: water, sewer, and solid waste disposal?

Based on the City's Significance Determination Thresholds, impacts related to wastewater would be significant if the project would:

 Result in a need for new or substantially altered wastewater systems which would create physical impacts.

4.14.3.1 Impacts

The project has been designed to maintain the majority portions of the existing sewer mains and add a new on-site 8–10-inch sewer line on the east side of the site, which would connect at manholes 19 17-and 62. These-This sewer mains would flow to the Hotel Circle South Sewer main (see Figure 4.14-1).

The Sanitary Sewer Study (see Appendix O) conducted for the project provides a comparison of the existing and proposed sewer flow calculations and capacity information in order to confirm that there is sufficient capacity and acceptable velocities in the proposed condition. The existing condition flows from the site are 0.19 million gallon per day, and the proposed flows from the site would be 0.290.258 million gallons per day. The proposed sewer system would have adequate capacity to meet peak sewer flows. Implementation of the proposed project would not generate new demand for sewer capacity, and therefore, would not require substantial changes to the existing onsite wastewater infrastructure.

Activities associated with the construction of the addition of the on-site sewer line would temporarily impact ambient noise levels and may result in emissions that exceed established standards for air quality. Construction-related impacts are addressed under each of these issue areas within this EIR; no additional significant impacts associated with the construction of new facilities are identified.

4.14.3.2 Significance of Impacts

Implementation of the project would not necessitate the installation of a new 10-inch sewer main or substantially upgraded sewer facilities to accommodate effluent leaving the project site. Impacts would be less than significant. The existing 8-inch sewer mains from manholes 2 and 9 to manhole 18 will be abandoned or removed. A 10-inch public sewer main will be installed from manhole 2 and 9 and traverse the proposed sewer easement to Hotel Circle South sewer main. The project includes these utility improvements as a part of the project and, as such, the environmental impacts were addressed in this environmental document. No additional environmental impacts would occur. As such, impacts associated with public utilities would be less than significant.

4.14.3.3 Mitigation, Monitoring, and Reporting

Since impacts would be less than significant, no mitigation is required.

4.14.4 Issue 3: Solid Waste

Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: water, sewer, and solid waste disposal?

Based on the City's Significance Determination Thresholds, projects that include the construction, demolition, or renovation of 1,000,000 square feet or more of building space may generate approximately 1,500 tons of waste or more and are considered to have direct impacts on solid waste facilities. For projects over 1,000,000 square feet, a significant direct and cumulative solid waste impact would result if:

Compliance with the City's ordinances and the WMP fails to reduce the impacts
of such projects to below a level of significance and/or if a WMP for the project is
not prepared and approved by the Environmental Services Department prior to
distribution of the draft environmental document for public review.

4.14.4.1 Impacts

Based on the size and scope of the project, a WMP was prepared to provide a comprehensive program to reduce waste generated by project construction activities and post-construction future land use. The WMP consists of two sections corresponding to the processes of site development: the demolition, grading, and construction phase and the post-construction occupancy phase. Each section of the WMP addresses the projected amount of waste that would be generated by the project, waste reduction goals, and the recommended techniques to achieve the waste reduction. The WMP is summarized below and can be reviewed in its entirety as Appendix P.

a. Demolition and Construction Waste Management

The project would generate solid waste during construction and operation. The WMP estimates that the total amount of demolition waste generated by the removal of the 11 buildings that comprise the Mission Valley Resort would be 5,500 tons. Prior to demolition, salvage contractors would remove all of the furniture, fixtures, and equipment (FFE) such as safes, beds, plumbing, toilets, doors, windows, etc. for resale. The salvaged FFE is considered to be 100 percent diverted. Following salvage, cleanup, and demolition activities, implementation of the project would require 12.8 acres of grading. Grading would total approximately 51,420 cubic yards of cut and 53,398 cubic yards of fill, with no anticipated soil export. However, 195 tons of landscaping waste would be generated. Other anticipated wastes that could be associated with this phase include a negligible amount of trash generated by contractors working on-site during the grading process. Source separation strategies outlined in Appendix P would be implemented during project construction to ensure that construction waste is diverted to at least the

extent summarized in Table 4.14-1 below. The materials listed in the table would be separated and taken to source-separated recycling facilities that achieve almost a 100 percent diversion rate. The project would be required to pay a Construction and Demolition Debris Diversion Deposit along with submittal of the WMP at the time of building permit issuance. The applicant will receive the refunded deposit when evidence of the actual diversion rate for construction/demolition shows that the minimum requirement of 75 percent diversion was achieved.

TABLE 4.14-1
TOTAL DEMOLITION/GRADING/CONSTRUCTION WASTE
GENERATED AND DIVERTED BY PHASE

Phase	Tons Generated	Tons Diverted	Tons Disposed
Demolition	19,806	19,249 (97%)	558 (3%)
Grading	0	0 (100%)	0 (0%)
Construction	1,061	874 (82%)	187 (18%)
TOTAL	20,867	20,123 (96%)	745 (4%)

As shown, a total of approximately 20,867 tons of material would be generated and 20,123 tons of material would be diverted through recycling in the demolition and construction phases. This would amount to a 96 percent reduction in solid waste, which would be diverted from the landfill. With implementation of the WMP, impacts to solid waste facilities during construction of the project would be less than significant.

b. Post-construction/Occupancy Waste Management

The post-construction/occupancy phase of the project is addressed within Appendix P; Section 6.1. As discussed, the project would generate approximately 798 tons per year of solid waste during occupancy and shall be responsible for implementing a long-term, occupancy phase, solid waste management program. This is typically done through provisions for including sufficient interior and exterior storage space for refuse and recyclable materials as well as a means of handling landscaping and green waste materials. As discussed in Appendix P, the project would be required to provide 624 square feet of refuse storage area and 624 square feet of recyclable material storage. Significant solid waste impacts would not result from the post-construction/occupancy phase of the project.

4.14.4.2 Significance of Impacts

The project would not involve the construction, demolition, or renovation of 1,000,000 square feet or more of building space but would be expected to generate more than 1,500 tons of waste (estimated at 20,867 tons according to the WMP). As shown in Appendix P, the proposed project would divert at least 96 percent of its waste during construction, demolition and grading activities, and would not result in a need for solid

waste facilities or require substantial alterations to existing solid waste facilities; therefore, impacts would be less than significant.

A WMP has been prepared for the project, which ensures that project impacts would be less than significant.

4.14.4.3 Mitigation, Monitoring, and Reporting

Since impacts would be less than significant, no mitigation is required.

4.14.5 Issue 4: Energy Infrastructure

Would the project result in the need for new or expanded public facilities necessary for the provision of energy that would create physical impacts?

Based on the City's Significance Determination Thresholds, impacts related to water would be significant if the project would:

 Result in the need for new or expanded public facilities necessary for the provision of energy that would create physical impacts.

4.14.5.1 Impacts

The site is currently developed and the project would utilize the existing on-site SDG&E utilities. Any required above- and below-ground utility facilities would be located on-site. Construction activities may involve utility relocations where existing utilities conflict with proposed grading or construction activities. These required utility line relocations would take place within existing or proposed paved areas. All of the facilities involved are distribution size or smaller and are used to provide gas, electric, and telephone service to the project site. The construction of new energy infrastructure (e.g., transformers, poles, or substation) would not be required for implementation of the project.

Activities necessary to upgrade and construct facilities could temporarily impact ambient noise levels. Construction-related impacts are addressed under each of these issue areas within this environmental impact report and energy conservation is addressed in Section 4.16. The project would not require alteration of existing energy facilities.

4.14.5.2 Significance of Impacts

The project would not require substantial alteration of existing utilities, which would create physical impacts. Thus, impacts would be less than significant.

4.14.5.3 Mitigation, Monitoring, and Reporting

Since impacts would be less than significant, no mitigation is required.

4.14.6 Issue 5: Landscaping/Water Use

Does the proposal propose landscaping which is predominantly non-drought resistant vegetation?

4.14.6.1 Impacts

The project includes a swimming pool (55' x 20') and spa (11' x 20') as part of the hotel amenities. Additionally, a water feature with a reflecting pool and vertical jets would be built adjacent to Hotel Circle South. The water feature would include lighting to allow use without water during mandatory conservation periods.

<u>The project design also includes</u> new landscaping throughout the project site requiring water use for irrigation purposes. The landscaping plan is shown in Figures 3-67 and 3-67b. The project would include heavy landscaping and garden-like areas throughout the site. Landscaping would be also focused along walkways to promote pedestrian travel. Landscape screening of retaining walls would also be provided as necessary. The plant species proposed for the project would be predominantly native or drought-resistant species in compliance with the landscape standards found in the City's Land Development Manual.

Landscaping water conservation features would include low-water use native vegetation, minimizing turf, organic amendments to retain moisture, permeable surfaces to infiltrate water, reuse of native cobblestones (if available), bio-filters to clean and hold water onsite, and high-efficiency/low-maintenance irrigation.

The project would be required to adhere to existing City regulations (Land Development Code Section 142.0403(b)(2) of the Landscape Regulations) to ensure that acceptable plants are selected for landscaping. Adherence to the General Plan policies would also serve to assure the use of drought-tolerant plantings for project landscape plans.

4.14.6.2 Significance of Impacts

The project would comply with existing regulations as well as the General Plan policies, which would ensure the use of predominantly drought-resistant landscaping and water conservation for landscape maintenance. Impacts would therefore be less than significant.

4.14.6.3 Mitigation, Monitoring, and Reporting

Since impacts would be less than significant, no mitigation is required.

4.14 Public Utilities

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4.15 Public Services and Facilities

Public services and facilities are those community-wide functions that serve residents on a community-wide basis. These functions include fire protection and emergency medical services, police protection, public schools, libraries, and public recreational facilities and parks, as well as their maintenance. The following provides a discussion of public services and facilities as they relate to the project. This section is based on letters prepared by the service providers, which are included in Appendix Q. Because the project would not introduce any new residents to the project area, no new demand for public services, such as schools, recreation and parks facilities, and libraries would occur. Impacts to these facilities were found not to be significant and are addressed in Chapter 8.0.

4.15.1 Existing Conditions

4.15.1.1 Police Protection

Existing conditions for the project's police protection services are included under Section 2.3.15 in the Environmental Setting. The project site is located within the boundaries of Police Beat 623, Western Division Substation. The Western Division Substation is at 5215 Gaines Street, approximately 2.5 miles west of the project site and is currently staffed with 1125 sworn personnel and 2 civilian employees. Additional resources (Special Weapons and Tactics, canine units, etc.) respond to Western Division as needed. The current patrol strength at Western Division Substation is 145 uniformed patrol officers on First Watch, 168 patrol officers on Second Watch, and 134 patrol officers on Third Watch.

4.15.1.2 Fire Protection and Emergency Medical Services

Existing conditions for the project's fire-rescue services are included under Section 2.3. In summary, fire protection services to the project area are provided by the San Diego Fire-Rescue Department (SDFD). Fire Stations No. 5 and No. 8 provide fire protection and advanced life support services to the project site and surrounding area. Fire Station No. 5, which is approximately two miles southeast of the project site at 3902 Ninth Avenue, houses one fire engine and one battalion chief's vehicle. Fire Station No. 8 is approximately two miles south of the project site at 3974 Goldfinch Street and houses one fire engine. The SDFD's goal is one firefighter per 1,000 citizens, with current staffing at 0.7 per 1,000 residents.

Emergency medical services are provided to the project area and throughout the City of San Diego through a public/private partnership between the City's Emergency Medical Services and Rural/Metro Corporation, which provides some personnel and some ambulances. The City's Emergency Medical Services has ambulances, paramedics, and Emergency Medical

Technicians, who respond to emergency calls. All engines and trucks are full Advanced Life Support units and are equipped and capable of managing medical emergencies.

The project is located in the Mission Valley area, which is covered by the Mission Valley Public Facilities Financing Plan (PFFP; City 2013). This plan identifies a need for two fire stations within the Mission Valley area, one of which was recently constructed. Fire Station 45 was completed in 2015 and is located to the north of Qualcomm Stadium. Per the Mission Valley PFFP, new development within its service boundary must provide payment of the Mission Valley Development Impact Fee to finance the public facilities identified in the PFFP. This fee varies per development, and is based on the uses proposed.

4.15.2 Significance Determination Thresholds

Based on the City's 2011 Significance Determination Thresholds, impacts related to public services would be significant if the project would:

 Have an effect upon, or result in a need for new or altered government services in any of the following areas: fire/life safety protection and emergency medical services; police protection; parks or other recreational facilities; libraries; and schools which would result in physical impacts.

4.15.3 Issue 1: Public Services and Facilities

Would the project result in a need for new or altered governmental services in any of the following areas: police protection, fire/life safety protection, libraries, schools, and parks or other recreational facilities which would result is physical impacts?

According to the City's Significance Determination Thresholds, impacts related to police and fire-rescue services would be significant if the project would:

- Be located in a brush fire hazard area, hillside, or an area with inadequate fire hydrant services or street access.
- Involve the use, manufacture, or storage of toxic, readily combustible, or otherwise hazardous materials.
- Not provide for adequate SDFD access as determined by Fire Prevention Bureau staff to be in conformance with the California Fire Code and Fire and Hazard Prevention Services Policy A-14-01.
- Substantially affect police or fire-rescue response times (i.e., increase the existing response times in the project area).

4.15.3.1 Impacts

a. Police Protection

While response times in the area are expected to increase as a result of general population growth, the project itself would not result in an increased demand for public services, including police protection. In consultation with the San Diego Police Department, through the Crime Prevention through Environmental Design Review, the project has been designed to comply with emergency access requirements. Therefore, response times would not be anticipated to increase in the project area as a result of project implementation, nor would buildout of the project result in the need for new or expanded police facilities. There are no current plans for additional police sub-stations in the area (Appendix Q).

b. Fire Protection and Emergency Medical Services

As with police protection above, response times in the area are expected to increase as a result of general population growth, but the project itself would not result in an increased demand for fire protection and emergency medical services. Implementation of the proposed project would not present any constraints with regard to response times or the SDFD's ability to provide adequate fire and emergency medical response to the project area.

The project is not located in an area with inadequate fire hydrant services or street access. As discussed above in Section 4.15.1.2, Fire Stations No. 5 and No. 8 provide fire protection and advanced life support services to the project site and surrounding area. There are 13 fire hydrants on or near the project site. There is adequate street access to all areas of the project.

According to the 2009 SDFD Very High Fire Hazard Severity Zone map, the project site is within a brush fire hazard area due to the vegetation density and slope severity immediately south, east, and west of the site. The proposed project includes a brush management program for Brush Management Zones 1 and 2, which would provide a fire break and reduce the severity of the fire hazard within 300 feet of the project site.

The project would not involve the use, manufacture, or storage of toxic, readily combustible, or otherwise hazardous materials. During construction activities, there may be small quantities of hazardous materials associated with construction equipment such as fuels, lubricants, and solvents. City standards and policies regarding the use of hazardous materials would be followed.

The project has been designed to comply with emergency access requirements. The western driveway would provide access to the fire lane that extends from the western site driveway, along the southern site perimeter to a 25-foot diameter turnaround. The proposed project design would allow full-sized fire engines to access the interior of the project site in

the event of an emergency. Thus, the project would provide for adequate SDFD access, as determined by Fire Prevention Bureau staff, and would be in conformance with the California Fire Code and Fire and Hazard Prevention Services Policy A-14-01.

The project would be required to provide payment of the Mission Valley Development Fees prior to building permit issuance, as applicable. Payment of these fees would be partially contributed towards fire services that are necessary to ensure adequate service to the community. The project would not require an amendment to the Mission Valley PFFP.

4.15.3.2 Significance of Impacts

a. Police Protection

The project would not result in additional demand for police service in Beat 623. No new staffing or facilities would be required; thus, there would be no significant impacts to police protection services.

b. Fire Protection and Emergency Medical Services

The project would not increase the call volume for the engine companies assigned to the project area and would not contribute to the need for new or altered facilities. The project would provide for adequate access to the site for SDFD as well as fire hydrant services. In addition, a brush management program would be implemented for the proposed project. The project would be required to provide payment of the Mission Valley Development Fees prior to building permit issuance. Therefore, impacts to fire protection and emergency services would be less than significant.

4.15.3.3 Mitigation, Monitoring, and Reporting

a. Police Protection

Impacts to police protection services would be less than significant, thus no mitigation would be required.

b. Fire Protection and Emergency Medical Services

Impacts to fire protection services would be less than significant; thus, no mitigation would be required.

4.16 Energy Conservation

Public Resources Code Section 21100(b)(3) and California Environmental Quality Act (CEQA) Guidelines Section 15126.4 require EIRs to analyze energy conservation as it is applicable to the project and in particular to describe any wasteful, inefficient, and unnecessary consumption of energy caused by a project, along with a description of feasible mitigation measures.

4.16 Energy Conservation

The analysis of energy conservation consists of a summary of the energy regulatory framework, the existing conditions at the project site, a discussion of the project's potential impacts on energy resources, and identification of the project design features or mitigation measures that may reduce energy consumption. This section evaluates potential impacts to energy conservation in accordance with Appendix F of the CEQA Guidelines and federal, state, and regional regulations.

4.16.1 Existing Conditions

4.16.1.1 San Diego Gas and Electric

San Diego Gas & Electric (SDG&E) is the owner and operator of natural gas and electricity transmission and distribution infrastructure in San Diego County (County). SDG&E is regulated by the California Public Utilities Commission (CPUC), which is responsible for making sure that California utilities' customers have safe and reliable utility service at reasonable rates and sets the gas and electricity rates for SDG&E. The project's energy needs would be supplied through the various combinations of energy resources available within the project area, and involving the anticipated future energy resource use patterns discussed in this section.

Table 4.16-1 lists SDG&E's current energy sources. As shown, SDG&E uses biomass, geothermal, hydroelectric, solar, and wind sources and obtained 24 percent of its energy from renewable resources in 2013 (SDG&E 2014). As directed by the California Renewables Portfolio Standard in Senate Bill 1078, SDG&E and other statewide energy utility providers are mandated to achieve a 33 percent renewable energy mix by 2020.

The major electricity-generating power plants in San Diego County are Encina Power Station (964 megawatts [MW]), Otay Mesa Energy Center (604 MW), and Palomar Energy center (566 MW). There are also a number of smaller electricity-generating plants in the County that are used as backup during times of peak power demand. These facilities are currently capable of generating approximately 3,100 MW of power.

TABLE 4.16-1 SDG&E POWER CONTENT

	SDG&E 2013		
Energy Source	Power Mix (actual)		
Renewables	24%		
Biomass and waste	3.0%		
Geothermal	2%		
Small hydroelectric	0%		
Solar	4%		
Wind	15%		
Coal	3%		
Large Hydroelectric	0%		
Natural Gas	67%		
Nuclear	0%		
Unspecified sources of power*	6%		
TOTAL	100%		

SOURCE: SDG&E 2014.

Power generation and power use are not linked geographically. Electricity generated within the San Diego region is not dedicated to users in the SDG&E service area. Instead, electricity generated in the County is fed into the statewide utility grid and made generally available to users statewide. SDG&E purchases electricity from this statewide grid, through various long-term contracts. Natural gas is also imported into southern California and originates from any of a series of major supply basins located from Canada to Texas. Gas is pumped out and shipped to receipt points that connect with major interstate gas pipelines. The Wheeler Receipt Point, located near Bakersfield, California, is where SDG&E receives deliveries of Canadian natural gas to be received into the Southern California Gas System. Several liquid natural gas plants are proposed in Mexico, which would provide an additional source of natural gas to southern California. SDG&E currently purchases nearly 80 percent of its electricity and natural gas needs from out-of-region energy sources.

There are five SDG&E substations that serve the Mission Valley area. The Mission Substation is approximately 2 miles west of the project site, and the Friar Substation is approximately 2 miles northeast of the project site.

4.16.1.2 Regulatory Setting

The following regulations and guidelines provide the framework for energy conservation. According to the majority of these programs and their requirements, the increased and growing demands for non-renewable energy supplies are best addressed through conservation.

Federal and state agencies regulate energy use and consumption through various means and programs. On the federal level, the U.S. Department of Transportation, the U.S. Department of Energy, and the Environmental Protection Agency are three federal agencies

^{*}Electricity from transactions which are not traceable to specific generation

with substantial influence over energy policies and programs. Generally, federal agencies influence and regulate transportation energy consumption through establishment and enforcement of fuel economy standards for automobiles and light trucks through funding of energy-related research and development projects and of transportation infrastructure improvements.

On the state level, the CPUC and California Energy Commission are two agencies with authority over different aspects of energy. The CPUC regulates privately owned utilities in the energy, rail, telecommunications, and water fields. The California Energy Commission collects and analyzes energy-related data, prepares statewide energy policy recommendations and plans, promotes and funds energy efficiency-programs, and adopts and enforces appliance and building energy efficiency standards.

a. Federal

Federal Energy Policy and Conservation Act and Amendments

Minimum standards of energy efficiency for many major appliances were established by the U.S. Congress in the federal Energy Policy and Conservation Act of 1975, and have been subsequently amended by succeeding energy legislation, including the federal Energy Policy Act of 2005. The U.S. Department of Energy is required to set appliance efficiency standards at levels that achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified.

