

the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

18. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
19. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.
20. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, currently Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, currently Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
21. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
22. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

23. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
24. The Subdivider has reserved the right to record multiple final maps over the area shown on the approved tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the tentative map the subdivider is including in each final map and may impose reasonable conditions, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
25. The Subdivider has requested approval to file final maps out of numerical sequence. This request is approved, subject to the provision that the City Engineer can review the off-site improvements in connection with each residential unit.
26. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
27. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES

28. The Subdivider shall design and construct all public water facilities as required in the accepted water study for this project, necessary to serve this development in a manner satisfactory to the Director of Public Utilities and the City Engineer. Water facilities, as shown on the approved tentative map, may require modification based on the accepted water study and final engineering.
29. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenances (meters, blow offs, valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public right-of-ways, satisfactory to the Director of Public Utilities. Easements shall be located within single lots, when possible, and not split longitudinally. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of Public Utilities and the City Engineer.
30. Grants of water easements shall have the following minimum widths: water mains with no appurtenances including valves; 15 feet; water mains with services or fire hydrants 24 feet of paving and full height curbs. Fire hydrants within easements having no curbs or rolled curbs shall have protective posts. Easements, as shown on the approved vesting tentative map, may require modification based on standards and final engineering.
31. The Subdivider shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
32. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Subdivider shall install a redundant water system satisfactory to the Director of Public Utilities.
33. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway except as shown on the VTM (the VTM and Exhibit "A" shall identify median improvements on the interior private drives).
34. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway, and the removal of all existing unused services, within

the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

35. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
36. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
37. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
38. The Subdivider shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

GEOLOGY

39. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

LANDSCAPE

40. Prior to the recordation of the final map, the Owner/Subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for required right-of-way and median improvements, and the revegetation of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. The Owner/Subdivider shall assure by permit and bond the installation of landscaping per landscape construction documents.

TRANSPORTATION

41. Prior to the recordation of the first final map the Subdivider shall provide an Access Easement Agreement containing the legal description of the properties

- involved, the reason for the agreement, and the conditions of the agreement to ensure perpetual mutual access for all lots within the development.
42. Prior to recordation of the first final map, the Subdivider shall dedicate 12-30 feet of right-of-way along the project frontage on Del Mar Heights Road, per Exhibit "A," to add westbound left turn lanes and eastbound right turn lanes, satisfactory to the City Engineer. This includes an 8-foot wide non-contiguous sidewalk within a 22-foot landscaped parkway.
 43. Prior to recordation of the first final map, the Subdivider shall dedicate 7-21 feet of right-of-way along the project frontage on El Camino Real, per Exhibit "A," to add southbound right turn lanes, satisfactory to the City Engineer. This includes an 8-foot wide non-contiguous sidewalk within a 17-foot landscaped parkway.
 44. Prior to recordation of the first final map, the Subdivider shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and First Avenue (private driveway) including widening to provide two westbound left turn lanes and an eastbound right turn lane, satisfactory to the City Engineer.
 45. Prior to recordation of the first final map, the Subdivider shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and Third Avenue (private driveway) including widening to provide a westbound left turn lane and an eastbound right turn lane, satisfactory to the City Engineer.
 46. Prior to recordation of the first final map, the Subdivider shall provide visibility easements along the El Camino Real frontage as shown on Exhibit "A," satisfactory to the City Engineer.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto.

Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24000155

Project No. 193036
VTM No. 714401

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING
SITE DEVELOPMENT PERMIT NO. 714398
CONDITIONAL USE PERMIT NO. 977693 AND
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1124983
ONE PASEO - PROJECT NO. 193036 [MMRP]
CITY COUNCIL

DRAFT

WHEREAS, Kilroy Realty Corporation, Owner/Permittee, filed an application with the City of San Diego pursuant to San Diego Municipal Code [SDMC] Sections 126.0402(d), 126.0303(b), and 153.0201(a) for Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983 to construct a phased mixed-use development consisting of multi-family residential, commercial retail and commercial office known as the One Paseo project. The 23.6-acre site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive with Interstate 5 one mile to the west and State Route 56 one mile to the south. The project site is in the CVPD-EC Zone (to be rezoned to CVPD-MC, concurrent with this permit) within the Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map Nos. 15061 and 19130;

WHEREAS, on October 2, 2014, the Planning Commission of the City of San Diego considered Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983, and pursuant to Resolution No. **[INSERT Planning Commission Resolution Number]** -PC voted to recommend **[INSERT: City Council approval/disapproval]** of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to

consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 714398, Conditional Use Permit No. 977693, and Neighborhood Development Permit No. 1124983:

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive. The project includes Rezone from the Carmel Valley Planned District (CVPD)-EC Zone to a newly created CVPD-MC (Mixed-Use Center) Zone, Amendments to the General Plan, Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan (Precise Plan), a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit and a Neighborhood Development Permit for the development of a mixed-use project. The project contains approximately 1,454,000 square-feet of commercial retail, commercial office, a cinema and 608 multi-family residential units.