Corporate Average Fuel Economy Standards

The federal Corporate Average Fuel Economy (CAFE) standard determines the fuel efficiency of certain vehicle classes in the United States. In 2007, as part of the Energy and Security Act of 2007, CAFE standards were tightened for new light-duty vehicles to 35 miles per gallon by 2020. In May 2009, President Obama announced plans to increase CAFE standards to require light-duty vehicles to meet an average fuel economy of 35.5 miles per gallon by 2016.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 established new standards for a few equipment types not already subjected to a standard and updated some existing standards. Perhaps the most significant new standard established is for general service lighting, which will be deployed in two phases. First, by 2012–2014 (phased over several years), common light bulbs will be required to use about 20–30 percent less energy than present incandescent bulbs. Second, by 2020, light bulbs must consume 60 percent less energy than today's bulbs; this requirement will effectively phase out the incandescent light bulb.

b. State

State Standards Addressing Vehicular Emissions

California Assembly Bill 1493 (Pavley), enacted on July 22, 2002, required California Air Resources Board to develop and adopt regulations to reduce greenhouse gases (GHG) emitted by passenger vehicles and light duty trucks. California Air Resources Board adopted regulations in 2004 but due to legal delays was not granted the authority by the Environmental Protection Agency to proceed until 2009. The adopted regulations apply to the vehicle manufacture of 2009 and later model year vehicles. With this action, it is expected that the new regulations (Pavley I) will reduce GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016 (CARB 2010b). GHG reductions would result from improved vehicle design that includes small engines with superchargers, continuously variable transmissions, and hybrid electric drives. These types of vehicle design would further improve fossil fuel economy, allowing harmonization with the federal rules and CAFE standards for passenger/light-duty vehicles.

California Code of Regulations Title 24, Part 6 California Energy Code

All new construction in California must meet Title 24 energy standards (CEC 2008). Title 24, which provides energy-efficiency standards for residential and nonresidential buildings, was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to incorporate new energy-efficiency technologies and methods. For example, the current Title 24 standards achieve a minimum 15 percent reduction in the combined space heating, cooling, and water heating energy compared to the previous 2005 Title 24 energy standards.

California Code of Regulations Title 24, Part 11 California Green Building Code

The California Green Building Standards Code, referred to as CalGreen, was added to Title 24 as Part 11 in 2009, and became effective January 1, 2011. This code institutes mandatory minimum environmental performance standards that include the same energy-efficiency requirements as Part 6 of Title 24, with optional Tier I and II standards for even greater energy efficiency. The code also mandates a 20 percent reduction in indoor water use, with voluntary goals and incentives for projects achieving 30 percent and over reduction. Because the provision of water involves large amounts of energy consumption, reduced water consumption would result in reduced energy demand.

Energy Action Plan

The state Energy Action Plan, drafted and approved in 2003 by the CPUC, the California Energy Commission, and the California Power Authority, provides policy guidance for future resource additions. The goal of the Energy Action Plan (2003, updated in 2005) is to ensure

that adequate, reliable, and reasonably priced electrical power and natural gas supplies, including prudent reserves, are achieved and provided through policies, strategies, and actions that are cost-effective and environmentally sound for California's consumers and taxpayers (State of California 2005).

Renewables Portfolio Standard Program

California's Renewables Portfolio Standard (RPS) requires each of the state's investorowned utilities to supply 20 percent of its total electricity through renewable energy generation by the year 2010, as set forth in Senate Bill (SB) 1078 (establishing the California RPS Program) and SB 107 (accelerating the 20 percent requirement to the year 2010). Additionally, SB X1-2, signed into law on April 12, 2011, set an RPS mandate of 33 percent by 2020.

c. Regional

SDG&E Long-term Procurement Plan

In 2014, the CPUC approved SDG&E's long-term procurement plan, which identifies how SDG&E will meet the future energy needs of customers in its service area. The plan identifies goals for increasing renewable energy supplies and new local power generation, particularly to fill the gap created by the decomissioning of the San Onofre Nuclear Generating Station.

Consistent with SB 1078, the goals for increased renewable energy supplies in the 2014 plan call for acquiring 33 percent of SDG&E's energy mix from renewables by 2020. This bill requires the state's three investor-owned utilities, including SDG&E, to increase their purchases of power generated from renewable resources in order to reduce reliance on fossil fuels and to reduce GHG emissions.

4.16.2 Significance Determination Thresholds

Based on Appendix F of the CEQA Guidelines, impacts related to energy would be significant if construction and operation of the project would:

- 1. Result in the use of excessive amounts of electrical power;
- 2. Result in the use of excessive amounts of fuel or other forms of energy (including natural gas, oil, etc.).

4.16.3 Issue 1: Energy Use

Would the proposal result in the use of excessive amounts of fuel or other forms of energy (including natural gas, oil, etc.)?

Neither the CEQA Guidelines Appendix G nor the City of San Diego's CEQA Significance Determination Thresholds (2011) contain specific thresholds to identify when a significant energy-use impact has occurred. CEQA Guidelines Appendix F, Energy Conservation, provides direction as to the type of information, analysis, and mitigation that should be considered in evaluating a proposed project, but does not provide specific energy conservation thresholds.

Per Appendix F of the CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy. In order to assure that energy implications are considered in project decisions, CEQA requires that environmental impact reports include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Accordingly, potentially significant energy implications of a project should be considered in an environmental impact report.

4.16.3.1 Impacts

a. Construction-related Fuel Use

Grading and construction activities consume energy through the operation of heavy off-road equipment, trucks, and worker traffic. Construction details and phasing are discussed in Section 3.4.9.

Heavy equipment requirements for the various construction phases were based on similar projects' construction requirements and assumptions contained in the California Emissions Estimator Model (CalEEMod) used to project air quality and GHG emissions. Table 5 in the air quality technical report (Appendix F-1) presents a summary of the maximum anticipated heavy equipment requirements for all phases of construction.

The consumption of fuel during the construction phase was determined based on the following assumptions:

- All construction-related carbon dioxide (CO₂) emissions would be due to the combustion of fossil fuels.
- All off-road (heavy) equipment would be diesel powered and all worker vehicles would be gasoline powered.

To calculate the total fuel consumed by off-road construction equipment, the CO_2 emission estimates (in pounds) were divided by the CO_2 emission factor (in pounds per gallon). In addition, fuel-energy consumed by the anticipated hauling/delivery trucks and worker vehicles can be similarly quantified. It was assumed that all off-road equipment and on-road trucks were diesel powered and all worker vehicles were gasoline powered.

Table 4.16-2 summarizes the CO₂ emissions and gallons of fuel consumed.

TABLE 4.16-2
CONSTRUCTION FUEL CONSUMPTION

	Off-Road	Hauling	Worker	T-1-1	
	Equipment	Trucks	Vehicles	Total	
CO ₂ Emissions (pounds CO ₂ per year)					
Demolition – 2015	82,544	103,250	2,561	188,355	
Site Preparation – 2015	41,117	0	1,537	42,654	
Grading – 2015	194,587	504,819	5,122	704,528	
Building Construction – 2015	802,692	565,740	629,849	1,998,281	
Architectural Coating – 2015	5,629	0	8,238	13,867	
Paving – 2016	46,327	0	2,471	48,799	
TOTAL	1,172,897	1,173,809	649,777	2,996,484	
Emission Factor	22.67	20.27	10.50		
(pounds CO ₂ per gallon)	22.67	22.37	19.56		
Fuel Consumed (gallons)					
Demolition – 2015	3,641	4,616	131	8,388	
Site Preparation – 2015	1,814	0	79	1,892	
Grading – 2015	8,583	22,567	262	31,412	
Building Construction – 2015	35,408	25,290	32,201	92,899	
Architectural Coating – 2015	248	0	421	669	
Paving – 2016	2,044	0	126	2,170	
TOTAL	51,738	52,472	33,220	137,430	

As shown in Table 4.16-2, off-road construction equipment would consume approximately 51,738 gallons of diesel fuel, hauling/delivery trucks would consume approximately 52,472 gallons of diesel fuel, and worker vehicles would consume approximately 33,220 gallons of gasoline. This results in a total of 137,430 gallons of fuel. More efficient equipment that uses clean-fuel technologies or electric-based engines would be employed wherever feasible during construction to reduce total fuel-energy consumption.

b. Long-term Operation-related Energy Use

Long-term operational energy use associated with the project includes energy consumption related to obtaining and using water, disposing of waste, and fuel-energy consumption by operation of vehicles.

Electricity Consumption

Electricity consumed by the project was calculated as a part of the GHG emission analysis using the CalEEMod computer program. Building energy use is typically divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building, such as plug-in appliances. In California, Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. Non-building energy use, or "plug-in energy use", can be further subdivided by specific end-use (refrigeration, cooking, office equipment, etc.). Lighting is calculated separately, since it can be both part and not part of Title 24. Natural gas use is distinguished in the model as Title 24 or non-Title 24, similar to electricity consumption.

The total approximate maximum electricity consumption based on CalEEMod default values is estimated to be approximately 4,817,213 kilowatts per hour (kWh) per year at build-out. The project would incorporate a number of energy-savings measures to improve energy efficiency. The project would be constructed in accordance with the 2013 2016 Title 24 energy code, which is estimated to be 25 percent more energy efficient than the previous 201308 Title 24 energy code (Imperial Valley Economic Development Corporation 2013). The increase in energy efficiency can be achieved by using better building components, such as more insulation, higher efficiency windows, radiant barriers, and higher-efficiency heating, cooling, lighting, and water-heating equipment. These measures would reduce the amount of electricity consumed by the project.

Natural Gas Consumption

Building natural gas use is typically divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building. Like electricity, natural gas consumed by the project was calculated as a part of the GHG emission analysis using the CalEEMod computer program.

The total approximate maximum natural gas consumption based on CalEEMod default values is estimated to be approximately 113,581,732 kBtu or thousand British thermal units per year at buildout.

Additionally, as discussed previously in Section 4.16.1.2(b), the project would be constructed in accordance with the 201<u>6</u>3 Title 24 energy code, which is estimated to be 25 percent more energy efficient than the previous 2008 Title 24 energy code (Imperial Valley Economic Development Corporation 2013). This would reduce the amount of natural gas used.

Water Use

The provision of potable water consumes large amounts of energy associated with source and conveyance, treatment, distribution, end use, and wastewater treatment. This type of

energy use is known as embodied energy. The energy consumption associated with water use was calculated by multiplying the embodied energy in a gallon of potable water by the total number of gallons projected to be consumed by the project. For these estimates, it is assumed that water delivered to the project site would have an embodied energy of 2,779 kilowatt hours per acre-foot or 0.0085 kilowatt hours per gallon (Torcellini et al. 2003).

The embodied energy demand associated with water consumption is 543,399 kilowatt hours per year. A decrease in water consumption can be achieved by use of water-efficient landscapes, installing water-efficient appliances, and increasing the use of recycled water. Water-efficient plumbing fixtures, including low-flow shower heads and low-flush toilets, would be used. Landscaping water conservation features would include low-water-use native vegetation, minimizing turf, organic amendments to retain moisture, permeable surfaces to infiltrate water, reuse of native cobblestones, bio-filters to clean and hold water on-site, and high-efficiency low-maintenance irrigation. By implementing these water saving features, the project would reduce its energy consumption associated with conveyance, treatment, distribution, end use, and wastewater treatment.

Solid Waste

A preliminary Waste Management Plan has been prepared for the project (Appendix P). This report determined that there would be no significant increase in solid waste generation during the operational phase and estimates that 96 percent of construction and demolition waste would be diverted through recycling during construction. Therefore, there would be no net increase in energy consumption associated with the disposal of solid waste for either the construction or operational phases of the project.

Vehicle Use

Energy in the form of fuel (gasoline) would be consumed by vehicles associated with the project. The project would generate 4,477 Average Daily Trips. CalEEMod calculates that this trip generation would result in a total of 6,705,074 vehicle miles traveled annually. Based on the California Department of Transportation average projected fuel economy of 18.8 miles per gallon for 2020, the project would consume approximately 356,653 gallons of vehicle fuel annually.

As discussed in Section 4.16.1.2, Regulatory Setting, various federal and state regulations on vehicle and fuel manufacture would likely result in the substantial reduction of the project's vehicle fuel consumption by 2020. Specifically, the CAFE, Low Carbon Fuel Standard, and Pavley regulations would increasingly improve the fuel economy of vehicles manufactured after 2009, as well as increase the availability of and conversion to cleaner fuels.

Additionally, project design includes multimodal access—pedestrian, bike, and transit—to the Legacy International Center. As such, actual gasoline consumption could be less than that calculated above.

4.16.3.2 Significance of Impacts

a. Construction-related Fuel Use

Construction of the project would result in increased energy demand associated with the consumption of diesel fuel in construction equipment and gasoline in worker vehicles during the construction period. This fuel consumption (137,430 gallons) would be short term and would not comprise an excessive use of energy. There are no conditions on-site or in the project design that would require non-standard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the proposed project would not result in the use of excessive amounts of fuel during the construction phase of the project, and impacts would be less than significant.

b. Long-term Operation-related Energy Use

Measures to reduce wasteful, inefficient, and unnecessary consumption of energy during operation of the project have been incorporated into the project design. Additionally, vehicle gasoline consumption would be reduced, because the project would provide bus and shuttle services. As noted in the addendum to the air quality technical report (see Appendix F-2), the proposed project is smaller in size than the project analyzed above and would result in fewer emissions than identified in this analysis. As such, impacts from implementation of the project would be less than significant.

4.16.3.3 Mitigation, Monitoring, and Reporting

a. Construction-related Energy Use

Impacts would be less than significant. No mitigation is required.

b. Long-term Operation-related Energy Use

Impacts would be less than significant. No mitigation is required.

5.0 Significant Unavoidable Environmental Effects/Significant Irreversible Environmental Changes

California Environmental Quality Act (CEQA) Guidelines Section 15126.2 (b) and (c) require that the significant unavoidable impacts of the project, as well as any significant irreversible environmental changes that would result from project implementation, be addressed in an EIR.

5.1 Significant Environmental Effects Which Cannot Be Avoided if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2 (b) any significant unavoidable impacts of a project, including those impacts that can be mitigated but not reduced to below a level of significance despite the applicant's willingness to implement all feasible mitigation measures, must be identified in the environmental impact report. For the project, impacts related to transportation/circulation-there are no identified would remain significant unavoidable effects-of project development. Section 4.2 of this EIR provides more detail about the nature and extent of the transportation/circulation impacts related to the project. All other—significant impacts identified in Chapter 4, Environmental Analysis, of this EIR as resulting from project implementation can be reduced to below a level of significance with the mitigation measures identified in Chapter 4 and in the Mitigation Monitoring and Reporting Program contained within Chapter 10 of this EIR.

5.2 Irreversible Environmental Changes Which Would Result if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2 (c):

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable

commitments of resources should be evaluated to assure that such current consumption is justified.

Non-renewable resources generally include biological habitat, agricultural land, historical and paleontological resources, mineral deposits, water bodies, and some energy sources. Implementation of the project would not result in significant irreversible impacts to historical (archaeological), biological, paleontological, water, agricultural, or mineral resources.

In addition, the project would require the irreversible consumption of natural resources and energy. Natural resource consumption would include lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long-term future date, would for practical purposes be considered permanently consumed. Energy derived from non-renewable sources, such as fossil and nuclear fuels, would be consumed during construction and operational lighting, heating, cooling, and transportation uses.

To minimize the use of energy, water, and other natural resources, the project would incorporate sustainable practices into the site, such as drought-resistant landscaping where feasible and water conservation features such as low-flush toilets, low-flow faucets, and timers on irrigation sprinklers to reduce water demands. As described in Chapter 2 of this EIR, design considerations aimed at improving energy efficiency and reducing water use have been incorporated into the project design and may serve to reduce irreversible water, energy, and building materials consumption associated with construction and occupation of the project.

6.0 Growth Inducement

California Environmental Quality Act Guidelines Section 15126.2(d) requires that an EIR:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (for example, a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population might tax existing community services facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The City's Significance Determination Thresholds provide further guidance to determine potential significance for growth inducement. Based on the Thresholds, a significant impact could occur if a project would:

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). Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the surrounding environment.

According to the City's Significance Determination Thresholds, growth inducement "is usually associated with those projects that foster economic or population growth, or the construction of additional housing, either directly or indirectly which may result in the construction of major and new infrastructure facilities. Also, a change in land use policy or projects that provide economic stimulus, such as industrial or commercial uses, may induce growth." In addition, the Thresholds state that "the analysis must avoid speculation and focus on probable growth patterns or projects" (City of San Diego 2011a).

6.1 Project Effects on Growth

Since the project involves redevelopment of an existing site to provide a mix of lodging, retail, entertainment, recreational, and administrative/office uses, there are no elements

associated with an increase in population or the provision or need for additional housing. Because the project would serve existing residents and visitors, the new commercial elements (e.g., retail, restaurant, theater, etc.) would stimulate economic growth but would not induce population growth. The project is the redevelopment of an existing use, therefore it would not remove any obstacles to growth nor would it tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. For these reasons, the project would not be growth inducing.

7.0 Cumulative Impacts

Section 15130(a) of the California Environmental Quality Act (CEQA) Guidelines requires a discussion of cumulative impacts of a project "when the project's incremental effect is cumulatively considerable." Cumulatively considerable, as defined in Section 15065(a)(3), "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative effects "need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness..."

According to Section 15130(b)(1) of the CEQA Guidelines, the discussion of cumulative effects is to be based on either (a) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those impacts outside the control of the agency, or (b) a summary of projections contained in an adopted plan or related planning document that describes or evaluates conditions contributing to the cumulative effect.

The basis of and geographic area for the analysis of cumulative impacts is dependent on the nature of the issue. For this analysis, where evaluation of potential cumulative impacts are localized (e.g., noise, traffic, visual quality, biological, and historical resources, and public utilities), a list of projects was employed. For potential cumulative impacts that are more regional in scope (e.g., air quality and global warming), planning documents were used in the analysis.

List of Projects Considered for Cumulative Analysis

A total of 10 projects (Figure 7-1) have been identified for consideration in this cumulative effects analysis, including six near-term and four long-term projects.

Near-term (2017)

Quarry Falls (Civita) – Phase 1. This project consists of redeveloping a former quarry into 2,477 residential dwelling units, 50,000 square feet of community commercial, and 50,000 square feet of neighborhood commercial. This project has been approved, is under construction, and is partially occupied. As of February 2015, 1,512 dwelling units have been built and no commercial has been built.

Carmel Pacific Ridge Apartments. This residential project includes 533 multi-family dwelling units. This project has been constructed and is occupied as of May 2013.

Mission Valley Fire Station. A 16,000-square-foot fire station with 17 personnel <u>was</u> recently completed currently under construction in_on the north side of Friars Road at Mission Village Drive. This station is intended to replace an existing replaced a temporary station located in Mission Valley and is expected to be completed by mid- to late 2015.

University of San Diego Master Plan. This master plan would add 3,000 full-time equivalent people to the University of San Diego campus located in the northwestern Mission Valley area. This project is currently proposed, but not approved.

Union Tribune Master Plan. This project is approved and will add 200 multi-family residential and 3,000-square-foot specialty retail to the San Diego Union Tribune office building and printing plant facility site located on Camino de la Reina.

Camino Del Rio Mixed Use. This project has been approved and includes the redevelopment with 305 multi-family residential units, a 5,000-square-foot multi-tenant office, and 4,000 square feet of retail. The site is currently developed with a boat dealership (Twin Anchor Boats & Yachts) and vehicle storage lots for a nearby automotive sales facility (Bob Baker).

Long-term (2035)

Quarry Falls (Civita) Buildout. The remainder of Quarry Falls would be built out to include 4,780 residential units, 503,000 square feet of retail commercial, 50,000 square feet of community commercial, 50,000 square feet of neighborhood commercial, 620,000 square feet of commercial office, and a 4,000-squre-foof recreation center. This project is approved.

Levi-Cushman Specific Plan (Riverwalk Master Plan). At buildout, this project would include 1,329 residential units, 1,000 hotel rooms, 200,000 square feet of office, and 2,582,000 square feet of retail. The site is located on Hotel Circle North and is currently developed with the Riverwalk Golfcourse. It is noted that subsequent to the issuance of the project Notice of Preparation, the City initiated processing of an amendment to the Specific Plan and Community Plan that would increase the number of residential units to 4,000 multi-family units, add a 40-acre park, and reduce commercial to 150,000 square feet office/retail, 950,000 square feet of office, and a 900-room hotel. Initiation was approved in October 2014 and no development permit application has been submitted.



FIGURE 7-1
Cumulative Projects

7.0 Cumulative Impacts

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Atlas Specific Plan (including Town & Country). This approved specific plan covers several parcels within the Mission Valley area to the north and south of Interstate 8, including Hanalei Hotel (Crown Plaza), Hanalei Tower, Evelyn Terrace, Mission Grove Office Park, Kings Inn, the Mission Valley Inn (project site), and the Town and Country Hotel and Convention Center. Many of these sites are currently developed. The remaining buildout of the Atlas Specific Plan (minus the project site) would add 157,500 square feet of office and 1,701 hotel rooms to the Mission Valley area 1. The Town and Country portion of this plan has submitted an application to replace 254 hotel rooms and 35,625 square feet of convention space with 840 residences.

Hazard Center Redevelopment. This redevelopment project involves adding 473 multifamily residential units and 4,205 square feet commercial/retail, and the demolition of 1,540-seat theater at the existing Hazard Center shopping center located on Hazard Center Drive at Frazee Road. This project is approved.

Plans Considered for Cumulative Effects Analysis

This cumulative analysis relies on regional planning documents and associated CEQA documents to serve as the basis for the analysis of the broader, regional cumulative effects of the project, such as air quality and global warming. The regional planning documents used in this analysis include: the San Diego County Air Pollution Control District Regional Air Quality Strategy (RAQS), City of San Diego General Plan and Environmental Impact Report, and various other City, regional, and state plans, programs, and ordinances. These plans are discussed in Section 2.4, Environmental Setting, and/or in Chapter 4.0, Environmental Impact Analysis, of this report and are incorporated by reference in the appropriate sections of the cumulative analysis below.

7.1 Land Use

As stated in the City's Significance Determination Thresholds for land use, projects that are consistent and compatible with surrounding land uses and the applicable community plan should not result in land use impacts. The City's Significance Determination Thresholds for land use further state that project inconsistency with a plan or land use regulation does not by itself constitute a significant environmental impact, but that the

¹ The Atlas Specific Plan includes a total buildout of 3,396 hotel rooms and 216,658 square feet of office space. As of 2015, a total of 1,695 hotel rooms and 59,158 square feet of office uses have been built. The Town and Country property (part of Atlas Specific Plan) is currently in the process of redeveloping. As of February 2015, the Town and Country Master Plan demolishes 254 rooms and 35,625 square feet of convention space and backfill with 840 dwelling units generating 376 net average daily traffic (ADT). This is lower than original Specific Plan trip generation for the Town and Country property of 18,400 ADT.

inconsistency has to result in or relate to a significant environmental (i.e., physical) impact in order to be considered significant.

The project is seeking amendments to the Atlas Specific Plan and the Mission Valley Community Plan. The project would remove the site from the Atlas Specific Plan—and change the site zoning to MVPD-MV-CV. As these changes would not result in secondary physical changes, related cumulative land use impacts would be less than significant.

The project requires an deviation from Environmentally Sensitive Lands (ESL) regulations and exception from the Hillside Subdistrict regulations due to steep slope encroachments and maximum building height exceedance. The proposed project would not conflict with the intent of ESL or the Hillside Subdistrict regulations to protect slopes and public views, as the associated visual changes on-site combined with cumulative slope and hillside development changes in the valley viewshed would be less than significant. Thus, no significant cumulative land use impact related to the ESL deviation or Hillside Subdistrict regulations would occur.

The project would be consistent with the City's Multiple Species Conservation Program, Noise Zoning Code, Development Intensity Overlay District, and Transit Area Overlay. Thus, the project would not contribute to cumulative land use effects related to these plans and regulations.

7.2 Transportation/Circulation

The project's cumulative traffic impacts are addressed in Section 4.2. In summary, the project transportation/circulation impacts would be less than significant with the following exceptions:

Segments

- Hotel Circle North: Interstate 8 westbound ramps to Fashion Valley Road (impact TR-1)
- Hotel Circle North: Fashion Valley Road to Camino De La Reina (impact TR-2)
- Hotel Circle South: Project Driveway (E) to Bachman Place (impact TR-4)
- Hotel Circle South: Bachman Place to Camino De La Reina (impact TR-5)

Intersection

 Hotel Circle North / I-8 Interstate 8 westbound ramps (AM and PM peak hours) (impact TR-27) The project would mitigate its significant cumulative impacts to the Hotel Circle North segments—intersection (impact TR-1 and TR-2) by providing fair-share payments (3.5 percent) towards the signalization and reconfiguration of the Hotel Circle North / I-8 westbound ramps intersection. The reconfiguration shall (1) remove the northbound right-turn channelization to provide a traditional configuration and provide a right-turn overlap phase; (2) remove the eastbound right-turn channelization to provide a traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway, satisfactory to the City Engineer and California Department of Transportation. widening the roadway to provide an additional westbound lane (mitigation measures TR-2 and TR-3). The project would mitigate its significant cumulative impact to Hotel Circle North / Interstate 8 westbound ramps (TR-7) to below a level of significance by providing a fair-share contribution toward the signalization and reconfiguration of this intersection or equivalent mitigation (mitigation measure TR-4).

Cumulative Hotel Circle South segment impacts would remain significant and unmitigated, as the mitigation would be physically infeasible to complete. More specifically, there would not physically be enough space to provide a three-lane collector with a continuous left-turn lane due to the locations of existing commercial development and Interstate 8 support columns. Refer to Section 4.2.2.4 for additional details regarding mitigation infeasibility.

7.3 Historical Resources

7.3.1 Archaeological Resources

Archaeological resources are important for prehistoric or historic information that may be recovered. Construction of the project has the potential to impact unknown subsurface cultural resources. Implementation of mitigation measure HR-1 outlined in Section 4.3 would reduce potential impacts to unknown archaeological resources to below a level of significance. Furthermore, implementation of this required mitigation measure would reduce the potential cumulative loss of important archaeological resources to below a level of significance, as the significant prehistoric or historic information related to the archaeological resources would be preserved. Other projects within the region would also have to comply with regulations that protect archaeological resources (see Section 4.3.1.1 of this report). Overall, the project would have a less than significant contribution to cumulative archaeological resource impact.

7.3.2 Historical Resources (Built Environment)

Historical resources are non-renewable. As such, a direct impact would contribute to a cumulative loss of these resources. As discussed in Section 4.3, the structures on-site do not do not constitute a significant historical resource. As the project does not contain

significant historical resources, the project would not contribute to a cumulative loss of significant historical resources. Thus, the project would have no cumulative historical resource impact.

7.4 Biological Resources

As discussed in Section 4.4, Biological Resources, the project would potentially result in direct impacts to biological resources, but would mitigate the potential impacts to below a level of significance. The project would implement mitigation measures BR-1 and BR-2 in order to ensure that construction would not result in direct or indirect impacts to protected nesting raptors or other species protected by the Migratory Bird Treaty Act. Implementation of mitigation measure LU-1 would reduce Multi-Habitat Preservation Area (MHPA) adjacency indirect impacts to less than significant. The project impacts to sensitive habitat (i.e., 0.07 acre of Tier III-A habitat and 0.085 acre of Tier III-B habitat0.43 acre of mixed chaparral [including disturbed] and 0.80 acre of non-native grassland) would be mitigated through mitigation measure BR-32, which requires the applicant to purchase 0.12 mitigation credit through the City's HAF program. The project's impact to jurisdictional non-wetland waters would be less than significant. The mitigation measures identified in Section 4.4 were prepared in accordance with the Multiple Species Conservation Program and the Biology Guidelines, which are intended to reduce cumulative impacts within the City to below a level of significance. The other cumulative projects would be required to implement similar mitigation in compliance with City and wildlife agency regulations should they have the potential to impact the MHPA, sensitive habitats, nesting raptors, Migratory Bird Treaty Act-protected species, and jurisdictional waters. Therefore, the project would not contribute to a significant cumulative impact.

7.5 Air Quality

The project air quality analysis completed in Section 4.5 addresses local air quality impacts consisting of carbon monoxide (CO) hotspots and odors, consistency with the RAQS, and criteria pollutant air quality impacts to the San Diego Air Basin (SDAB). The CO hotspot, RAQS and criteria pollutant analysis are all cumulative in nature, as the CO hotspot analysis considers the cumulative traffic conditions, the RAQS analysis considers the project consistency with a regional plan, and the criteria pollutant analysis considers the project air pollutant contribution to the cumulative San Diego Air Basin air quality conditions. As detailed in Section 4.5, the project would not significantly contribute to a cumulative CO hotspot, the project would be consistent with the RAQS, and the project would not exceed the applicable thresholds for any criteria pollutants the SDAB is in non-attainment for. The project would also have a less than significant odor impact, which would also be a less than significant cumulative impact as the

construction-related odors would not combine with any cumulative projects given the distance between the site and cumulative projects. Thus, the project's incremental increase in air quality emissions would not be cumulatively significant.

7.6 Paleontological Resources

As indicated in Section 4.6, the project is underlain by geologic formations with a high sensitivity potential for paleontological resources and project grading would have potential to destroy significant fossil remains. The project would mitigate this potentially significant paleontological impact to below a level of significance through mitigation measure PAL-1. This measure requires monitoring, collection, recordation, and curation and documentation of any significant resources and, therefore, the project would not considerably contribute to the loss of paleontological resources within the region. Thus, the project's cumulative paleontological resource impact would be less than significant.

7.7 Visual Effects and Neighborhood Character

The cumulative visual impact study area consists of the project viewshed. Due to topography and intervening features, the viewshed is generally limited to the adjacent properties, the portions of Hotel Circle South and Interstate 8 north of the project site, Hotel Circle North, the Handlery Hotel, the Town and County Hotel, and the southern portion of the Riverwalk Golfcourse. Thus, the only other cumulative projects within the project viewshed consist of the Levi-Cushman Specific Plan on the existing Riverwalk Golfcourse, Town and Country Hotel, and Convention Center that is within the Atlas Specific Plan.

The Town and Country Hotel site is already built out, and redevelopment of the Town and Country site with a resort hotel in accordance with the Atlas Specific Plan would not significantly alter the site's character. Conversely, the redevelopment of a golf course to multi-family homes and commercial uses thought the Levi-Cushman Specific Plan project would alter the character of that site from an open space, landscaped area to a densely developed site. Neither of these cumulative project sites is located on a hillside and would, therefore, not combine with the project's less than significant hillside landform changes. Overall, these two projects combined with the proposed project would not significantly alter the urban viewshed character that is dominated by a large nine-lane freeway, hotels, and resorts. The project would have a less than significant cumulative visual impact.

7.8 Noise

As presented in Sections 4.1, Land Use, and 4.8, Noise, the project would generate noise through construction, traffic generation, and stationary sources consisting of heating, ventilating, and air conditioning units and the amphitheater. Due to the distance of the cumulative projects from the project site, the attenuation of noise by 6 A-weighted decibels for every doubling of distance and the impact significance determination methodology, the project's construction and stationary noise impacts would not lead to cumulative noise impacts. Thus, this cumulative analysis focuses on ambient noise level changes generated through traffic.

The traffic noise analysis completed considers existing noise combined with noise generated by the project traffic and future cumulative traffic, and thus, is a cumulative noise compatibility analysis. While significant off-site noise level increases would occur along Hotel Circle South, Hotel Circle North and Fashion Valley Road, the project's contribution toward this cumulatively significant impact would be less than the 3-decibel significance threshold (Appendix I). Therefore, the project would have a less than significant cumulative traffic noise impact.

7.9 Health and Safety/Hazardous Materials

The project site formerly included a gas station, and other former automotive facilities are located within 1,000 feet of the site. The project demolition activities may also result in potential lead and asbestos issues due to the age of the existing structures. In addition, the construction of the project and other cumulative projects would require the transport, temporary storage, and use of hazardous materials. The project and all other projects in the vicinity would be required to comply with applicable federal, state, and local regulations during demolition, construction, and operations. Adherence to these regulations would avoid potentially significant cumulative hazardous materials impacts.

The project would provide adequate emergency access to the site and would not interfere with any emergency response plans, as detailed in Section 4.9. The project would not result in any emergency access or response plan impacts, and would therefore not contribute to any related cumulative issues.

7.10 Greenhouse Gas Emissions

Global climate change is, by its nature, a cumulative issue. Section 4.10 of this report provides a detailed assessment of the project's compliance with the City's Climate Action Plan (CAP). The proposed project would be consistent with the CAP, as determined through the use of the CAP Checklist (refer to Appendix K). in relation to

greenhouse gas (GHG) emissions and compares it to the City's screening criteria. Construction and operation of the project would result in GHG emissions that are below the City's screening criteria and, therefore, would not contribute to significant impacts with respect to GHG. The project is consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. Considering this, the project's cumulative GHG emissions and plan consistency impacts would be less than significant.

7.11 Hydrology

As discussed in Section 4.11 of this report, Hydrology, the project would not substantially or adversely impact existing drainage patterns, increase runoff, or create flood hazards on-site or downstream. The project would use hydromodification management design features to reduce the increase to pre-project conditions and would verify the capacity of the downstream storm drain system for the 100-year storm event. The project would also include Low Impact Development Integrated Management Practices and Treatment Control Best Management Practices (BMPs) to avoid hydrology impacts. The project would include development within the 100-year floodplain, but the proposed subterranean parking and catacombs project would not affect off-site floodplain levels or contribute to a cumulative flooding issue. Overall, engineering practices and BMPs of the project have been designed to comply with local and regional hydrology requirements that are intended to preclude cumulative hydrology impacts. The project would therefore not contribute to any cumulative hydrologic effects in the project area.

7.12 Water Quality

The project is located within the San Diego River Watershed Hydrologic Unit (HU 907.10), and storm water from the site flows through the storm drain system into the San Diego River and ultimately into the Pacific Ocean. These downstream waters are 303(d) listed as impaired by bacteria (enterococcus and fecal coliform), low dissolved oxygen, manganese, nutrients (nitrogen and phosphorus), total dissolved solids, and toxicity. Considering the proposed project features and these downstream impairments, the primary pollutants of concern are heavy metals, organic compounds, nutrients, trash and debris, oxygen-demanding substances, and bacteria and viruses. As required, the project would include construction and post-construction BMPs designed to reduce these primary pollutants of concern and reduce cumulative impacts to downstream impaired waters. Ultimately, regulations require BMPs to address cumulative downstream water impairment impacts and, inherently, projects are required by regulations to reduce their contribution to cumulative water quality impacts to below a level of significant. Thus, the proposed project's cumulative water quality impact would be less than significant and no mitigation would be required.

7.13 Geologic Conditions

The project, as with all other projects in the vicinity, would follow standard construction practices and engineering codes to ensure that no geologic impacts would result from project development. In addition, conformance to building construction standards for seismic safety with the Uniform Building Code would assure that new structures would be able to withstand anticipated seismic events within the City. Therefore, implementation of the project and associated future development in the subregion would not contribute to cumulative impacts related to geologic conditions.

7.14 Public Utilities

As detailed in Section 4.14, the project would generate an additional demand for water, wastewater, solid waste, and energy service. The project includes all utility improvements necessary to provide service to the project, including improvements onsite and in the immediate project vicinity. Water and wastewater improvements include two new sewer line extensions on-site, the addition of a looped fire service water line onsite, two water service lines on-site, and a new 12-inch water line within Hotel Circle South off-site (see Figure 3-3). No upgrades to the existing electrical or gas distribution system would be required, but relocations would be completed as a part of the project due to the proposed frontage improvements and buildings. The project would include water and energy use reduction features, as required by the 20163 Title 24 California Green Building Standards and City's Municipal Code landscaping regulations (Chapter 14, Article 2, Division 4). The project also includes a Waste Management Plan to reduce the amount of waste generated by the project that would be deposited in a landfill. Cumulative solid waste impacts associated with the project would be mitigated to below a level of significance with implementation of the Waste Management Plan. It is to be noted that the regional utility planning already assumed that the project site be developed with a multiple-use facility that includes a 306-room resort hotel, 20,000 square feet of banquet facilities, and a 27,000-square-foot health club. Overall, the project includes all utility improvements needed to serve the project, and cumulative utility impacts would be less than significant.

7.15 Public Services and Facilities

7.15.1 Police Protection

As detailed in Section 4.15, police protection service is adequate in the Mission Valley area. The addition of the cumulative projects would generate additional police protection demand in the Mission Valley area, as the cumulative projects would result in an

increase in population and visitors to the Mission Valley area. The project would incrementally add to this cumulative police protection demand since it would attract additional people to the area, but this increase would not be substantial considering that the project would not result in a population increase, the site is already developed as a resort hotel with amenities (i.e., liquor store, restaurant, health club), the project would include its own security system and personnel, and the project would include Crime Prevention through Environmental Design Review. Overall, the project would have a less than significant police protection facility impact.

7.15.2 Fire Protection and Emergency Medical Services

<u>Currently, tThe Mission Valley Public Facility Financing Plan (City 2013) identifies a need for area is in need of a new or expanded fire station facility (see Section 4.15). The Mission Valley Fire Station facility, as identified above under the near-term cumulative project list, was recently completed and is currently under construction to address this issue. Under this cumulative condition analysis, this fire station is assumed to be in place.</u>

The cumulative projects proposed in the Mission Valley area would increase the demand for fire protection and emergency medical services, as they would increase the population as well as attract visitors to Mission Valley. Implementation of the project would incrementally contribute to this increase since it would attract additional people to the area. However, this increase would be minimal considering the site is already developed as a resort hotel. Also, the project includes adequate site access, fire service water supply line and hydrants, and brush management in accordance with the City's requirements. In addition, the project would be required to pay the Mission Valley Development Impact Fee that partially goes towards needed fire facilities. Ultimately, the project would have a less than significant cumulative fire service impact since it would not substantially contribute to a need for new facilities.

7.16 Energy Conservation

Development of the project would entail consumption of energy resources during both construction and operation. Together with cumulative projects, energy demand would be increased. As described in Section 4.16, construction would require standard equipment and construction practices, and the project would not increase fuel-energy consumption above typical rates. The project would comply with 2013 2016 Title 24 California Green Building Standards to ensure that it does not result in the consumption of excessive amounts of energy during operations. Additionally, vehicle gasoline consumption would be reduced, because the project would provide bus and shuttle services. As such, the project's contribution to energy demands would not be cumulatively considerable.

7.0 Cumulative Impacts

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8.0 Effects Found Not to be Significant

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15128, this section briefly describes the environmental issue areas that were determined during preliminary project review not to be significant and were therefore not discussed in detail in this report.

8.1 Agricultural Resources

The majority of the project site (13.61 acres) is designated as Urban and Built-Up Land by the State Farmland Mapping and Monitoring Program. Urban and Built-up Land does not meet the criteria of any important farmland category and is typically used for residential, industrial, commercial, construction, institutional, public administrative purposes, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. There is no designated agriculture use mapped within the project site nor does it contain prime agricultural soils or farmlands as designated by the California Department of Conservation. No properties within the project area are subject to, or near, a Williamson Act contract parcel.

The remaining area (4.52 acres) of the project site is designated as Other Land. The project would therefore have no effect on agricultural resources.

8.2 Mineral Resources

The project would not result in the loss of availability of valuable known mineral resources or of a locally important mineral recovery site as identified in the City of San Diego General Plan. The project site is located within Mineral Resource Zone Three, as identified in the General Plan's Generalized Mineral Land Classification map (General Plan, Figure CE-6). Mineral Resource Zone Three indicates areas containing mineral deposits, the significance of which cannot be evaluated from available data. Although the project site has the potential to contain mineral resources, implementation of the project would not impact these mineral resources, because the resource would continue to remain available. In addition, because the project site has been previously graded, is currently developed in urban uses, is not currently being mined, and is too small to support an economically feasible mineral resource extraction operation, site redevelopment would have no effect on mineral resources pursuant to the City's Significance Determination Thresholds for mineral resources.

8.3 Population and Housing

The project site does not contain any existing housing units, nor would the project displace people or result in an increased demand for housing. Therefore, no impacts to population or housing would occur.

8.4 Public Services (Library, Schools, and Parks)

The project does not include housing or any other component that would reasonably be expected to generate a population increase. As a result, there would be no corresponding increase in demand for library, school, or park services. Impacts related to fire, emergency, and police services are discussed in Section 4.15, Public Services and Facilities.

8.5 Recreational Facilities

The City considers parkland deficiencies a planning and facilities issue, and not an environmental impact issue. In addition, the City's CEQA Significance Determination Thresholds indicate parks and recreational services needs are based on population. The proposed project is not anticipated to increase the population within the City and therefore would not decrease usable parkland or otherwise result in the need for additional recreational facilities to meet City General Plan parks and recreational resource goals. The project would not result in a physical impact associated with construction of public facilities beyond those included as a part of the project and addressed in this environmental impact report. Thus, the project would not result in a significant parks and recreational resource impact.

9.0 Project Alternatives

9.1 Introduction

In order to fully evaluate the environmental effects of projects, California Environmental Quality Act (CEQA) mandates that alternatives to the project be analyzed. Section 15126.6 of the CEQA Guidelines requires the discussion of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to "focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project," even if these alternatives would impede to some degree the attainment of the project objectives.