The City's General Plan identifies specific communities as distinct planning areas. The project site is within the Carmel Valley Community Planning Area which comprises approximately 4,300 acres east of the I-5 freeway and the Torrey Pines Community, west of the communities of Pacific Highlands Ranch and Del Mar Mesa, south of the San Dieguito River Valley and north of Los Penasquitos Canyon and the Torrey Hills Community.

The Carmel Valley Community Plan is the City's adopted land use plan for the planning area. The community plan defers to neighborhood Precise Plans for specific land use recommendations. The Carmel Valley Employment Center Precise Plan was adopted in 1981 and covers the existing 118-acre business park located between the I-5 freeway and El Camino Real and south of Del Mar Heights Road which includes the project site. The Community Plan and Precise Plan designate the project site for use and development of an Employment Center. The Carmel Valley Planned District Employment Center (EC) zone allows various employment related uses such as office, research and manufacturing. The zone also allows for limited uses that support employment such as health clubs,

onsite food services, and, specifically within certain lots within the subject site, restaurants and travel bureaus.

Approval of the development project and related permits also requires approval of land use plan amendments to eliminate the project's conflicts with current land uses applied to the site. The amendments and the development project are being processed concurrently.

Amendments are proposed to the Carmel Valley Employment Center Precise Plan to redesignate the site from *Employment Center* to *Community Village* and incorporate project design guidelines, implementation measures and other details related to the project. The draft amendment to the Precise Plan is formatted as a stand-alone document describing changes to the above plans and, will be incorporated into the Carmel Valley Employment Center Precise Plan by reference. The proposed Precise Plan amendment also constitutes amendments to the Carmel Valley Community Plan and to the General Plan. The proposed Precise Plan amendment would change the General Plan land use designation from *Industrial Employment* to *Multiple Use* and change the Carmel Valley Community Plan land use designation from *Employment Center* to *Community Village*. A Rezone is also proposed to implement the land use plan amendments. The Rezone includes an amendment to the Carmel Valley Planned District to create a new mixed-use zone, *Mixed-Use Center* (MC).

The proposed development will not adversely affect the applicable land use plans upon approval of the required land use plan amendments. A goal of the Precise Plan amendment is to provide a mixed-use community village for Carmel Valley. The General Plan describes a series of village types of varying parameters and intensities, with neighborhood and community village centers ranging from just a few acres to more than 100 acres. Therefore, the 23-acre site would be sufficient to achieve this goal, as it is a relatively large vacant, centrally located site within this community.

The proposed land use plan amendments and development project would provide the benefit of achieving goals related to a mixed-use community village for Carmel Valley by providing residential, retail, commercial office and public space uses within a walkable 'main street' design.

The project has been designed to implement the vision and goals of the General Plan's Strategic Framework Element, particularly the City of Villages Strategy. The City of Villages strategy is a departure from the suburban development model employed for many areas of the City by the 1979 General Plan. The General Plan states that "Over the last two centuries, San Diego has grown by expanding outward onto land still in its natural state. This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open lands. It establishes the strategic framework for how the City grows while maintaining the qualities that best define San Diego." Therefore, the General Plan's direction is to efficiently use the remaining developable land in the City consistent with the new policies of the Strategic Framework. The project proposes a mixed-use development of 1,454,000 square feet

where 514,000 square feet could currently be permitted representing an efficient use of remaining developable land.

The Strategic Framework Element recommends mixed-use villages as a desirable development pattern, stating that “new policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City’s continued growth over the long term.” Growth is to be focused into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system.

The project site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the community’s town center across El Camino Real and residential neighborhoods to the north and northeast. As a relatively large, vacant property, the project site provides an infill development opportunity of a unique and distinctive, unifying, mixed-use village center for Carmel Valley. The project proposes to combine housing, shopping, employment and civic uses into a compact, self-contained, pedestrian-friendly community village that implements the vision of the General Plan.

A main goal of the Carmel Valley Community Plan is to establish a physical, social, and economically balanced community. The balanced community concept is met through identification of specific amount and single-family and multi-family housing for a range of incomes, the provision of a relatively large employment center, and a town center neighborhood intended to serve as a community core with a mix of retail, office, higher density residential and an array of public uses. Each residential neighborhood is to contain a focal point that includes a school and/or neighborhood shopping center linked by pedestrian and bicycle trails. The Community Plan provides a framework for development and adoption of neighborhood plans through a precise plan process, including the timely provision of public facilities.