As discussed in Chapter 4.0, the project could result in significant, direct, and/or cumulative environmental impacts related to land use, transportation/circulation, biological resources, noise, historical resources, and paleontological resources, and geologic hazards. Mitigation measures have been identified that would reduce all direct and cumulative impacts to below a level of significance, with the exception of traffic capacity impacts. In developing the alternatives to be addressed in this section, consideration was given to their ability to meet the basic objectives of the project and eliminate or substantially reduce significant environmental impacts. As identified in Section 3.0, project objectives include the following:

- 1. To become an internationally celebrated destination for religious tourism.
- 2. To provide a mix of lodging, retail, entertainment, recreational, and administrative/office uses that will provide a wide range of activities and amenities for visitors and employees on-site, thereby reducing driveway trips and overall vehicle miles traveled relative to a single-use project.
- 3. To create a unique project that introduces iconic architecture to Mission Valley.
- 4. To preserve significant environmental resources and steep hillsides by conforming to the previous development footprint to the extent possible.
- 5. To invite pedestrian activity through the provision of walkways/trails, a linear greenbelt with an impressive <u>water feature</u>, and <u>fountain</u>, courtyards/plazas., and <u>outdoor bazaar</u>, and <u>underground catacombs that serve as pedestrian passageways between buildings.</u>

- To reduce automobile reliance by offering a shuttle service to transport visitors to and from major transportation hubs as well as other popular San Diego tourist destinations.
- 7. To support the City's sustainable and infill development goals by redeveloping and intensifying an existing underutilized and auto-dominated site.
- 8. Create both temporary construction jobs and a net increase in permanent jobs as compared to the existing use.

The alternatives identified in this section are intended to further reduce or avoid significant environmental effects of the project. This chapter addresses the No Project (No Development) Alternative, the No Project (Development Under the Adopted Plan), and the Reduced Project Alternative. Each major issue area included in the impact analysis of this report has been given consideration in the alternatives analyses and is addressed below. Table 9-1 provides a summary of the significant project impacts compared to each alternative.

As required under Section 15126.6 (e) (2) of the CEQA Guidelines, an Environmental Impact Report (EIR) must identify the environmentally superior alternative. Pursuant to the CEQA Guidelines, if the No Project Alternative is determined to be the most environmentally superior project, then another alternative among the alternatives evaluated must be identified as the environmentally superior project. Section 9.3 addresses the Environmentally Superior Alternative.

9.2 Alternatives Considered but Rejected

This subsection of the EIR is provided consistent with CEQA Guidelines, which state that the EIR needs to examine in detail only a reasonable range of alternatives that the lead agency determines could feasibly attain most of the basic objectives of the project. Further, the EIR should identify any alternatives that were considered by the lead agency but were rejected and briefly explain the reasons underlying the lead agency's determination. Among factors used to eliminate alternatives from detailed consideration in the EIR is the failure to meet most of the basic project objectives or inability to avoid significant environmental effects (Guidelines 15126.6(c)).

As analyzed in Section 4.2, the project would result in significant <u>but</u> and unmitigated traffic impacts due to the increase in traffic on Hotel Circle North and Hotel Circle South. Therefore, several alternate locations that do not add traffic to these roadways are considered in this section.

TABLE 9-1
COMPARISON OF SIGNIFICANT PROJECT AND ALTERNATIVES IMPACTS

Environmental Issue Area	Project	No Project (No Development) Alternative	No Project (Development under the Adopted Plan) Alternative	Reduced Project Alternative
Land Use – MSCP and MHPA Consistency	SM	<	<	=
Transportation/Circulation – Traffic Capacity	S <u>M</u> NM	<	<u>></u> €	<
Historical Resources – Prehistoric Impacts	SM	<	=	=
Biological Resources – Sensitive Species (Nesting Birds)	SM	<	<	=
Biological Resources – Sensitive Habitat	SM	<	<	=
Biological Resources – MSCP	SM	<	<	=
Paleontological Resources	SM	<	=	=
Noise – Noise Generation (HVAC)	SM	<	=	=
Geologic Conditions - Geologic Hazards (Liquefiable Soils)	SM	€	=	=
Cumulative Effects	S <u>M</u> NM (Traffic)	<	<u>></u> €	<
Meets Majority of Project Objectives?		No (1/8)	No (3/8)	Yes (8/8)
Environmentally Superior?		No	No	Yes

SM=significant but mitigated; SNM= significant and not mitigated; ">"greater than, "=" similar to, "<" less than

According to the CEQA Guidelines (Section 15126.6) (f) (2) (A):

The key question and first step in (alternative location) analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

A number of factors must be considered for selecting an appropriate location for the project. The project requires at least 15-20 acres with a zoning designation that would support a resort setting with conference, educational, entertainment, recreational, and administrative space as well as amenities and tourist features. It would need to be able to accommodate 3-to-5 story buildings and be located in close proximity to public transit. Easy access to air travel is also a requirement as many of the users of the site would be travelers from outside the United States. Moreover, because the project includes significant and unmitigated impacts to Hotel Circle North and South segments, any alternative location must have less severe traffic impacts compared to the proposed project.

The project site would support the proposed development and is located centrally within San Diego (the headquarters of Morris Cerullo World Evangelism) in close proximity to public transit and air travel opportunities. During the years leading up to the purchase of the Mission Valley Resort site, three other sites of potentially adequate size were considered for the project. These three alternative locations and the reasons they were rejected are discussed in the subsequent paragraphs.

9.2.1 Alternative Location – 2535 Midway Drive

An alternative site located at 2535 Midway Drive, San Diego, California ("Midway Area") was considered as a possible alternative location for the project. Currently, 458,000 square feet of buildings is located on 15.68 acres in this location. Development of the project in the proposed Midway Area would meet some of the objectives of the project as it would be located in a warm weather and west coast location with access to San Diego's main tourism attractions and airports. However, the Midway area is currently zoned for industrial and offices uses. Moreover, the traffic impacts could potentially be greater, as the site does not currently incur the average daily trips a hotel and/or resort would incur because it is currently vacant. Thus, there is a potential that this alternative would have greater localized congestion impacts than the proposed project.

9.2.2 Alternative Location – 29251 Caminito Capistrano

This development area is located north of San Diego in San Juan Capistrano and has been identified as another alternative site for the project. It has approximately 75,000 square feet of conference and auditorium facilities on 180 acres. Development of the

proposed project at this location would meet some of the objectives of the project. However, the site is removed from San Diego's tourist attractions and does not have a planned rapid transit station nearby. Thus, there is the potential that this alternative would have greater localized congestion impacts than the proposed project, as more people would have to rely on cars rather than public transportation.

In addition, development at this site may cause significant biological and human health impacts due to the requirement that a bridge that accesses the area would need to be widened to accommodate the increase in traffic. This bridge is located over a flood control channel. Currently, it is unclear whether the project could obtain the necessary approvals to widen the bridge.

9.2.3 Alternative Location – 10455 Pomerado Road

The development area located at 10455 Pomerado Road, San Diego was considered as a possible alternative location for the project. Currently, the 120-acre university campus consists of student housing, classrooms, and an auditorium. Development of the project in this location would meet some the objectives of the project as it would be located in San Diego; provide a warm weather west coast location with easy air travel access to Asian nations, and would allow for excess parking and relative ease of entitlement process due to current zoning of the property. However, this site is removed from San Diego's tourist attractions and the distance does not lend itself to the project objectives of developing tourism attractions, resort features, and amenities. Additionally, while this alternative would not impact Hotel Circle North or South, as disclosed in the EIR for the Glen at Scripps Ranch project (SCH #2013071013), there would be significant and unmitigated land use and traffic impacts to Pomerado Road. Therefore, the project at this site would likely also-have unmitigated traffic impacts.

In summary, the alternative locations were rejected in favor of the Mission Valley site. The Midway Drive location is not correctly zoned and is located in an area where the circulation system is not equipped to handle the project's ADTs. The San Juan Area not only is removed from San Diego tourist attractions and inaccessible via public transit, but would also have significant impacts to traffic and biology due a requirement to widen a bridge located over a flood control channel in order to accommodate project ADTs. The Pomerado Road location would likely have significant unmitigated impacts to Pomerado Road and would not reduce impacts compared to the proposed site. Lastly, none of the off-site locations is currently owned by the project applicant, making these off-site alternatives infeasible. For these reasons, all of the alternative locations were rejected and not considered further.

9.3 Alternatives Fully Analyzed

Each of the alternatives described in the section below contains a proportionate amount of detail and has been analyzed in regard to each major issue identified in Chapter 4 of this EIR (but in lesser detail than the project). The alternatives traffic analysis is based on a memo prepared by Linscott, Law & Greenspan Engineers (LLG) dated—June—8, 2015 March 23, 2017. This memo is included as Appendix R. A conclusion as to each alternative's impacts level of significance is made, where feasible. Where the magnitude of an alternative's impacts is clearly less than or greater than the impacts of the project, this is stated in the following analysis as well as in Table 9-1. The conclusion for each alternative also provides an overview of how the alternative meets, partially meets, or fails to meet the project objectives.

9.3.1 No Project (No Development) Alternative

The No Project (No Development) Alternative is addressed to compare the environmental effects of the property remaining in its existing state against environmental effects, which would occur if the project is approved. Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), "If the project is other than a land use or regulatory plan, ...the 'no project' alternative is the circumstance under which the project does not proceed."

9.3.1.1 Description of the No Project (No Development) Alternative

The No Project (No Development) Alternative would maintain the project site in its current condition and would be generally equivalent to the existing environmental setting (see Figure 2-3).

The No Project (No Development) Alternative would retain the existing on-site structures and uses, including:

- A low-rise hotel (202 rooms) with associated parking and utilities
- 7,000 square feet of ancillary banquet facilities
- A 1,200-square-foot liquor store
- A 5,300-square-foot restaurant

No new development would occur under the No Project (No Development) Alternative and no existing buildings, such as the health club would be reoccupied.

9.3.1.2 Environmental Analysis of the No Project (No Development) Alternative

a. Land Use

Issues 1–3: Plan Consistency, ESL and Development Standards

Because no new development or construction would occur under this alternative, no deviations from the City's Land Development Code (LDC) or amendments to adopted plans would be required. Therefore, no secondary land use impacts (attributed to plan or regulatory inconsistency) would occur. Although the project requires deviations from both the Environmentally Sensitive Lands (ESL) and Hillside Subdistrict ordinances, no secondary land use impacts would result. Impacts would therefore be similar under the project and the No Project (No Development) Alternative.

Issue 4: MSCP/MHPA Consistency

Because no new development or construction would occur under this alternative, no inconsistency with the Multiple Species Conservation Program (MSCP) / Multi-Habitat Planning Area (MHPA) would occur. The No Project (No Development) Alternative would have no MSCP/MHPA consistency impact. The project would be required to comply with the City's MHPA Land Use Adjacency Guidelines and would result in significant, but mitigated impacts relative to MSCP/MHPA consistency. Therefore, because new development would occur with implementation of the project, impacts would be less under the No Project (No Development) Alternative compared to the project.

Issue 5: Land Use Compatibility

Under the No Project (No Development) Alternative no changes in land use would occur within the project site. Thus, this alternative would have no land use compatibility impact. Therefore, like the project, impacts associated with land use compatibility would be less than significant. Therefore, because no new development would occur with implementation of the alternative, impacts would be less under the No Project (No Development) Alternative compared to the project.

b. Transportation/Circulation

The No Project (No Development) Alternative would not include any new uses or development, and traffic generated at the site would remain the same as the existing conditions (Appendix R). Therefore, the No Project (No Development) Alternative would result in no traffic changes and no traffic impacts.

Issue 1: Traffic Capacity

As no additional traffic and no changes to roadways would occur under this alternative, no impacts to traffic capacity would occur (Appendix R). This alternative would avoid the project's direct impact at the Hotel Circle South/Interstate 8 (I-8) eastbound bound ramp (PM peak hour) and the cumulative impact at the Hotel Circle South/ I-8 westbound ramp (AM and PM peak hours). impacts to five street segments and one intersection as well as the project's cumulative impacts to four street segments and one intersection.

Issue 2: Freeways

The No Project Alternative would result in no additional traffic generation and would result in no impacts to freeways (Appendix R). The project would have less than significant freeway impacts. Therefore, because no new development would occur with implementation of the alternative, impacts would be less under the No Project (No Development) Alternative compared to the project.

Issue 3: Traffic Hazards

This alternative would not include any changes to driveways, roadways, or trip generation. Thus, the No Project Alternative would have no traffic hazards impacts. The project would have less than significant hazard impacts. Therefore, because no new development would occur with implementation of the alternative, impacts would be the same under the No Project (No Development) Alternative compared to the project.

Issue 4: Traffic Generation

The Atlas Specific Plan indicates that the Mission Valley Community Plan (MVCP) allocates 5,130 Average Daily Traffic (ADT) at buildout. The No Project (No Development) Alternative would not change the trips generated by the site relative to the existing conditions, which is 2,965 driveway trips. Thus, this alternative would have no traffic generation impact. Although the project would have no traffic generation impact, no new development would occur with implementation of the alternative. Thus, impacts would be less under the No Project (No Development) Alternative compared to the project.

Issue 5: Alternative Transportation

The No Project (No Development) Alternative would not result in any new development that would interfere with existing pedestrian, bicycle, or transit systems. However, no new pedestrian connections or trails would be provided under this alternative, as would be with implementation of the project. Regardless, the No Project (No Development) Alternative would not involve redevelopment and would have no impact to alternative transportation. Although the project would have no alternative transportation impact, no new development would occur with implementation of the alternative. Thus, impacts

would be the same under the No Project (No Development) Alternative compared to the project.

c. Historical Resources

Issue 1: Prehistoric and Historical Resources

As discussed in Section 4.3, no prehistoric resource sites were discovered during project surveys. In general, throughout the site there is a low possibility of subsurface prehistoric or historic deposits to be present that could be uncovered during construction activities. This alternative would not disturb existing ground cover, and no impacts would occur. The significant but mitigated project impact to potential subsurface resources would be avoided with this alternative. As such, the impacts would be less under the No Project (No Development) Alternative compared to the project.

According to the Letter of Expert Opinion prepared by Heritage Architecture and Planning, found in Appendix D of this EIR, the Mission Valley Inn Complex is not eligible as a historical resource under any of the applicable local or state criteria. Therefore, neither the project nor the No Project (No Development) Alternative would impact a historical resource.

Issue 2: Religious/Sacred Uses

Because there are no known Native American religious or sacred uses within project site or immediate vicinity, implementation of the project or this alternative would have no impacts to religious and sacred uses. Project impacts would be less than significant. As no new development would occur with implementation of the alternative, the alternative would have no impact. As such, the impacts would be less under the No Project (No Development) Alternative compared to the project.

Issue 3: Human Remains

Because there are no known burial sites or cemeteries within project site or immediate vicinity, it is not expected that human remains would be disturbed as a result of the project and project impacts would be less than significant. Since no new development would occur with implementation of the alternative, the No Project (No Development) Alternative would have no impacts to human remains. As such, the impacts would be less under the No Project (No Development) Alternative compared to the project.

d. Biological Resources

Issue 1: Sensitive Species

No demolition or construction activities would occur under the No Project (No Development) Alternative. Therefore, there would be no removal or disturbance of any

on-site vegetation or land coverings. The potentially significant but mitigated project impacts to biological resources (nesting raptors) associated with construction activities would, therefore, be avoided by this alternative.

Issue 2: Sensitive Habitat

As no demolition or construction activities would occur under the No Project (No Development) Alternative, there would be no removal or disturbance of any sensitive habitat. The potentially significant but mitigated project impacts to biological resources (southern mixed chaparral and disturbed southern mixed chaparral, both MSCP Tier II-A habitats; and non-native grassland, an MSCP Tier III-B vegetation type) associated with the proposed project construction activities would, therefore, be avoided by this alternative.

Issues 3–4: Wildlife Corridors/Wetlands

No wildlife corridors or wetlands occur within the project site. Neither the project nor this alternative would introduce invasive species in the project area. As this alternative would involve no redevelopment, this alternative would have no impact to wildlife corridors and wetlands. This alternative's impacts would be less than the project's, although the project impacts would be less than significant.

Issue 5: MSCP

The project site is adjacent to the City of San Diego's MHPA. Under the No Project (No Development) Alternative, no construction would occur, and therefore, this alternative would avoid the project's potentially significant but mitigated impacts to the MHPA.

e. Air Quality

Issue 1: Plan Consistency

The No Project (No Development) Alternative, like the project, would not result in more vehicle trips than what is accounted for in growth projections and the Regional Air Quality Strategy (RAQS). Neither the project, nor this alternative, would result in an increase in emissions that are not already accounted for in the RAQS, and therefore, both are consistent with the RAQS. The No Project (No Development) Alternative would have no plan consistency impacts, similar to the project.

Issue 2: Violation of Air Quality Standards

Like the project, the No Project (No Development) Alternative would not contribute to an exceedance of air quality standards, because it would not introduce any new stationary sources of emissions. The No Project (No Development) Alternative would have no violation of air quality standards impact, similar to the project.

Issue 3: Increase in Particulates

The No Project (No Development) Alternative would not generate emissions of construction-related pollutants because no new development would occur. The No Project (No Development) Alternative would not increase vehicular traffic and would have no operational emission impacts. As a result, the No Project (No Development) Alternative would have no particulate impacts. The No Project (No Development) Alternative would have a lesser impact than the project's less than significant particulate impacts.

Issue 4: Sensitive Receptors

The No Project (No Development) Alternative would not generate traffic or otherwise result in additional air pollutants that would impact sensitive receptors. The No Project (No Development) Alternative would result in no impact to sensitive receptors. The No Project (No Development) Alternative would have a lesser impact than the project's less than significant sensitive receptor impact.

f. Paleontological Resources

Issue 1: Paleontological Resources

The project site is located within an area known to have high paleontological resource sensitivity. The No Project (No Development) Alternative would not result in any grading or construction and would therefore not disturb any potential paleontological resources. The project would have significant but mitigated paleontological resource impacts. No impacts to paleontological resources would occur under this alternative and, therefore, would be less than the project.

g. Visual Effects and Neighborhood Character

Issue 1: Landform Alteration

Because no new development or construction would occur under this alternative, no alterations to landforms would result. The project would result in some minor grading of steep slopes, but impacts would be less than significant. As the No Project (No Development) Alternative would have no impact compared to the less than significant impact of the project, the No Project Alternative landform alteration impact would be less than the project.

Issue 2: Public Views

Because no new development or construction would occur under this alternative, no change to the existing visual setting would result. The project would result in less than

significant impacts to public views. Therefore, the impacts of the No Project (No Development) Alternative would be less than the project.

Issue 3: Neighborhood Character

Because no new development or construction would occur under this alternative, no change to the existing visual setting would result. This alternative would be compatible with surrounding development in terms of bulk, scale, materials, and architectural style. This alternative would also have no impact to neighborhood character, whereas the project would have less than significant neighborhood character impacts. Thus, the No Project (No Development) Alternative would have a lesser neighborhood character impact than the project.

Issue 4: Light and Glare

Because no new development or construction would occur under this alternative, no change to the existing visual setting would result. The project would result in less than significant impacts relative to light and glare. There would be no new sources of light or glare associated with this alternative; therefore, it would have no light and glare impact. As such, the No Project (No Development) Alternative would have a lesser light and glare impact than the project.

Issue 5: Aesthetics

Because no new development or construction would occur under this alternative, no change to the existing visual setting would result. This alternative would not result in any impacts associated with regulatory conflicts, negative aesthetics, or large retaining walls. The project would include organized site appearance and features in compliance with City regulations, and would result in less than significant aesthetics impacts. This alternative would have no aesthetics impact, therefore less impact than the project.

h. Noise

Issue 1: Ambient Noise

Direct project-related traffic noise increases would be less than 3 decibels (dB) and would be less than significant. The No Project (No Development) Alternative would have no ambient traffic noise impact, which would be less than the project's ambient noise impact.

Issue 2: Noise Generation

The No Project (No Development) Alternative would not include any new on-site noise generator and would result in no noise impacts. The project would result in significant but mitigated noise impacts due to the new Heating, Ventilating, and Air Conditioning

(HVAC) equipment. As such, the alternative would avoid the project's potentially significant but mitigated noise generation impact.

i. Health and Safety/Hazardous Materials

Issue 1: Hazardous Materials/Human Health

There are four facilities within 1,000 feet of the project site that are listed on various hazardous waste databases. The potential for these facilities to adversely affect the project is low due to either the lack of reported releases or the closed status of the cases. The buildings located on-site have potential to include lead and asbestoscontaining materials.

The No Project (No Development) Alternative would involve no demolition, grading, dewatering, or new uses and would therefore have no hazardous materials/human health impacts. The project would have less than significant impacts hazardous materials/human health, as the proposed redevelopment would comply with regulations intended to avoid such impacts. Therefore, health and safety/hazardous material impacts of this alternative would be less than the project.

Issue 2: Hazardous Emissions and Materials

The project would comply with all applicable state and local regulations for handling of hazardous materials. Thus, the project would have a less than significant impact. As the No Project (No Development) Alternative would not involve construction, it would have no hazardous emissions/materials impact, which would be less than the project's impact.

Issue 3: Emergency Response

No changes to response times or emergency access routes would occur under the No Project (No Development) Alternative; therefore, there would be no impact to emergency response. The project would have a less than significant emergency response impact. Since no new development would occur, this alternative has less impact on emergency response compared to the project.

j. Greenhouse Gases

Issues 1 and 2: GHG Emissions and Consistency with Plans, Policies, and Regulations

The greenhouse gas (GHG) analysis conducted for the project estimated the existing GHG emissions from the project site and found that the project would result in fewer GHG emissions than presently are generated in the existing condition. The No Project (No Development) Alternative would not change the existing conditions, and would therefore have no changes in GHG emissions. While more GHG emissions would be

generated compared to the project, the No Project (No Development) Alternative would nevertheless have no impact relative to consistency with plans, policies, and regulations as it would simply be a continuation of an existing condition. Because the No Project (No Development) Alternative is simply maintaining the existing condition, impacts would be considered similar to the project.

k. Hydrology

Issues 1–3: Drainage Patterns, Floodplains, Runoff

The project would maintain the overall drainage pattern as compared to the existing condition and would not significantly impact the quantity of runoff. Additionally, the project would include permanent storm water management facilities, including Low Impact Development (LID) Best Management Practices (BMPs) and/or Treatment Control BMPs that would help further manage, detain, and attenuate post-project runoff flows prior to discharge from the project. The project would have a less than significant drainage impact with the incorporation of these measures. Because the No Project (No Development) Alternative would not include any redevelopment or otherwise result in the need for storm water improvements, it would have no impacts associated with drainage.

Development of the project would not cause significant flooding impacts on-site or to upstream or downstream properties, nor would it have a significant effect on local or global drainage patterns. The No Project (No Development) Alternative would not result in any new development or alterations to drainage patterns; therefore, it would have no impacts related to flood hazards.

Because current storm water standards are more stringent today than in the past, implementation of current LID BMPs by the project could improve the hydrologic condition within the project site. Since no LID practices or BMPs would be implemented under the No Project Alternative, runoff impacts would be greater under the No Project (No Development) Alternative than under the project.

As the No Project (No Development) Alternative would not involve redevelopment of the site, it would have no impact to hydrology. Impacts of this alternative would therefore be less than the project.

I. Water Quality

Issue 1: Water Quality

To meet the City's water quality requirements, the project design would incorporate permanent storm water management features and hydromodification management design features to maintain or reduce pollutant discharge. The No Project (No Development) Alternative would not incorporate these features. Additionally, because current storm water standards are more stringent than in the past, implementation of

current LID BMPs could improve the hydrologic condition within the project site. While the No Project (No Development) Alternative would not change the existing water quality conditions and would therefore be considered to have no water quality impact, impacts would nevertheless be greater than those of the project because BMPs would not be implemented.

m. Geologic Conditions

Issues 1–3: Geologic Hazards/Unstable Geologic Unit/Erosion

The project site is categorized as having a "low" to "moderate" geologic risk potential. The No Project (No Development) Alternative would not result in any new construction. Thus, there would be no grading or excavation activities under this alternative that could expose people to geologic hazards, cause a geologic unit to become unstable, or result in increased erosion. As the No Project (No Development) Alternative would not involve redevelopment of the site, it would have no impact related to geology. The project would involve redevelopment of the a site with potential liquefaction, settlement, expansive soil, and earthquake ground shaking risks. Proposed grading and construction would be in accordance with the California Building Code (CBC) and the City of San Diego regulations, which would reduce potential geology impacts to below a level of significance. Overall, this alternative would have no impact related to geology and result in less impact than the proposed project. , and would result in significant but mitigable geology impacts. Thus, the alternative would avoid the significant mitigated geology impacts of the project.

n. Public Utilities

Issues 1-4: Water, Wastewater, Solid Waste, Energy Infrastructure, Landscaping Water Use

The No Project (No Development) Alternative would not increase demands on public utilities, including water, wastewater, energy infrastructure, or solid waste, whereas the project would result in an increase in demand, though less than significant. Therefore, this alternative would have no impact on public utilities, which would be less than the project's less than significant impact.

o. Public Services and Facilities

Issue 1: Police, Fire and Emergency Medical Services

The No Project (No Development) Alternative would maintain the existing pedestrian/vehicular circulation system within the project site. There would be no effect upon, or a need for new or altered public services under this alternative. No impacts to public services and facilities would occur under the No Project (No Development)

Alternative, which would be less than the project's less than significant public service impacts.

p. Energy Conservation

Issue 1: Energy Use

Energy consumption results from both short-term construction needs and long-term operational activities. The No Project (No Development) Alternative would not result in any increase in energy use because it would not include any construction activities, nor would it substantially increase the intensity of any operations on the site. Impacts would be less than significant and less than under the project.

9.3.1.3 Conclusion Regarding the No Project (No Development) Alternative

Should the No Project (No Development) Alternative be implemented, the project's significant impacts associated with land use (MHPA Adjacency), transportation/circulation (traffic capacity), historical resources (archaeological resources), biological resources (sensitive species, sensitive habitat), paleontological resources, <u>and noise</u> (HVAC), <u>and geologic hazards</u> (liquefaction) would be reduced relative to the project. Impacts related to sensitive habitat would likely be avoided under this alternative.

The No Project (No Development) Alternative would not provide any of the project's benefits, including: pedestrian improvements, such as the linear park and public trail. The project also would install LID storm water and drainage facilities within the project area, which may result in improved water quality of runoff compared to the existing condition. The project would also reduce GHG emissions relative to the existing conditions. These benefits would be foregone under this alternative. Further, while adoption of the No Project (No Development) Alternative would maintain the existing condition of the site and avoid the project's significant impacts, only one of the eight project objectives would be attained – preservation of steep hillsides.

9.3.2 No Project (Development under the Adopted Plan) Alternative

The following discussion of the No Project (Development Under the Adopted Plan) Alternative is based on the CEQA Guidelines Section 15126.6(e)(3)(A) which states:

When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, an alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will

continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

9.3.2.1 Description of the No Project (Development Under the Adopted Plan) Alternative

The No Project (Development Under the Adopted Plan) Alternative examines what would be reasonably expected to occur in the foreseeable future if the project and corresponding MVCP Amendment were not approved and future improvements to the site proceeded based on the plans and policies of the adopted Atlas Specific Plan and MVCP. The Atlas Specific Plan/MVCP for this site designates a total of 306 hotel rooms, 20,000 square feet of banquet space and a 27,000-square-foot health club. The difference between the existing site development and buildout of the No Project (Development Under the Adopted Plan) Alternative includes the addition of 104 hotel rooms and 13,000 square feet of banquet space.

The project site is almost entirely developed; no vacant portion of the site exists wherein it would be feasible to construct an additional 104 hotel rooms. Therefore, this alternative assumes that in order to achieve the buildout permitted under the adopted Atlas Specific Plan, redevelopment of a portion of the site would need to occur. All of the existing hotel rooms would need to be demolished in order to construct the additional 104 rooms. All 306 permitted hotel rooms would be accommodated in new structures, which would need to be approximately three stories in height. It is assumed that existing ancillary uses (i.e., the banquet facilities, the liquor store, and the restaurant) would remain. Development would be anticipated to occur within the existing development footprint and not encroach into sensitive hillside areas to the south. Also, it is assumed that new construction/redevelopment would conform to all applicable plans, policies and ordinances and that no deviations would be required.

9.3.2.2 Environmental Analysis of the No Project (Development Under the Adopted Plan) Alternative

a. Land Use

Issues 1–3: Plan Consistency, ESL and Development Standards

Under this alternative construction of an additional 104 hotel rooms would occur. No Specific Plan or Community Plan Amendment would be required. Therefore, no secondary land use impacts (attributed to plan or regulatory inconsistency) would occur. Although the project requires deviations from Hillside Subdistrict Ordinances, no secondary land use impacts would result. Impacts would therefore be similar under the project and the No Project (Development Under the Adopted Plan) Alternative.

Issue 4: MSCP/MHPA Consistency

The No Project (Development Under the Adopted Plan) Alternative would result in the demolition of the existing hotel and the construction of 306 new hotel rooms. All redevelopment would occur within the existing project footprint and not immediately adjacent to the on-site open space or MHPA. Like the project, the No Project (Development Under the Adopted Plan) Alternative would comply with the City's MHPA Land Use Adjacency Guidelines and would result in significant but mitigated impacts relative to MSCP/MHPA consistency. However, because new development under the project would occur within the on-site open space and in proximity to the MHPA, impacts would be less under the No Project (Development Under the Adopted Plan) Alternative than under the project.

Issue 5: Land Use Compatibility

Under the No Project (Development Under the Adopted Plan) Alternative no changes in land use would occur within the project site, although the hotel would be permitted to add an additional 104 rooms (for a total of 306), consistent with the adopted Specific Plan. The health club also would be permitted to re-open with a permitted use. The No Project (Development Under the Adopted Plan) Alternative would result in 1,379 more trips than the existing conditions (Appendix R). This is moreless than the proposed project's 1,805277 new trips generated. Therefore, a lesser-greater increase in ambient noise would result under this alternative than under the project. However, this land use would be consistent with the surrounding land use. Therefore, like the project, impacts associated with land use compatibility would be less than significant.

b. Transportation/Circulation

In addition to existing uses and 104 additional hotel rooms permitted under the Atlas Specific Plan, the traffic analysis for the No Project (Development Under the Adopted Plan) Alternative also assumed that additional trips would be generated by the banquet space. As mentioned above, this alternative would generate 1,379 new trips. As none of these trips are considered pass-by, all of these trips would be new roadway network trips (i.e., cumulative trips) as well as driveway trips (Appendix R).

Issue 1: Traffic Capacity

The cumulative trip generation for this alternative is calculated as 1,379 net ADT (planned minus existing). The total existing site plus the entitled uses are calculated to generate a total of 3,975 ADT (2,596 existing + 1,379 entitled). Table 9-2 shows the trip generation for this alternative. As the project would generate 1,805277 net ADT, this alternative would generate 426–1,102 less more cumulative trips than the proposed project (Appendix R).

TABLE 9-2 NO PROJECT (DEVELOPMENT UNDER THE ADOPTED PLAN) ALTERNATIVE TRIP GENERATION

Use	Units	Trip Generation Rate	Driveway Trips	External Trip Attraction Rate	Pass-by Trips	Cumulative Trips
Hotel	104 rooms	10 trips/room	1,040	100%	0	1,040
Banquet Space	11,300 SF ¹	30 trips/KSF	339	100%	0	339
TOTAL	-	-	1,379		0	1,379

Source: Appendix R

¹ Typically hotels include 50 square feet of banquet space per hotel room to accommodate hotel user's banquet space needs. Any banquet space provided over this amount is considered to attract additional people to the site and generate additional trips. The number identified here is the square-footage that attracts additional trips.

Driveway trips= trips generated on the project driveway

Pass-by trips= trips where people are already traveling on the roadway but stop at the site along the way to their ultimate destination

Cumulative trips = new trips on the roadway network

This 1,379 ADT was assigned to the project study area, and a street segment and intersection analysis was conducted to determine if any changes in impacts were identified in the near-term or Year 2035 conditions. Tables 9-3 and 9-4 show the near-term and long-term street segment analysis, while Tables 9-5 and 9-6 show the intersection analysis.

TABLE 9-3 NEAR-TERM STREET SEGMENT OPERATIONS NO PROJECT (DEVELOPMENT UNDER THE ADOPTED PLAN) ALTERNATIVE (PROJECT DIRECT IMPACT LOCATIONS ONLY)

			Near-Term (Opening Day 2017)		No Project Alternative ADT Δ 2,368		Near-Term (Opening Day 201 Project at 2,368 ADT		017) +			
Street Segment	Functional Classification	Capacity (LOS E) ^a	ADT ^b	LOS ^c	V/C ^d	% Dist.	Land Use ADT	ADT	LOS	V/C	V/C Increase	Significant Impact?
			Hotel Circle N.									
I-8 WB Ramps to Fashion Valley Road	3-Lane Collector (no center lane)	15,000	17,230	F	1.149	48%	660	17,890	F	1.193	0.044	Yes
Fashion Valley Road to Camino De La Reina	2-Lane Collector (continuous left- turn lane)	15,000	13,640	E	0.909	50%	690	14,330	E	0.955	0.046	Yes
				Hotel C	ircle S.							
I-8 EB Ramps to Project Driveway (E)	2-Lane Collector (continuous left- turn lane)	15,000	14,830	E	0.989	43%	590	15,420	F	1.028	0.039	Yes
Project Driveway (E) to Bachman Place	2-Lane Collector (continuous left- turn lane)	15,000	14,830	E	0.989	52%	720	15,550	F	1.037	0.048	Yes
Bachman Place to Camino De La Reina	2-Lane Collector (continuous left- turn lane)	15,000	14,830	E	0.989	51%	700	15,530	F	1.035	0.046	Yes

^aCapacities based on City of San Diego Roadway Classification Table.

^bAverage Daily Traffic Volumes.

^cLevel of Service.

^dVolume to Capacity.

TABLE 9-4 YEAR 2035 STREET SEGMENT OPERATIONS NO PROJECT (DEVELOPMENT UNDER THE ADOPTED PLAN) ALTERNATIVE (PROJECT CUMULATIVE IMPACT LOCATIONS ONLY)

			Year 2035 (Horizon Year)		No Project Alternative ADT Δ 2,368		Year 2035 (Horizon Year) + Project at 2,368 ADT		r) +			
Street Segment	Functional Classification	Capacity (LOS E) ^a	ADT ^a	LOS ^c	V/C ^b	% Dist	Land Use ADT	ADT	LOS	V/C	V/C Increase	Significant Impact?
				Hotel Ci	rcle N.				•			
I-8 WB Ramps to Fashion Valley Road	3-Lane Collector (no center lane)	15,000	31,220	F	2.081	48%	660	31,880	F	2.125	0.044	Yes
Fashion Valley Road to Camino De La Reina	2-Lane Collector (continuous left-turn lane)	15,000	21,260	F	1.417	50%	690	21,950	F	1.463	0.046	Yes
				Hotel Ci	rcle S.				•			
Project Driveway (E) to Bachman Place	2-Lane Collector (continuous left-turn lane)	15,000	20,750	F	1.383	52%	720	21,470	F	1.431	0.048	Yes
Bachman Place to Camino De La Reina	2-Lane Collector (continuous left-turn lane)	15,000	19,520	F	1.301	51%	700	20,220	F	1.348	0.047	Yes

^aCapacities based on City of San Diego Roadway Classification Table.

^bAverage Daily Traffic Volumes.

^cLevel of Service.

^dVolume to Capacity.

TABLE 9-5
NEAR-TERM INTERSECTION OPERATIONS
NO PROJECT (DEVELOPMENT UNDER THE ADOPTED PLAN) ALTERNATIVE

			Near-term Plus					
		Peak	Near-	term	A	lt	Δ	
Intersection	Control	Hour	Delay	LOS	Delay	LOS	Delay	Sig?
5. Hotel Circle S. /	AWSC	AM	14.2	В	14.5	В	0.3	No
I-8 EB ramps	AVVSC	PM	62.5	F	75.2	F	12.7	Yes

Source: Appendix R

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle;

I-8 = Interstate 8 AWSC = All-way Stop Controlled LOS = Level of Service

TABLE 9-6
YEAR 2035 INTERSECTION OPERATIONS
NO PROJECT (DEVELOPMENT UNDER THE ADOPTED PLAN) ALTERNATIVE

		Peak	Year 2	2035	Year Plus	2035 s Alt	Δ	
Intersection	Control	Hour	Delay	LOS	Delay	LOS	Delay	Sig?
1. Hotel Circle N. /	AWSC	AM	57.6	Е	61.4	F	3.8	Yes
I-8 WB ramps	AVVSC	PM	49.2	F	55.2	F	6.0	Yes

Source: Appendix R

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle;

I-8 = Interstate 8 AWSC = All-way Stop Controlled LOS = Level of Service

As shown in Tables 9-3 to 9-6and 9-4, the No Project (Development Under the Adopted Plan) is calculated to result in the same segment significant intersection impacts at the same facilities as the project, and five significant segment impacts that would not occur under the proposed project. The alternative would avoid the significant near-term AM peak hour Hotel Circle South/I-8 eastbound ramp intersection impact, but would impact Hotel Circle South/I-8 eastbound ramp in the PM peak hour in the near-term as well as the Hotel Circle North/I-8 westbound ramps in the AM and PM peak hours in Year 2035. Thus, this alternative would have the following significant traffic impacts:

Direct Impacts

Street Segments

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road
- Hotel Circle North: Fashion Valley Road to Camino De La Reina
- Hotel Circle South: I-8 eastbound ramps to Project Driveway (E)
- Hotel Circle South: Project Driveway (E) to Bachman Place
- Hotel Circle South: Bachman Place to Camino De La Reina

Intersection

Hotel Circle South / I-8 eastbound ramps (PM peak hour)

Cumulative Impacts

Street Segments

- Hotel Circle North: I-8 westbound ramps to Fashion Valley Road
- Hotel Circle North: Fashion Valley Road to Camino De La Reina
- Hotel Circle South: Project Driveway (E) to Bachman Place
- Hotel Circle South: Bachman Place to Camino De La Reina

Intersection

Hotel Circle North / I-8 westbound ramps (AM and PM peak hours)

Issue 2: Freeways

The No Project (Development Under the Adopted Plan) Alternative would result in 426 1,102 less more ADT than the project (1,805-1,376 – 277). Therefore, because this alternative would generate less more traffic than the project, impacts to freeway segments would be less more under this alternative than under the project. However, freeway impacts would be less than significant, similar to the project.

Issue 3: Traffic Hazards

All roadway improvements provided by this alternative would comply with the City's roadway standards. Impacts relative to traffic hazards would be less than significant and similar to the project.

Issue 4: Traffic Generation

The Atlas Specific Plan indicates that the MVCP allocates 5,130 ADT to the site at buildout. The site would generate a total of 3,975 ADT under the No Project (Development Under the Adopted Plan) Alternative, and would, therefore, result in fewer trips than allocated by the community plan (Appendix R). Like the project, the No Project (Development Under the Adopted Plan) Alternative would generate fewer trips than allocated to the site by the MVCP and would have a less than significant impact related to community plan traffic generation allocation.

Issue 5: Alternative Transportation

The No Project (Development Under the Adopted Plan) Alternative would result in the development of 104 additional hotel units on-site. Development would occur within the

existing footprint of the Mission Valley Resort and would not interfere with existing pedestrian, bicycle or transit systems. However, no new pedestrian connections or trails would be provided under this alternative, as would be with implementation of the project. Regardless, impacts to alternative transportation would be less than significant under this alternative and similar to the project.

c. Historical Resources

Issue 1: Prehistoric and Historical Resources

As discussed in Section 4.3, no prehistoric resource sites were discovered during project surveys. In general, throughout the site there is a low possibility of subsurface prehistoric or historic deposits to be present that could be uncovered during construction activities. This alternative would result in some minor grading for the construction of 104 additional hotel rooms; however, most grading would be in previously disturbed portions of the site. Impacts would be incrementally less, but similar to the proposed project's significant but mitigated impacts to potential subsurface resources.

According to the Letter of Expert Opinion prepared by Heritage Architecture and Planning, found in Appendix D of this report, the Mission Valley Inn Complex is not eligible as a historical resource under any of the applicable local or state criteria. The No Project (Development Under the Adopted Plan) Alternative would require demolition of some of the existing Mission Valley Resort facilities in order to allow for the construction of the additional hotel rooms. However, because the existing hotel and associated structures were not identified as historical resources, neither the project nor the No Project (Development Under the Adopted Plan) Alternative would impact a historical resource.

Issue 2: Religious/Sacred Uses

Because there are no known Native American religious or sacred uses within the project site or immediate vicinity, implementation of the project or this alternative would have no impacts to religious and sacred uses. As with the project, impacts would be less than significant for this alternative.

Issue 3: Human Remains

Because there are no known burial sites or cemeteries within the project site or immediate vicinity, it is not expected that human remains would be disturbed as a result of the project or this alternative. As with the project, impacts would be less than significant for this alternative.

d. Biological Resources

Issue 1: Sensitive Species

Some demolition and construction activities would occur under the No Project (Development Under the Adopted Plan) Alternative. However, development of the additional hotel rooms would occur within the existing development footprint on the site. Therefore, there would be no removal or disturbance of any on-site vegetation or land coverings, and direct impacts to nesting raptors would not occur.

However, the potentially significant but mitigated indirect project impacts to biological resources (nesting raptors) associated with construction activities could still occur under this alternative due to proximity to the MHPA. Impacts would be less than significant with mitigation and similar to the project.

Issue 2: Sensitive Habitat

Some demolition and construction activities would occur under the No Project (Development Under the Adopted Plan) Alternative. However, development of the additional hotel rooms would occur within the existing development footprint on the site. Therefore, there would be no removal or disturbance of any on-site vegetation or land coverings. The potentially significant but mitigated project impacts to biological resources (southern mixed chaparral and disturbed southern mixed chaparral, both MSCP Tier II-A habitats; and non-native grassland, an MSCP Tier III-B vegetation type) associated with construction activities would, therefore, be avoided by this alternative. Impacts would be less than significant and less than under the project.

Issues 3–4: Wildlife Corridors/Wetlands

No wildlife corridors or wetlands occur within the project site. Neither the project nor this alternative would introduce invasive species in the project area. Impacts would be less than significant and the same as under the project.