The project would further a physical, social and economically balanced community by combining residential, commercial and civic uses within a centrally-located village center. The Carmel Valley community is underserved by retail space so there is a market demand for additional retail. The project would provide additional commercial retail and service uses in the core of the community where they can be more easily accessed via multiple transportation modes. This would allow capture of more shopping and entertainment trips within the community. The addition of multi-family housing within a mixed-use village-type format provides an additional housing choice within the community. Potential impacts to public facilities and services would be offset by payment of the Facilities Benefit Assessment fee.

In addition to the mixed-use land use plan, multiple design elements of the project’s site plan and building program contribute to a pedestrian-friendly ‘Main Street’ design that would implement General Plan urban design policies related to the City of Villages

Strategy. The project proposes a network of local streets within the project site (including a 'Main Street') that breaks up the existing superblock pattern. This is consistent with General Plan guidance to retrofit existing large-scale development patterns, such as "superblocks" or "campus-style" developments, to provide more and improved linkages among uses. The proposed vertical integration of retail and residential uses would provide desirable street level activity. The 'Main Street' design and centrally located main plaza would provide walking opportunities and gathering spaces to promote social interaction and a sense of community. The design of the project has virtually eliminated views of parked automobiles by locating spaces either largely below ground or within above grade parking structures that are concealed behind building facades.

The General Plan calls for villages to be connected by "high quality transit," but does not contain a precise definition for the term. However, Policy ME-B.1a calls for "an urban network of routes that operate with a base, mid-day service frequency of ten-minute intervals or better (Policy ME-B.1.a)" Further guidance is provided by state law; Section 21155 of the California Public Resources Code (relating to implementation of the Sustainable Communities Strategy) states that "a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours."

Carmel Valley is not currently served by public transit. The nearest bus line connects North County coastal communities with the University community along Highway 101. There is also a Coaster rail station in Sorrento Valley. The lack of public transit serving the project and the resulting lack of connectivity to other activity centers is the issue of greatest concern with respect to implementation of the City of Villages strategy. However, the 2050 Regional Transportation Plan prepared by the San Diego Association of Governments (SANDAG) identifies several future bus routes that would provide local and regional high frequency service to Carmel Valley with potential stops at the project site. Of these, a rapid bus route would connect Oceanside and University Town Center with potential stops within Carmel Valley and the Sorrento Valley Coaster station in the year 2030. The timing between anticipated completion of the project in 2017 and planned provision of public transit represents a considerable period of time in which the project would not be served by public transit.

To address the lack of current public transit service, the proposed development would include a Transportation Demand Management (TDM) program including a shuttle service between the project and the Sorrento Valley Coaster station and the High Bluff corridor. The shuttle would operate at 15-minute intervals during AM, mid-day, and PM peak periods

The project would provide sustainable features to reduce waste, conserve energy and water, reduce greenhouse gas emissions and lower long-term operating costs. The project has been registered with the Green Building Certification Institute with a certification goal of LEED Silver under the LEED for Neighborhood Development rating system. The proposed project has achieved a Smart Location and Linkages Prerequisite review approval; the first certification level from the Green Buildings Certification Institute.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive. The project includes Rezone from the Carmel Valley Planned District (CVPD)-EC Zone to a newly created CVPD-MC (Mixed-Use Center) Zone, Amendments to the General Plan, Community Plan and Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit and a Neighborhood Development Permit for the development of a mixed-use project. The project contains approximately 1,454,000 square-feet of commercial retail, commercial office, a cinema and 608 multi-family residential units.

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed One Paseo, Project No. 193036. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The direct project-level significant, unmitigable impacts are within the area of Visual Effects and Neighborhood Character and Transportation/Circulation/Parking. The applicant has provided their Findings and Statement of Overriding Considerations. The project would be an economic engine that would create numerous construction jobs and long-term employment opportunities, contribute approximately \$21 million to the City's General Fund, address infrastructure needs and revitalize the Carmel Valley economy. Further, the project would fulfill the City of Village planning strategy by integrating a variety of residential, commercial and civic land uses, as well as providing a greater range of housing options. The project would also enhance the overall quality of life in the Carmel Valley community by providing enhanced landscape and community monuments and export materials to replenish beach sand supply as well as the implementation of a Transportation Demand Management Program.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the constructions and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The Project has been designed with adequate storm water controls during construction and operation to comply with the City of San Diego storm water regulations. This will result in better downstream water quality and therefore protect and preserve the public health and safety of surface waters.