Issue 5: MSCP

The project site is adjacent to the City of San Diego's MHPA. All redevelopment would occur within the existing project footprint and not immediately adjacent to the on-site open space or MHPA. Like the project, the No Project (Development Under the Adopted Plan) Alternative would be required to comply with the City's MHPA Land Use Adjacency Guidelines and would result in significant but mitigated impacts relative to MSCP/MHPA consistency. However, because new development under the project would occur within the on-site open space and in proximity to the MHPA, impacts would be less under the No Project (Development Under the Adopted Plan) Alternative than under the project.

e. Air Quality

Issue 1: Plan Consistency

The No Project (Development Under the Adopted Plan) Alternative, like the project, would not result in more vehicle trips than what is accounted for in growth projections and the RAQS. Neither the project, nor this alternative, would result in an increase in emissions that are not already accounted for in the RAQS and, therefore, both are consistent with the RAQS. Plan consistency impacts would be less than significant and the same as under the project.

Issue 2: Violation of Air Quality Standards

Like the project, the No Project (Development Under the Adopted Plan) Alternative would not contribute to an exceedance of air quality standards, because it would not introduce any new stationary sources of emissions. Impacts for the No Project (Development Under the Adopted Plan) Alternative would be less than significant and similar to the project.

Issue 3: Increase in Particulates

The No Project (Development Under the Adopted Plan) Alternative would generate some emissions of construction-related pollutants; however, because only part of the site would be redeveloped, emissions would be less than those generated by the project. The No Project (Development Under the Adopted Plan) Alternative would result in the generation of 1,376 net ADT, which is 426-1,102 ADT less more than the 1,805277 net ADT generated by the project. Therefore, with lesser greater ADT than the project, operational emissions under this alternative would be less greater than those under the project but less than significant.

Issue 4: Sensitive Receptors

Project-generated traffic would not result in the failure of surrounding intersections and the creation of a carbon monoxide (CO) hot spot. The No Project (Development Under the Adopted Plan) Alternative would result in the generation of 1,376 net ADT, which is 426–1,102 ADT less more than the 1,805277 net ADT generated by the project. Therefore While impacts would be increased relative to the project, impacts to sensitive receptors would be less than significant and similar to the project.

f. Paleontological Resources

Issue 1: Paleontological Resources

The project site is located within an area known to have high paleontological resource sensitivity. Grading operations associated with the project would exceed the City's volume and depth thresholds. Therefore, impacts resulting from construction of the project would be potentially significant and require mitigation in the form of paleontological monitoring. The No Project (Development Under the Adopted Plan) Alternative would result in minor grading, since development of the additional hotel rooms would occur on the already developed portions of the site. Impacts to paleontological resources under this alternative would therefore be similar to the project's less than significant with mitigation impact.

g. Visual Effects and Neighborhood Character

Issue 1: Landform Alteration

This alternative would result in redevelopment of the existing hotel within the existing development footprint. No encroachment into steep hillsides would occur. The project would result in some minor grading of steep slopes. Therefore, under the No Project (Development Under the Adopted Plan) Alternative, impacts would be less than significant and less than under the project.

Issue 2: Public Views

This alternative would result in redevelopment of the existing hotel to allow for the addition of 104 new rooms within the existing development footprint. New hotel structures would not exceed three stories in height, and existing view corridors through the project site would be retained. The project would result in less than significant impacts to public views. Therefore, impacts would be less than significant and similar for both this alternative and the project.

Issue 3: Neighborhood Character

This alternative would result in redevelopment of the existing hotel to allow for the addition of 104 new rooms within the existing development footprint. The No Project (Development Under the Adopted Plan) Alternative would comply with all height, bulk, and scale regulations applicable to the zone. The architectural style would be consistent with urban design guidelines in the Atlas Specific Plan and MVCP and would be consistent with surrounding development. The project also would be compatible with surrounding development in terms of bulk, scale, materials, and architectural style. Therefore, impacts would be less than significant and similar for both this alternative and the project.

Issue 4: Light and Glare

This alternative would result in new hotel structures, similar to those within the vicinity of the project site. This alternative would therefore result in less than significant impacts associated with light and glare, similar to the project.

Issue 5: Aesthetics

This alternative would result in redevelopment of the existing hotel to allow for the addition of 104 new rooms within the existing development footprint. Therefore, the alternative is unlikely to require the use of a substantial number of retaining walls. The No Project (Development Under the Adopted Plan) Alternative would comply with all height, bulk, and scale regulations applicable to the zone. The architectural style would be consistent with urban design guidelines in the Atlas Specific Plan and MVCP. Therefore, impacts under this alternative would be less than significant and less than under the project.

h. Noise

Issue 1: Ambient Noise

Direct project-related traffic noise increases would be less than 3 dB and would not be audible. The No Project (Development Under the Adopted Plan) Alternative would result in the generation of 1,376 net ADT, which is less-more than the 1,805277 net ADT generated by the project. Therefore, with less-greater ADT than the project, direct off-site noise impacts associated with the No Project (Development Under the Adopted Plan) Alternative would be slightly less-more than-compared to the project, but-and-less than-significant.

Issue 2: Noise Generation

The No Project (Development Under the Adopted Plan) Alternative would include 104 additional hotel rooms, which would be considered a new on-site noise generator. The fitness center also may become operational again under this alternative, resulting in a slightly greater ambient noise than the existing condition. Operation of the project would not result in the exceedance of any property line noise limit. Because the No Project (Development Under the Adopted Plan) Alternative would result in a similar intensity of land use activity, impacts due to noise-generating uses for this alternative would be less than significant and similar to the project.

i. Health and Safety/Hazardous Materials

Issues 1: Hazardous Materials/Human Health

There are four facilities within 1,000 feet of the project site that are listed on various hazardous waste databases. The potential for these facilities to adversely affect the project is low due to either the lack of reported releases or the closed status of the cases. Impacts associated with hazardous contamination sources would be less than significant for both the project and the No Project (Development Under the Adopted Plan) Alternative.

The buildings located on-site have potential to include lead and asbestos-containing materials. Under both the project and the No Project (Development Under the Adopted Plan) Alternative, demolition activities therefore have the potential to expose workers and adjacent properties to airborne lead and asbestos. However, both the project and alternative would comply with regulations and would complete proper lead and asbestos abatement. Therefore, impacts would be less than significant with mitigation and similar to the project.

Issue 2: Hazardous Emissions and Materials

The project would comply with all applicable state and local regulations for handling of hazardous materials. Like the project, implementation of the No Project (Development Under the Adopted Plan) Alternative would not create a significant hazard to the public or the environment through release of hazardous materials. Impacts would be less than significant and similar to the project.

Issue 3: Emergency Response

No changes to response times or emergency access routes would occur under the No Project (Development Under the Adopted Plan) Alternative; therefore, impacts to emergency response would be less than significant under this alternative and similar to the project.

j. Greenhouse Gases

Issues 1–2: GHG Emissions and Consistency with Plans, Policies, and Regulations

The GHG analysis conducted for the project estimated the existing GHG emissions from the project site and found that the project would result in fewer GHG emissions than presently are generated in the existing condition. The No Project (Development Under the Adopted Plan) Alternative would increase the intensity of use on the project site through the construction of 104 new hotel rooms. Like the project, redevelopment under this alternative would be required to comply with current policy and regulations related to GHG emissions reduction measures and design considerations. Operation of the No Project (Development Under the Adopted Plan) Alternative would also reduceincrease ADT relative to the project. Impacts associated with GHG emissions would therefore be less—greater than under the No Project (Development Under the Adopted Plan) Alternative than the project, however, both would be less than significant.

k. Hydrology

Issues 1–3: Drainage Patterns, Floodplains, Runoff

The project would maintain the overall drainage pattern as compared to the existing condition and would not significantly impact the quantity of runoff. Additionally, the project would include permanent storm water management facilities, including LID BMPs and/or Treatment Control BMPs that would help further manage, detain, and attenuate post-project runoff flows prior to discharge from the project site. Similar to the project, the No Project (Development Under the Adopted Plan) Alternative would result in some new construction and the need for storm water improvements; impacts associated with drainage would be less than significant and similar to those of the project.

Development of the project would not cause significant flooding impacts on-site or to upstream or downstream properties, nor would it have a significant effect on local or global drainage patterns. The No Project (Development Under the Adopted Plan) Alternative would result in some new development and potentially alterations to drainage patterns, similar to the project; therefore, impacts related to flood hazards would be less than significant under both the project and the No Project (Development Under the Adopted Plan) Alternative.

Because current storm water standards are more stringent today than in the past, implementation of current LID BMPs by the project could improve the hydrologic condition within the project site. Redevelopment under the No Project (Development Under the Adopted Plan) Alternative would implement LID practices or BMPs similar to the project. Therefore, runoff impacts under the No Project (Development Under the Adopted Plan) Alternative would be similar to those of the project.

I. Water Quality

Issue 1: Water Quality

To meet the City's water quality requirements, the project design would incorporate permanent storm water management features and hydromodification management design features to maintain or reduce pollutant discharge. The No Project (Development Under the Adopted Plan) Alternative would implement these features similarly to the project.

Additionally, because current storm water standards are more stringent than in the past, implementation of current LID BMPs could improve the hydrologic condition within the project site. Since LID practices and BMPs would also be implemented under the No Project (Development Under the Adopted Plan) Alternative, runoff impacts would be similar to the project and less than significant.

m. Geologic Conditions

Issues 1–3: Geologic Hazards/Unstable Geologic Unit/Erosion

The Project site is categorized as having a "low" to "moderate" geologic risk potential. The No Project (Development Under the Adopted Plan) Alternative would result in the construction of 104 new hotel rooms, which would be located within the already graded and developed portion of the site. As with the project, this alternative could include project design measures to address potential liquefaction, settlement, expansive soil, and earthquake ground shaking risks. Proposed grading and construction of either this alternative or the project would be in accordance with the CBC and the City of San Diego regulations. However, it is unknown if this alternative would require underground parking structures or levels that could go into the groundwater table where soil liquefaction issues exist. Thus, grading activities under this alternative, could encounter soil liquefaction issues and would be potentially significant, Thus, impacts related to geology would be less than significant, similar to the project.

n. Public Utilities

Issues 1–4: Water, Wastewater, Solid Waste, Energy Infrastructure, Landscaping Water Use

Like the project, the No Project (Development Under the Adopted Plan) Alternative would increase demands on public utilities, including water, wastewater, energy infrastructure, and solid waste collection and disposal. This alternative would have a less than significant impact on public utilities, similar to the project.

o. Public Services and Facilities

Issue 1: Police, Fire and Emergency Medical Services

Buildout of the No Project (Development Under the Adopted Plan) Alternative would result in less-more intense development than proposed under the project. However, this The project-alternative would not result in a significant additional demand for police or emergency services. Therefore, like the project, the No Project (Development Under the Adopted Plan) Alternative would not result in significant impacts to public services.

p. Energy Conservation

Issue 1: Energy Use

Energy consumption would result from both short-term construction needs and long-term operational activities. The project would incorporate energy-efficiency measures into project design. The implementation of similar measures could be assumed for any new construction under the No Project (Development Under the Adopted Plan) Alternative.

Therefore, the No Project (Development Under the Adopted Plan) Alternative would result in less than significant impacts and would be similar to the project.

9.3.2.3 Conclusion Regarding the No Project (Development Under the Adopted Plan) Alternative

Implementation of the No Project (Development Under the Adopted Plan) Alternative would incrementally reduce the project's significant impacts related to land use (MHPA adjacency), transportation/traffic (traffic capacity), and biological resources (sensitive species, sensitive habitat). However, this alternative would still result in significant (requiring mitigation) relative to land use (MHPA transportation/traffic (traffic capacity), historical resources (archaeological resources), biological resources (sensitive species), paleontological resources, and noise (HVAC), and geologic conditions (liquefaction). Significant impacts related to transportation/traffic (traffic capacity) would be significantly increased relative to the proposed project, as this alternative would result in five additional direct segment impacts and four additional cumulative segment impacts.

Only three of the eight project objectives would at least be partially attained under this alternative. This alternative would meet Objective 4, preservation of steep hillsides; and Objective 8, creation of temporary and permanent jobs. Objective 7 would be partially met in that buildout of the No Project (Development Under the Adopted Plan) Alternative would support the City's infill development goals, but the Adopted Plan would not incorporate the sustainability features or reduce auto-dominance of the site to the same extent as the project.

9.3.3 Reduced Project Alternative

9.3.3.1 Description of the Reduced Project Alternative

This alternative addresses reduced project intensity in order to reduce traffic impacts. In order to reduce the degree of traffic impacts, impacts, a 10 percent reduction of all uses in Buildings 1, 2, and 5 was completed (Table 9-7). Buildings 3 and 4 would remain the same as the proposed project under this alternative. Overall, the Reduced Project Alternative would include 295,648 square feet, which is 11,231 square feet less than the proposed project. All uses proposed by the project would be retained under this alternative and the building locations would be similar to the proposed project. The overall Reduced Project Alternative grading would be expected to be similar to the proposed project as well, and this alternative would continue to require grading along the southern hillside for infrastructure.

TABLE 9-7
REDUCED PROJECT ALTERNATIVE COMPONENTS

		Reduced Project	
	Proposed Project	Alternative	Difference
Use	(square feet)	(square feet)	(square feet)
Building 1 - Legacy Vision Center	(Square leet)	(Square leet)	(Square leet)
Welcome Center - Grand Lobby/			
Reception	8,459	7613	846
History Dome	0,700	<u>7010</u>	<u>0+0</u>
Theater/Museum/Other	6,206	5585	621
Exhibit Gallery	16,185	14567	1,618
Retail	1,096	<u>986</u>	<u>121</u>
Catacombs	3,390	3051	339
Circulation	1,137	1023	114
BOH	4,598	4138	460
Subtotal	41,071	36,963	4,108
Building 2 – Pavilion			
Theater	12,106	10895	1,211
Grand Lobby	2,828	2545	283
Learning Center	13,844	12460	1,384
Restaurant	4,719	4247	472
Executive Offices	16,801	<u>15121</u>	1,680
<u>Retail</u>	<u>1,052</u>	<u>947</u>	<u>105</u>
BOH/Circulation	12,097	<u>10887</u>	<u>1,210</u>
Subtotal	63,447	57,102	6,345
Building 3 - Legacy Hotel			
<u>Hotel</u>	<u>81,753</u>	<u>81,753</u>	<u>0</u>
<u>Restaurant</u>	<u>3,850</u>	<u>3,850</u>	<u>0</u>
Wellness Center	<u>2,517</u>	<u>2,517</u>	<u>O</u>
<u>Subtotal</u>	<u>88,120</u>	<u>88,120</u>	<u>0</u>
Building 4 - Parking Structure			
Parking Structure	<u>106,458</u>	<u>106,458</u>	<u>0</u>
Building 5 - Souk			
<u>Souk</u>	<u>7,783</u>	<u>7,005</u>	<u>778</u>
Outdoor Ancillary Uses*			
City Plaza	<u>-</u>		<u>-</u>
Central Plaza	<u>=</u>		<u>-</u>
Wailing Wall	<u>=</u>	<u>-</u>	<u>-</u>
<u>Fountain</u>	<u>-</u>	<u>-</u>	<u>-</u>
Prayer Garden	<u>=</u>	<u>-</u>	<u>-</u>
Pedestrian Trail	= -	-	-
<u>TOTAL</u>	<u>306,879</u>	<u>295,648</u>	<u>11,231</u>

various land uses would need to be removed or revised relative to the project (Figure 9-1). This alternative includes 39,432 square feet of training center, 4,846 square feet of warehouse storage, 6,000 square feet of grand foyer, 10,717 square feet of grand foyer/welcoming/registration, 330-seat theater and artifact museum, 127 timeshare rooms, 140-seat amphitheater, 23,028 square feet executive office and 5,992 square feet of retail.

The reduction in the project footprint would correspondingly reduce the amount of required parking. On-site grading would also be somewhat reduced. However, encroachments into the southern hillsides would still be required in conjunction with the

installation of a sewer/drainage easement; a fire access road around the rear perimeter, and a proposed trail. Therefore, deviations to ESL and the Hillside Subdistrict Ordinance would be required, similar to the project.

9.3.3.2 Environmental Analysis of the Reduced Project Alternative

a. Land Use

Issues 1–3: Plan Consistency, ESL and Development Standards

Under this alternative, construction would occur at a smaller approximately the same scale intensity as the project. A Community Plan Amendment would be required, similar to the project. Also like the project, a site development permit would be required to allow for reduced buffers from steep slopes and sensitive biological resources. deviations from the City's LDC (e.g., ESL and Hillside Subdistrict ordinances) would be required for encroachments into steep hillsides and structures in excess of 40 feet in height. However, like the project, no secondary land use impacts (attributed to plan or regulatory inconsistency) would occur. Impacts would therefore be similar under the project and the Reduced Project Alternative.

Issue 4: MSCP/MHPA Consistency

The Reduced Project Alternative would result in the demolition of the existing hotel and the construction of various project components at a reduced scale. Like the project, some grading would occur within the on-site open space adjacent to the MHPA. The Reduced Project Alternative would comply with the City's MHPA Land Use Adjacency Guidelines and would result in significant but mitigated impacts relative to MSCP/MHPA consistency. Therefore, impacts under the Reduced Project Alternative would be similar to the project.

Issue 5: Land Use Compatibility

Under the Reduced Project Alternative, a scaled-back version of the project would be implemented. The Reduced Project Alternative would result in 304—121 net ADT (cumulative), which is 156 fewer net 1,501 fewer trips than the project (1,805277 ADT; Appendix R). Therefore, a lesser increase in ambient noise would result under this alternative than under compared to the project. Therefore, impacts associated with land use compatibility would be less than significant and less than under the project.

b. Transportation/Circulation

The trip generation assumptions for the Reduced Project Alternative are shown in Table 9-78. The Reduced Project Alternative would generate 304—121 new (net cumulative) trips, which would result in a total of 2,717–2,900 ADT given that the existing site generates 2,596 ADT (Appendix R). The Reduced Project Alternative would result in 156 fewer net cumulative ADT than the proposed project.

TABLE 9-8
REDUCED PROJECT ALTERNATIVE TRAFFIC VOLUMES¹

<u>Use</u>	Cumulative Trips
Building 1 - Legacy International Center	
Grand Lobby (ancillary use)	<u>0</u>
Exhibit Gallery	<u>233</u>
BOH/Public Facilities (ancillary use)	<u>0</u>
<u>Catacombs</u>	<u>44</u>
History Dome Theater (6,206 SF)	<u>32</u>
Circulation (ancillary use)	<u>0</u>
Building 2 - Pavilion	
<u>Retail</u>	<u>14</u>
Restaurant	<u>208</u>
<u>Theater</u>	<u>162</u>
<u>Learning Center</u>	<u>299</u>
BOH/Public Facility (ancillary use)	<u>0</u>
Foyer Lobby/Circulation (ancillary use)	<u>0</u>
<u>Office</u>	<u>405</u>
Building 3 - Legacy Hotel	
Hotel Rooms	<u>1,016</u>
Spa + Fitness	<u>50</u>
Grand Plaza Steps Gathering Space	<u>139</u>
Building 5 - Souk	
Resort and Souk Retail	<u>115</u>
Total Cumulative Trips	<u>2,717</u>
Existing Site Cumulative Trips	<u>2,596</u>
Net Cumulative Trips	<u>121</u>

The trip generation rates and internal capture rates utilized are identical to those used by the proposed project. Refer to Appendix R for the complete trip generation analysis.

*Source: Appendix R.

Issue 1: Traffic Capacity

Segments

<u>As the Reduced Project Alternative would have fewer</u> ADT than the proposed project and the proposed project would result in less than significant segment impacts, the Reduced Project Alternative would also result in less than significant segment impacts.

Intersections

Near-term

The proposed project would result in significant direct impacts to Hotel Circle South / I-8 eastbound ramps (PM peak hour), as the project would result in a delay increase of 91.9 seconds at this intersection operating at LOS F in the near-term. At this same intersection, the Reduced Project Alternative would result in an increase in delay of 8.1 seconds in the near-term (Table 9-9). While the Reduced Project Alternative would lessen the delay impact by 83.8 seconds relative to the project, the Reduced Project Alternative impact would remain significant per the City's thresholds considering it would increase delay by over one second at an intersection operating at unacceptable LOS F.

TABLE 9-9 NEAR-TERM INTERSECTION OPERATIONS REDUCED PROJECT ALTERNATIVE

			Near-term Plus					
		Peak	Near-	<u>term</u>	<u>A</u>	<u>lt</u>	Δ	
<u>Intersection</u>	Control	<u>Hour</u>	<u>Delay</u>	LOS	Delay	LOS	<u>Delay</u>	Sig?
5. Hotel Circle S. /	AWSC	<u>AM</u>	14.2	<u>B</u>	<u>14.3</u>	<u>B</u>	<u>0.1</u>	<u>No</u>
<u>I-8 EB ramps</u>	AWSC	<u>PM</u>	<u>62.5</u>	<u>F</u>	70.6	<u>F</u>	<u>8.1</u>	Yes

Source: Appendix R.

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle;

I-8 = Interstate 8 AWSC = All-way Stop Controlled LOS = Level of Service

Horizon Year

The proposed project would result in a significant cumulative impact to Hotel Circle North/I-8 westbound ramps (AM and PM peak hours), which consists of an increase in delay of 1.4 seconds in the AM peak hour and 4.3 seconds in the PM peak hour. The Reduced Project Alternative would result in an increase of delay by 0.8 second in the AM peak hour (0.6 second less delay than the project) and 3.9 seconds in the PM peak hour (0.4 second less delay than the project) at this same intersection in the horizon year (Table 9-10). Thus, the Reduced Project Alternative would avoid the AM peak hour significant Hotel Circle North/I-8 westbound ramps impact in the horizon year as the delay would be increased by less than 1 second at an intersection operating at LOS F, but the PM peak hour impact would remain significant as the increase in delay would exceed one second.

TABLE 9-10 YEAR 2035 INTERSECTION OPERATIONS REDUCED PROJECT ALTERNATIVE

					<u>Year</u>	<u> 2035</u>		
		<u>Peak</u>				<u>Alt</u>	Δ	
<u>Intersection</u>	Control	<u>Hour</u>	Delay	LOS	Delay	LOS	<u>Delay</u>	Sig?
1. Hotel Circle N. /	AMSC	<u>AM</u>	<u>57.6</u>	<u>E</u>	<u>58.4</u>	<u>F</u>	0.8	<u>No</u>
I-8 WB ramps	<u>AWSC</u>	PM	49.2	F	53.1	F	3.9	Yes

Source: Appendix R.

Bold = an intersection significantly impacted by the project; Delay = seconds per vehicle;

I-8 = Interstate 8 AWSC = All-way Stop Controlled LOS = Level of Service

The street segment analysis for this alternative is shown in Tables 9-8 and 9-9. As shown in Table 9-8, the direct project impacts to Hotel Circle North (two segments between I-8 westbound ramps to Camino De La Reina) and Hotel Circle South (three segment impacts between I-8 eastbound ramps to Camino De La Reina) would be avoided. The reduction in ADT achieved by this alternative would also avoid the project's two Hotel Circle North roadway segments between I-8 westbound ramps and Camino De La Reina (Table 9-9).

However, this alternative would result in the following two cumulative segment impacts, similar to the project:

- Hotel Circle South: Project Driveway (E) to Bachman Place
- Hotel Circle South: Bachman Place to Camino De La Reina

As described for the project in Section 4.2.2.4, these cumulative Hotel Circle South impacts would be unmitigated.

-Intersections

The intersection analysis for the Reduced Project Alternative is included in Tables 9-10 and 9-11. As shown in the tables, this alternative would have similar intersection impacts as the project. This alternative would avoid the project's near-term AM peak hour impact to Hotel Circle South / I-8 eastbound ramps, but the following impacts would be significant, similar to the project:

Direct

Hotel Circle South / I-8 eastbound ramps (PM peak hour)

Cumulative

Hotel Circle North / I-8 westbound ramps (AM and PM peak hours)

Issue 2: Freeways

The Reduced Project Alternative would result in the generation of 304–121 net ADT, which is less than the 1,805277 net ADT generated by the project. Therefore, freeway impacts under the Reduced Project Alternative would be less than the project and less than significant similar to the project.

Issue 3: Traffic Hazards

All roadway improvements provided by this alternative would comply with the City's roadway standards. Impacts relative to traffic hazards would be less than significant and similar to the project.

Issue 4: Traffic Generation

The Atlas Specific Plan indicates that the MVCP allocates 5,130 ADT to the site at buildout. As the site would generate a total of 2,7172,900 ADT under the Reduced Project Alternative, the alternative would generate fewer trips than allocated by the community plan. Like the project, the Reduced Project Alternative would generate fewer trips than allocated to the site by the MVCP and, therefore, would have a less than significant impact related to community plan traffic generation allocation, similar to the project.

Issue 5: Alternative Transportation

The Reduced Project Alternative would include similar improvements as proposed under the project including a linear park along its frontage and an Americans with Disabilities Act-accessible trail. Like the project, this alternative would promote alternative transportation and would not conflict with the City's General Plan goal for a balanced, multimodal transportation network. Therefore, impacts to alternative transportation would be less than significant under this alternative, similar to the project.

c. Historical Resources

Issue 1: Prehistoric and Historical Resources

As discussed in Section 4.3, no prehistoric resource sites were discovered during project surveys. In general, throughout the site there is a low possibility of subsurface prehistoric or historic deposits to be present that could be uncovered during construction activities. This alternative would result in incrementally less grading than would occur under the project; however, grading would still occur in previously undeveloped portions of the site in conjunction with the sewer easement and trail. Therefore, this alternative would result in significant but mitigated impacts to potential subsurface resources. Impacts would be similar to those of the project.

According to the Letter of Expert Opinion prepared by Heritage Architecture and Planning, found in Appendix D of this report, the Mission Valley Inn Complex is not eligible as a historical resource under any of the applicable local or state criteria. The Reduced Project Alternative would require demolition of the existing Mission Valley Resort facilities in order to allow for new construction. However, because the existing hotel and associated structures were not identified as historical resources, neither the project nor the Reduced Project Alternative would impact a historical resource.

Issue 2: Religious/Sacred Uses

Because there are no known Native American religious or sacred uses within the project site or immediate vicinity, implementation of the project or this alternative would have no impacts to religious and sacred uses. As with the project, impacts would be less than significant for this alternative.

Issue 3: Human Remains

Because there are no known burial sites or cemeteries within the project site or immediate vicinity, it is not expected that human remains would be disturbed as a result of the project or this alternative. As with the project, impacts would be less than significant for this alternative.

d. Biological Resources

Issue 1: Sensitive Species

Demolition and construction activities would occur under the Reduced Project Alternative. Like the project, some development would occur within previously undeveloped portions of the site. Therefore, similar to the project, some removal or disturbance of on-site vegetation and/or land coverings would occur under this alternative, and direct impacts to nesting raptors could result.

The potentially significant but mitigated indirect project impacts to biological resources (nesting raptors) associated with construction activities would also occur under this alternative due to proximity to the MHPA. Impacts would be less than significant with mitigation and similar to the project.

Issues 2: Sensitive Habitat

Demolition and construction activities would occur under the Reduced Project Alternative. Like the project, some development would occur within previously undeveloped portions of the site. Therefore, there would be some removal or disturbance on-site vegetation and/or land coverings. The potentially significant but mitigated project impacts to biological resources (southern mixed chaparral and disturbed southern mixed chaparral, both MSCP Tier II-A habitats; and non-native

grassland, an MSCP Tier III-B vegetation type) associated with construction activities under this alternative would be similar to the project. Impacts would be less than significant with mitigation, similar to the project.

Issues 3–4: Wildlife Corridors/Wetlands

No wildlife corridors or wetlands occur within the project site. Neither the project nor this alternative would introduce invasive species in the project area. Impacts would be less than significant and the same as under the project.

Issue 5: MSCP

The project site is adjacent to the City of San Diego's MHPA. Like the project, some development would occur within previously undeveloped portions of the site within or adjacent to the on-site open space and in proximity to the MHPA. Like the project, the Reduced Project Alternative would comply with the City's MHPA Land Use Adjacency Guidelines and would result in significant but mitigated impacts relative to MSCP/MHPA consistency. Impacts would be similar under the project and the Reduced Project Alternative.

e. Air Quality

Issue 1: Plan Consistency

The Reduced Project Alternative, like the project, would not result in more vehicle trips than what is accounted for in growth projections and the RAQS. Neither the project or this alternative would result in an increase in emissions that are not already accounted for in the RAQS, and therefore, both are consistent with the RAQS. Plan consistency impacts would be less than significant and the same as under the project.

Issue 2: Violation of Air Quality Standards

Like the project, the Reduced Project Alternative would not contribute to an exceedance of air quality standards, because it would not introduce any new stationary sources of emissions. Impacts for the Reduced Project Alternative would be less than significant and similar to the project.

Issue 3: Increase in Particulates

The Reduced Project Alternative would generate some emissions of construction-related pollutants; however, because the project would be reduced in scale by 35 percent, emissions would be less than those generated by the project.

The Reduced Project Alternative would result in the generation of <u>121</u>304 net ADT, which is less than the <u>1,805277</u> net ADT generated by the project. Therefore, with less

ADT than the project, operational emissions under this alternative would be less than those of the project. Therefore, impacts for the Reduced Project Alternative would be less than significant and less than under the project.

Issue 4: Sensitive Receptors

Project-generated traffic would not result in the failure of surrounding intersections and the creation of a CO hot spot. The Reduced Project Alternative would result in the generation of 304-121 net ADT, which is less than the 1,805277 net ADT generated by the project. Therefore, with less ADT than the project, impacts under the Reduced Project Alternative related to sensitive receptors would be less than significant and less than under the project.

f. Paleontological Resources

Issue 1: Paleontological Resources

The project site is located within an area known to have high paleontological resource sensitivity. Grading operations associated with the project would exceed the City's volume and depth thresholds. Therefore, impacts resulting from construction of the project would be potentially significant and require mitigation in the form of paleontological monitoring. The Reduced Project Alternative would result in slightly similar less grading relative to the proposed project, since fewer land uses would be developed. NonethelessAs such, this alternative would result in potentially significant impacts related to paleontological resources, similar to the project.

g. Visual Effects and Neighborhood Character

Issue 1: Landform Alteration

This alternative would result in similar although slightly less grading and slightly less intensity of development than the project. Encroachment into steep hillsides would still occur as would some minor grading of steep slopes. Therefore, under the Reduced Project Alternative, impacts would be less than significant and incrementally less than undersimilar to the project.

Issue 2: Public Views

This alternative would result in a similar but reduced version of the project. Structures would exceed 40 feet in height; however, similar to the project, existing view corridors through the project site would be retained. The project would result in less than significant impacts to public views. Therefore, impacts would be less than significant and similar for both this alternative and the project.

Issue 3: Neighborhood Character

The Reduced Project Alternative would comply with all bulk and scale regulations applicable to the zone. An exception to the 40-foot height limit would be required, similar to the project. The architectural style would be similar to the project and would be consistent with surrounding development. The project would also be compatible with surrounding development in terms of bulk, scale, materials, and architectural style. Therefore, impacts would be less than significant and similar for both this alternative and the project.

Issue 4: Light and Glare

This alternative would result in similar but slightly reduced intensity of land use than what would occur under the project. The potential sources of glare and light would be the same for this alternative and the project. This alternative would therefore result in less than significant impacts associated with light and glare, similar to the project.

Issue 5: Aesthetics

This alternative would result in similar but slightly reduced intensity of land use than would occur under the project. Therefore, the alternative is unlikely to require the use of as many retaining walls as would be required for implementation of the project. The Reduced Project Alternative would comply with all bulk and scale regulations applicable to the zone but, like the project, would require an exception to allow for structures in excess of 40 feet in height. The architectural style would be similar to that of the project. Therefore, impacts under this alternative would be less than significant and incrementally less than under the project.

h. Noise

Issue 1: Ambient Noise

Direct project-related traffic noise increases would be less than 3 dB and would not be audible. The Reduced Project Alternative would result in the generation of 304–121 net ADT, which is less than the 1,805277 net ADT generated by the project. Therefore, with less ADT than the project, direct off-site noise impacts associated with the Reduced Project Alternative would be less than the project and less than significant.

Issue 2: Noise Generation

The Reduced Project Alternative would include a reduced intensity version of the project, which would include reduced on-site noise generators. However, operation of both the project and the alternative would potentially result in the exceedance of any property line noise limit due to proposed HVAC equipment. Impacts due to noise-generating uses for this alternative would be significant similar, to the project.

i. Health and Safety/Hazardous Materials

Issue 1: Hazardous Materials/Human Health

There are four facilities within 1,000 feet of the project site that are listed on various hazardous waste databases. The potential for these facilities to adversely affect the project is low due to either the lack of reported releases or the closed status of the cases. Impacts associated with hazardous contamination sources would be less than significant for both the project and the Reduced Project Alternative.

The buildings located on-site have potential to include lead and asbestos-containing materials. Under both the project and the Reduced Project Alternative, demolition activities therefore have the potential to expose workers and adjacent properties to airborne lead and asbestos. Both the project and this alternative would comply with regulations that require proper abatement methods. Therefore, impacts of this alternative would be less than significant and similar to those under the project.

Issue 2: Hazardous Emissions and Materials

The project would comply with all applicable state and local regulations for handling of hazardous materials. Like the project, implementation of the Reduced Project Alternative would not create a significant hazard to the public or the environment through release of hazardous materials. Impacts would be less than significant and similar to the project.

Issue 3: Emergency Response

No changes to response times or emergency access routes would occur under the Reduced Project Alternative; therefore, impacts to emergency response would be less than significant under this alternative and similar to those of the project.

j. Greenhouse Gases

Issues 1–2: GHG Emissions and Consistency with Plans, Policies, and Regulations

The GHG analysis conducted for the project estimated the existing GHG emissions from the project site and found that the project would result in fewer GHG emissions than what are presently generated in the existing condition. Like the project, development under this alternative would be required to comply with current policy and regulations related to GHG emissions reduction measures and design considerations. Operation of the Reduced Project Alternative would however result in 1,501 less net ADT than the project. Therefore, operation of the Reduced Project Alternative would result in fewer GHG emissions than the project. Nonetheless, both the project and this alternative would achieve a similar GHG reduction percentage and would result in similar less than significant GHG impacts.

k. Hydrology

Issues 1–3: Drainage Patterns, Floodplains, Runoff

The project would maintain the overall drainage pattern as compared to the existing condition and would not significantly impact the quantity of runoff. Additionally, the project would include permanent storm water management facilities, including LID BMPs and/or Treatment Control BMPs that would help further manage, detain, and attenuate post-project runoff flows prior to discharge from the project site. Similar to the project, the Reduced Project Alternative would result in some new construction and the need for storm water improvements; impacts associated with drainage would be less than significant and similar to the project.

Development of the project would not cause significant flooding impacts on-site or to upstream or downstream properties, nor would it have a significant effect on local or global drainage patterns. The Reduced Project Alternative would result in some new development and potentially alterations to drainage patterns, similar to the project; therefore, impacts related to flood hazards would be less than significant under both the project and the Reduced Project Alternative.

Because current storm water standards are more stringent today than in the past, implementation of current LID BMPs by the project could improve the hydrologic condition within the project site. Development under the Reduced Project Alternative would implement LID practices or BMPs similar to the project. Therefore, runoff impacts under the Reduced Project Alternative would be similar to the project and less than significant.

I. Water Quality

Issue 1: Water Quality

To meet the City's water quality requirements, the project design would incorporate permanent storm water management features and hydromodification management design features to maintain or reduce pollutant discharge. The Reduced Project Alternative would implement these features, similar to the project.

Additionally, because current storm water standards are more stringent than in the past, implementation of current LID BMPs could improve the hydrologic condition within the project site. Since LID practices and BMPs would also be implemented under the Reduced Project Alternative, runoff impacts would be similar to the project and less than significant.

m. Geologic Conditions

Issues 1–3: Geologic Hazards/Unstable Geologic Unit/Erosion

The project site is categorized as having a "low" to "moderate" geologic risk potential. The Reduced Project Alternative would result in land uses similar to the project, but would include a lesser intensity of development. Uses would be located within the same general footprint as the project and would involve subsurface excavation for underground parking and building levels. As with the project, this alternative could include project design measures to address potential liquefaction, settlement, expansive soil, and earthquake ground shaking risks. Proposed grading and construction of either this alternative or the project would be in accordance with the CBC and the City of San Diego regulations. Thus, impacts related to geology would be less than significant, similar to the project. Thus, this alternative would result in potentially significant geologic hazards issues related to liquefaction, similar to the project.

n. Public Utilities

Issues 1–4: Water, Wastewater, Solid Waste, Energy Infrastructure, Landscaping Water Use

Like the project, the Reduced Project Alternative would increase demands on public utilities, including water, wastewater, energy infrastructure, and solid waste collection and disposal. Development under the Reduced Project Alternative would be less than that of the project. Therefore, this alternative would also have a less than significant impact on public utilities, similar to the project.

o. Public Services and Facilities

Issue 1: Police, Fire and Emergency Medical Services

Buildout of the Reduced Project Alternative would result in less intense development than proposed under the project. The project would not result in additional demand for police or emergency services. Therefore, like the project, the Reduced Project Alternative would not result in significant impacts to public services.

p. Energy Conservation

Issue 1: Energy Use

Energy consumption would result from both short-term construction needs and long-term operational activities. The project incorporates energy-efficiency measures into project design. The implementation of similar measures could be assumed for any new construction under the Reduced Project Alternative. Therefore, the Reduced Project

Alternative would result in less than significant impacts and would be similar to the project.

9.3.3.3 Conclusion Regarding the Reduced Project Alternative

This alternative was developed to reduce traffic impacts relative to the proposed project. The Reduced Project Alternative would avoid the project's significant cumulative impact to Hotel Circle South/I-8 westbound ramp in the AM peak hour and, therefore, would substantially lessen this project impact. The Reduced Project Alternative would result in a lesser degree direct impact to the Hotel Circle South/I-8 eastbound ramps (PM peak hour) intersection and a lesser degree cumulative impact to Hotel Circle South/I-8 westbound ramp in the PM peak hour; however, both these impacts would remain significant. . Significant unmitigated direct segment impacts would be reduced under this alternative; however, two significant not mitigated cumulative segment impacts as well as the intersection impacts would remain. Implementation of the Reduced Project Alternative would result in similar land use (MHPA adjacency), historical resources species/sensitive (archaeological), biological resources (sensitive paleontological resources, and noise (HVAC), and geologic conditions (liquefaction) impacts as the project.

The Reduced Project Alternative would meet all of the project's objectives, although to a lesser degree than the project (except Objective 4, which would be equally met).

9.4 Environmentally Superior Alternative

CEQA Guidelines section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives. The project itself may not be identified as the environmentally superior alternative.

The Reduced Project Alternative would be considered the environmentally superior alternative, since it would <u>substantially lessen one eliminate several</u> traffic impacts and meet the majority of the project objectives. Neither the No Project (No Development) Alternative nor the No Project (Development under the Adopted Plan) Alternative would meet the majority of the basic project objectives.

10.0 Mitigation Monitoring and Reporting Program

California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The proposed Legacy International Center project is described in the Environmental Impact Report (EIR). The EIR, incorporated herein as referenced, focused on issues determined to be potentially significant by the City. The issues addressed in the EIR include land use, transportation/circulation, historical resources, biological resources, air quality, archeological resources, paleontological resources, visual effects and neighborhood character, noise, health and safety/hazardous materials, greenhouse gas emissions, hydrology, water quality, geologic conditions, public utilities, public services and facilities, and energy conservation. Public Resources Code section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring mitigation were identified for land use, traffic circulation, biological resources, historical resources, archeological resources, paleontological resources, and noise, and geologic conditions. The environmental analysis concluded that all of these significant and potentially significant impacts could be avoided or reduced through implementation of recommended mitigation measures with the exception cumulative traffic impacts to road segments. There is no feasible mitigation for the project's significant cumulative segment impacts, therefore, no measures are listed in the Mitigation Monitoring and Reporting Program (MMRP), and impacts are significant and unavoidable.

The mitigation monitoring and reporting program for the project is under the jurisdiction of the City and other agencies as specified in Table 10-1 below. The mitigation monitoring and reporting program for the project addresses only the issue areas identified above as significant. The following is an overview of the mitigation monitoring and reporting program to be completed for the project.

Monitoring Activities

Monitoring activities would be accomplished by individuals identified in the attached MMRP table. While specific qualifications should be determined by the City, the monitoring team should possess the following capabilities:

 Interpersonal, decision-making, and management skills with demonstrated experience in working under trying field circumstances;

- Knowledge of and appreciation for the general environmental attributes and special features found in the project area;
- Knowledge of the types of environmental impacts associated with construction of cost-effective mitigation options; and
- Excellent communication skills.

Program Procedures

Prior to any construction activities, a preconstruction meeting is required and will include all parties involved in the monitoring program to establish the responsibility and authority of the participants. Mitigation measures that need to be defined in greater detail will be addressed prior to any project plan approvals in follow-up meetings designed to discuss specific monitoring effects.

An effective reporting system must be established prior to any monitoring efforts. All parties involved must have a clear understanding of the mitigation measures as adopted and these mitigations must be distributed to the participants of the monitoring effort. Those that would have a complete list of all the mitigation measures adopted by the City would include the City of San Diego and Mitigation Monitoring Coordinator (MMC). MMC would distribute to each Environmental Specialist and Environmental Monitor a specific list of mitigation measures that pertain to his or her monitoring tasks and the appropriate time frame that these mitigations are anticipated to be implemented.

General Requirements

The following general requirements would be a part of the proposed project MMRP:

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

- 1. Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the DSD Director's Environmental Designee shall review and approve all CDs (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
- 2. In addition, the Environmental Designee 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: Biological Monitor, Archaeological Monitor, and Paleontological Monitor.

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
- 2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #332401, 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.
- 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.
- 4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17-inch reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
 - Note: Surety and Cost Recovery When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
- 5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST			
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes	
General	Consultant Qualification Letters	Prior to Preconstruction Meeting	
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting	
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations	
Traffic	Verification of Traffic Mitigation	Prior to Issuance of Grading Permits for Each Phase	
Biology	Biologist Limit of Work Verification	Limit of Work Inspection	
Biology	Biology Monitoring Reports	Biology/Habitat Inspection	
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation	
Paleontology	Paleontology Reports	Paleontology Site Observation	
Waste Management	Waste Management Reports	Waste Management Inspections	
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter	

Summary of Project Impacts and Mitigation Measures

The following table summarizes the potentially significant project impacts and lists the associated mitigation measures and the monitoring efforts necessary to ensure that the measures are properly implemented. All the mitigation measures identified in the EIR are stated herein.

TABLE 10-1 MITIGATION MONITORING AND REPORTING PROGRAM

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Indirect impacts to the adjacent Multi-Habitat Planning Area (MHPA) from project construction and operation could be potentially significant. To preclude such impacts, the project would incorporate design features consistent with the City's MHPA Land Use Adjacency Guidelines. In order to assist City staff in determining that these impact-avoiding design features have been included in the project's final plans, verification by a qualified biologist would be required. This verification has been included in the mitigation measure LU-1. As discussed in Section 4.3, Biological Resources, the project has the potential to result in direct and indirect impacts to nesting raptors protected by the California Fish and Game Code 3503.5 and nesting bird species protected by the Migratory Bird Treaty Act (MBTA) during construction activities. These construction-related sensitive species impacts would be potentially significant and would be mitigated through the implementation of BR-1.	LU-1: Prior to issuance of any construction permit or notice to proceed, Development Services Department and/or Multiple Species Conservation Program (MSCP) staff shall verify that the applicant has accurately represented the project's design in or on the Construction Documents (CDs), consisting of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects, in conformance with the associated discretionary permit conditions and Exhibit "A" and the City's MSCP MHPA Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CDs of the following: A. Grading/Land Development/MHPA Boundaries. MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. Development Services Department planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint. B. Drainage. All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, and exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA. C. Toxics/Project Staging Areas/Equipment Storage. Projects that use chemicals or generate byproducts such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or dra	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego

ou re wh sta lea Re Mil D. av Re Sp fix	construction/development-related material/activities shall be allowed butside any approved construction limits. Where applicable, this equirement shall be incorporated into leases on publicly owned property then applications for renewal occur. Provide a note in/on the CDs that lates: "All construction-related activity that may have potential for akage or intrusion shall be monitored by the Qualified Biologist/Owners representative or Resident Engineer to ensure there is no impact to the HPA." Lighting. Lighting within or adjacent to the MHPA shall be directed way/shielded from the MHPA and be subject to City Outdoor Lighting regulations per Land Development Code (LDC) Section 142.0740. Decifically, under Section 142.0740 (a)(1) it states "Outdoor lighting returns shall be installed in a manner that minimizes negative impacts from light pollution including light trespass, glare, and urban sky glow in order to preserve enjoyment of the night sky and minimize conflict aused by unnecessary illumination". Additionally, under Section	
E. re ro fel pu pr re	d2.0740 (c)(2) more specific information is provided on how to use equired shields and flat lenses to control and direct light away from the conservation easement. Barriers. New development within or adjacent to the MHPA shall be equired to provide barriers (e.g., non-invasive vegetation; cks/boulders; 6-foot-high, vinyl-coated, chain-link or equivalent necs/walls; and/or signage) along the MHPA boundaries to direct ablic access to appropriate locations, reduce domestic animal redation, protect wildlife in the preserve, and provide adequate noise reduction where needed. Invasives. No invasive non-native plant species shall be introduced	
G. be bu MI ho	to areas within or adjacent to the MHPA. Brush Management. New development adjacent to the MHPA shall e set back from the MHPA to provide required BMZ 1 area on the uilding pad outside of the MHPA. BMZ 2 may be located within the HPA provided the BMZ 2 management will be the responsibility of a omeowners' association or other private entity except where narrow ildlife corridors require it to be located outside of the MHPA. Brush anagement zones shall not be greater in size than currently required by	
ex	e City's regulations, the amount of woody vegetation clearing shall not keed 50 percent of the vegetation existing when the initial clearing is one, and vegetation clearing shall be prohibited within native coastal	

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	sage scrub and chaparral habitats from March 1 to August 15 except where the City Assistant Deputy Director / Mitigation Monitoring Coordinator has documented the thinning would be consistent with City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.		
	H. Noise. To avoid indirect impacts to nesting coastal California gnatcatchers, no grading should occur within or adjacent to occupied habitat in the MHPA during their breeding season of March 1 through August 15. If this is not feasible, protocol surveys for active nests should be conducted within the Diegan coastal sage scrub within the MHPA by a qualified biologist. Three surveys shall be conducted no less than one week apart. Surveys for coastal California gnatcatchers should be conducted pursuant to the recommended protocol survey guidelines as established by the U.S. Fish and Wildlife Service (USFWS; 1997).		
	Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:		
	No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:		
	1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generate by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or		
	c. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A)hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.		
	2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:		
	a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.		
	b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Transportation/Circulation			

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
a. Direct Impacts	a. Direct Impacts	Prior to the issuance of the first	City of San Diego
Street Segments The project would have significant direct impacts to the following five Hotel Circle segments intersection: TR-1: Hotel Circle South: I-8 eastbound ramps (PM Peak hour) TR-1: Hotel Circle North: I-8 weetbound ramps to Fashion Valley Road (LOS F) TR-2: Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS E) TR-13: Hotel Circle South: I-8 eastbound ramps to Project Driveway (E) (LOS F) TR-4: Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F) TR-5: Hotel Circle South: Bachman Place to Camino De La Reina (LOS F) Intersections The project would have a significant direct impact to the following intersection: TR-6: Hotel Circle South / I-8 eastbound ramps (PM peak hour under existing plus project conditions, and AM and PM peak hours in the near-term plus project)	To mitigate the project's significant direct impact to the Hotel Circle South / I-8 eastbound ramps intersection (impact TR-1), mitigation measure TR-1 shall be implemented. TR-1: Prior to the issuance of the first building permit for the Legacy International Center, the Owner/Permittee shall provide full width dedication (varying width up to 28 feet) along the project frontage and shall assure by permit and bond the construction of an additional eastbound and westbound travel lane along Hotel Circle South. Existing conditions shall be matched at the western and eastern limits of the site with appropriate transitions, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy. Street Segments and Intersections To mitigate direct segment impact TR-3 and direct intersection impact TR-6, the applicant shall implement the following: TR-1: Prior to the issuance of the first building permit for the Legacy International Center, the Owner/Permittee shall assure by permit and bond the widening of Hotel Circle South from I-8 eastbound ramps to the eastern Project Driveway to a four lane collector with a continuous left-turn lane, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy. Mitigation for the remaining four significant direct segment impacts of the project (impacts TR-1, TR-2, TR-4, and TR-5) would be infeasible, as described in Section 4.2.2.4.	building permit for the Legacy International Center	Oily of Sail Diego

b. Cumulative Impacts

Street Segments

The project would result in significant cumulative impacts at the following four street segments intersection:

- TR-2: Hotel Circle North / I-8
 Westbound Ramps (AM and PM
 peak hours)
- TR-1: Hotel Circle North: I-8
 westbound ramps to Fashion Valley
 Road
 (LOS F)
- TR-2: Hotel Circle North: Fashion Valley Road to Camino De La Reina (LOS F)
- TR-4: Hotel Circle South: Project Driveway (E) to Bachman Place (LOS F)
- TR-5: Hotel Circle South: Bachman Place to Camino De La Reina (LOS F)

b. Cumulative Impacts

To mitigate the project's significant cumulative impact to the Hotel Circle North / I-8 westbound ramps intersection (impact TR-2), the following measure shall be implemented

TR-2: The Owner/Permittee will assure and construct a traffic signal and implement the restriping of the Hotel Circle North/Interstate 8 Westbound ramps intersection in the horizon year 2035, subject to the approval of the City Engineer and Caltrans. Should it be demonstrated to the satisfaction of the City Engineer that the improvement is not needed to mitigate horizon year impacts at this location, or if the improvement is completed by others, the Owner/Permittee will have no obligation to implement the signalization and restriping of the Hotel Circle North/Interstate 8 Westbound ramps in the horizon year 2035. Prior to the issuance of the first building permits for the Logacy International Center, the Owner/Permittee shall provide a fair-share contribution (3.512.2 percent) towards the signalization and reconfiguration of the Hotel Circle North / L8 weethound ramps intersection. The reconfiguration shall (1) remove the northbound right turn channelization to provide a traditional configuration and provide a right turn everlan phase: (2) remove the easthound right turn channelization to provide a traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway eatisfactory to the City Engineer and Caltrans, Should California Department of Transportation (Caltrans) decide to implement a different intersection control at this intersection, the applicant's fair chare contribution may be used toward the new intersection traffic control measure as long as it would meet the performance criteria of reducing the proposed project delay contribution to less than 1 second where operating at LOS F and 2 seconds where operating at LOS F.

:Street Segments

To mitigate cumulative segment impact TR-1 (Hotel Circle North, I-8 westbound ramps to Fashion Valley Road), the applicant shall implement the following:

TR-2: Prior to the issuance of the first building permit, the Owner/Permittee shall contribute a fair-share (5.7 percent) toward widening to accommodate a second westbound-through lane on Hotel Prior to <u>Year 2035the issuance</u> of the first building permit for the Legacy International Center City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
, i	Circle North between I-8 westbound ramps and Fashion Valley Road, satisfactory to the City Engineer. To mitigate cumulative segment impact TR-2 (Hotel Circle North, Fashion Valley Road to Camino De La Reina), the applicant shall implement the following:	J	. ,
Intersections The project would result in a significant cumulative impact to the following intersection: TR-7: Hotel Circle North / I-8 westbound ramps (LOS F during the AM and PM peak hours)	TR-3: Prior to the issuance of the first building permit, the Owner/Permittee shall contribute a fair-share (10.0 percent) toward widening to accommedate a second westbound-through lane on Hotel Circle North between Fashion Valley Road to Camino De La Reina, satisfactory to the City Engine Intersections To mitigate the project's significant cumulative impact to the Hotel Circle North / I-8 westbound ramps intersection (impact TR-7), the following measure shall be implemented: Mitigation for the project's significant cumulative segment impacts TR-4 (Hotel Circle South: Project Driveway (E) to Bachman Place) and TR-5 (Hotel Circle South, Bachman Place to Camino De La Reina) would be infeasible, as described in Section 4.2.2.4. TR-4: Prior to the issuance of the first building permits for the Legacy International Center, the Owner/Permittee shall provide a fair-share contribution (12.2 percent) towards the signalization and reconfiguration of the Hotel Circle North / I-8 westbound ramps intersection. The reconfiguration shall (1) remove the northbound right-turn channelization to provide a traditional configuration and provide a right-turn overlap phase; (2) remove the eastbound right-turn channelization to provide a traditional configuration; and (3) allow northbound through movements to the Handlery Hotel driveway, satisfactory to the City Engineer and California Department of Transportation (Caltrans). Should Caltrans decide to implement a different intersection control at this intersection, the applicant's fair-share contribution may be used toward the new intersection traffic control measure as long as it would meet the performance criteria of reducing the proposed project delay contribution to less than 1 second where operating at LOS E.	Prior to the issuance of the first building permit for the Legacy International Center	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Historical Resources			T
Unknown Archaeological Resources Since there is the possibility of subsurface prehistoric or historic deposits to be present that could be uncovered during construction activities, a potentially significant impact could result from the development of the project.	 HR-1: The following condition of approval shall be applied to the project: Prior to Permit Issuance Entitlements Plan Check 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. Letters of Qualification have been submitted to ADD The applicant shall submit a letter of verification to Mitigation Monitoring Coordinator (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. 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.	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	 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 (¼-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.		
	 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		

Potential Significant Impact	Mitigation Measures with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	 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. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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 CM 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 Occupational Safety and Health Administration (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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVRs 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		
	 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. 		
	The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.		
	 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. 		
	 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		
	 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 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 15064.9(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

 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

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	notify the appropriate Senior Planner in the EAS of the Development Services Department to assist with the discovery notification process.		
	The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.		
	B. Isolate discovery site		
	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.		
	 The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance. 		
	 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		
	 The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call. 		
	 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 15064.9(e), the California Public Resources and Health & Safety Codes.		

		T. (() () ()	Monitoring, Enforcement, and Reporting
Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Responsibility
	 The PI shall contact the Medical Examiner and notify them of the historic era context of the burial. 		
	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		
	 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 8 a.m. 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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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 8 a.m. 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		
	 The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 		
	 The RE, or BI, as appropriate, shall notify MMC immediately. 		
	C. All other procedures described above shall apply, as appropriate.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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.		
	 For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. 		
	 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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
1 otential digililicant impact	MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.	Timename of Willigation	Responsibility
	 The PI shall submit revised Draft Monitoring Report to MMC for approval. 		
	 MMC shall provide written verification to the PI of the approved report. 		
	MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.		
	B. Handling of Artifacts		
	 The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued 		
	 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. 		
	The cost for curation is the responsibility of the property owner.		
	C. Curation of artifacts: Accession Agreement and Acceptance Verification		
	 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. 		
	The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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)		
	 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. 		
	 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. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Biological Resources			
Wildlife Species The project has the potential to result in direct and indirect impacts to nesting raptors protected by the California Fish and Game Code 3503.5 and nesting bird species protected by the MBTA during construction activities. These construction-related sensitive species impacts would be potentially significant.	Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the mayor (or appointed designee) shall verify that the following project requirements are shown on the construction plans: To avoid any direct impacts to nesting birds (i.e., Cooper's hawk)raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawks nests would be implemented until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. An avoidance buffer for active passerine nests may be up to 300 feet, or as appropriate. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avian species involved, ambient levels of human activity, and screening vegetation), and buffers should be determined with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that the take of birds or eggs or	Prior to the issuance of a Notice to Proceed	City of San Diego

Potential Significant Impact	Mitigation Measures measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.		
	BR-2 Biological Resource Protection during Construction I. Prior to Construction	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego
	A. Biologist Verification – The owner/permittee shall provide a letter to the City's MMC section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.	pre-construction meeting.	
	B. Preconstruction Meeting – The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.		
	C. Biological Documents – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, Environmentally Sensitive Biological Documents – The Qualified Biologist shall submit all		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, Environmentally Sensitive Lands (ESL) Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, state or federal requirements.		
	D. BCME – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife survey/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.		
	E. Avian Protection Requirements – To avoid any direct impacts to nesting birds (i.e., Cooper's hawk)raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City Development Services Department (DSD) for review and approval prior to initiating any construction activities. If nesting birds are detected, an avoidance buffer of 300 feet for active Cooper's hawks nests would be implemented until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. An avoidance buffer for active passerine nests may be up to 300 feet, or as appropriate. Reductions in the nest buffer distance for passerines may be appropriate depending on various factors (i.e., the avian species involved, ambient levels of human activity, and screening vegetation), and buffers should be determined by the Qualified Biologist. Aa letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.		
	F. Resource Delineation – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.		
	F. Education – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).		
	II. During Construction		
	A. Monitoring – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the CSVR. The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.		
	B. Subsequent Resource Identification – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.		
	III. Post-construction Measures		
	A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.		
Would the proposal result in a substantial adverse impact on any Tier I habitats, Tier II habitats, Tier IIIA habitats, or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community as identified in local or regional plans, policies, regulations or by the CDFG or USFWS?	BR-3: Prior to the issuance of a grading permit, or any construction permits, such as demolition, grading, or building, or beginning any construction-related activity on-site, the applicant shall provide mitigation in the form of either-0.03522 acre of Tier III-A or better habitat and 0.08540 acre of Tier III-B or better habitat within the MHPA (Tables 4.4-4). This mitigation shall be satisfied through the purchase of Habitat Acquisition Fund (HAF) mitigation credits. The applicant shall purchase 0.612 mitigation credits through the City's HAF program. The receipt for credits purchased shall be provided to the City prior to issuance of any grading or construction permit.	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego
Would the proposal conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan, either within the MSCP or in the surrounding area?	Mitigation measure LU-1 provides specific measures that shall be adhered to before a construction permit is issued, before construction starts, and during construction in order to ensure that the project is in conformance with the associated discretionary permit conditions, the MSCP, and the Land Use Adjacency Guidelines for the MHPA. Implementation of mitigation measure LU-1 would; therefore, mitigate potential impacts to a level below significance.	Prior to the issuance of any grading permits and/or the first pre-construction meeting.	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Paleontological Resources			
High and Moderate Resource Potential	PAL-1: The applicant shall implement the procedures outlined below as a condition of approval.:	Prior to the issuance of a grading permit.	City of San Diego
Implementation of the project has the	I. Prior to Permit Issuance		
potential to result in significant impacts to paleontological resources, as grading	A. Entitlements Plan Check		
is proposed within formation of high paleontological sensitivity (Scripps and Ardath formations).	 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 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		
	 The applicant shall submit a letter of verification to the City MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City Paleontology Guidelines. 		
	 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. 		
	Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	II. Prior to Start of Construction		
	A. Verification of Records Search		
	 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. 		
	 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, CM and/or grading contractor (GC), RE, 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 CM and/or GC.		
	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.		

Potential Significant Impact	Mitigation Measures Timeframe of Mitigation	Monitoring, Enforcement, and Reporting on Responsibility
	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).	
	When Monitoring Will Occur	
	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.	

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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, Occupational Safety and Health Administration 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, 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.		
	 The monitor shall document field activity via the CSVR. The CSVRs 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. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	B. Discovery Notification Process		
	 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. 		
	The monitor shall immediately notify the PI (unless monitor is the PI) of the discovery.		
	 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 e-mail 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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	c. If a 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.		
	 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. 		
	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 8 A.M. on the next business day.		
	b. Discoveries		
	All discoveries shall be processed and documented using the existing procedures detailed in Section III — During Construction.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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 8 A.M. 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.		
	 The CM 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		
	 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, 		

Potential Significant Impact		Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
		 For significant paleontological resources encountered during monitoring, the PRP 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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	B. Handling of Fossil Remains		
	 The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued. 		
	 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		
	 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. 		
	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)		
	 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. 		
	 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. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility			
Noise						
HVAC System Maximum hourly noise levels at the property line due to the Heating, Ventilating, and Air Conditioning (HVAC) units are projected to be less than the property line noise limits. However, as the specific design has not been chosen at this stage, impacts would be potentially significant.	a. HVAC System As the project has not selected the specific HVAC units and the final locations of the units may be altered prior to final design, the project will be required to implement noise mitigation measure N-1. N-1: Prior to the issuance of a building permit, the applicant, or its designee, shall prepare an acoustical study(s) of proposed mechanical equipment, which shall identify all noise-generating equipment, predict noise levels at property lines from all identified equipment, and recommend measures to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City Noise Ordinance Section 59.5.0401.	Prior to the issuance of a building permit.	City of San Diego			
Geologic Conditions						
Compliance with existing regulations and adherence to mitigation measure GEO-1 would be required to ensure that structures would not be located on an unstable or expansive geologic unit or soil and that the soil would not become unstable as a result of liquefaction.	GEO-1: The mitigation of liquefiable soils will likely be necessary for settlement-sensitive structures. The type and extent of mitigation is dependent on the type and location of structures on the final design plan. Several alternatives are available for mitigation including deep foundations, ground improvements, and structural mitigations. We typically observe deep foundation systems such as driven piles or augereast in place piles exhibiting design total and differential settlements of ½ to 1 inch or less. Ground improvement using stone columns, consisting of densifying existing soils with a vibrating probe and placing crushed rock, typically exhibits total settlements (static and seismic) of 1 to 3 inches. Mat slab foundations can typically be designed to accommodate total settlement of 1 to 3 inches. The selection of the type of mitigation and performance standards will depend on the final building plans and building loads.	Prior to the issuance of a building permit.	City of San Diego			

10.0 Mitigation Monitoring and Reporting Program

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13.0 Certification

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- Lina As'ad, Architect
- Michael Stonehouse, Architect

Caribou Industries

Project Architect

Michael F. Harrah, Project Manager/Architect

Heritage Architecture & Planning

Letter of Professional Opinion

- David Marshall, President
- Eileen Magno, Principal Historian

Geocon Incorporated

Phase I Environmental Site Assessment, Geotechnical Report

- Matthew Lesh, Senior Project Geologist
- · Sean Keffer, Staff Geologist
- John Hoobs, Engineering Geologist
- Shawn Weedon, Geologist

Dexter Wilson Engineering, Inc.

Water System Analysis

• Andrew Oven, PE, Project Manager

Development Design Service and Graphic Access, Inc.

Adam Gevanthor

Kleinfelder

- Kevin Crennan, GE 2511, Senior Geotechnical Engineer
- Trampus Grindstaff, Project Engineer
- Moises Arzamendi, GE 2275, Senior Geotechnical Engineer

LandLAB

Brian Garrett, Project Manager

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