The overall circulation network for the project has been planned to balance compatibility between pedestrians, bicycles and motor vehicles, while separating them for enhanced public safety purposes. The project is planned as a "park once" environment, where people are encouraged to park in one place and then make stops on foot, rather than driving from one destination to another. This creates the type of environment where people can easily walk or bike between destinations and reinforces a safe pedestrian and bicycle experience. Parking within the site area will be predominantly located within

underground parking structures or above-ground facilities, minimizing the interaction between cars and people, while maximizing public safety.

The project is projected to pay approximately \$13.7 million in Facilities Benefit Assessment fees, which will go toward the provision of public services such as roads, parks, libraries and open space that will be beneficial to health and welfare of the community.

The permits for the project contains specific conditions addressing project compliance with the City's codes, policies, regulations and other regional, State and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive. The project includes Rezone from the Carmel Valley Planned District (CVPD)-EC Zone to a newly created CVPD-MC (Mixed-Use Center) Zone, Amendments to the General Plan, Community Plan and Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit and a Neighborhood Development Permit for the development of a mixed-use project. The project contains approximately 1,454,000 square-feet of commercial retail, commercial office, a cinema and 608 multi-family residential units.

The new CVPD-MC zone allows a diversity of uses, including residential, retail, restaurants, hospitality, workplace, and civic activities. The intent of the CVPD-MC Zone is to create a compact, multi-functional, mixed-use community village. Use and development regulations of the CVPD-MC Zone are based on the City-wide CC-5-5 Zone, which is cross-referenced in the new zone. The maximum FAR of the CC-5-5 zone is 2.0. Allowable uses within the proposed zone would be the same as those for the CC-5-5 zone classification (Table 131-05B in Section 131.0552 of the Municipal Code). The proposed residential, commercial retail, and office would be allowable uses per the zone. The Precise Plan amendment, which will be concurrently adopted with the rezone, provides additional design and implementation regulations consistent with the requirements of the Land Development Code (LDC). The Project will therefore comply with all the applicable regulations of the LDC, as amended by the Project approvals, and no deviations are requested.

Conditional Use Permit – Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan.

The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

Although the Carmel Valley Community Plan and the Employment Center Precise Plans do not specifically discuss cinemas, the Strategic Framework section of the General Plan defines, a “village” is defined as “the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated.” The project has been designed to include residential, commercial, employment and civic uses, integrated into a village setting with pedestrian and bicycle connections to adjacent properties and community trails. The proposed cinema adds an entertainment use that is considered desirable for increasing evening activity within mixed-use developments and supporting other uses such as restaurants.

The site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the commercial area across El Camino Real and residential neighborhoods to the north and northeast. To accommodate the mix of uses proposed, an amendment to the Carmel Valley Community Plan is being proposed to change the designation of the site from *Employment Center* to *Community Village*. This is consistent with the General Plan policy that existing land should be developed consistent with the “village” concept in communities throughout San Diego.

Therefore the addition of the cinema to the overall development and the community will not adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed One Paseo, Project No. 193036. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The direct project-level significant, unmitigable impacts are within the area of Visual Effects and Neighborhood Character and Transportation/Circulation/Parking. The applicant has provided their Findings and Statement of Overriding Considerations. The project would be an economic engine that would create numerous construction jobs and long-term employment opportunities, contribute approximately \$21 million to the City’s General Fund, address critical infrastructure needs and revitalize the Carmel Valley economy. Further, the project would fulfill the City of Village planning strategy by integrating a variety of residential, commercial and civic land uses, as well as providing a greater range of housing options. The project would also enhance the overall quality of life in the

Carmel Valley community by providing enhanced landscape and community monuments and export materials to replenish beach sand supply as well as the implementation of a Transportation Demand Management Program.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the constructions and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project has been designed with adequate storm water controls during construction and operation to comply with the City of San Diego storm water regulations. This will result in better downstream water quality and therefore protect and preserve the public health and safety of surface waters. Therefore, the proposed cinema will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

The project is located within the Carmel Valley Planned District (CVPD) Ordinance. The current zoning of the property is CVPD-EC (Employment Center). The project includes a rezone of the site to CVPD-MC (Mixed Use Center) , which is a new zone proposed to be added to the CVPD which allows a diversity of uses, including residential, retail, restaurants, hospitality, workplace, and civic activities. The intent of the CVPD-MC Zone is to create a compact, multi-functional, mixed-use community village. Use and development regulations of the CVPD-MC Zone are based on the CC-5-5 Zone (Table 131-05B in Section 131.0552 of the Municipal Code). The Precise Plan amendment, which will be concurrently adopted with the rezone, provides additional design and implementation regulations consistent with the requirements of the Land Development Code (LDC). The proposed cinema as part of the overall development will therefore comply with all the applicable regulations of the LDC, as amended by the project approvals, and no deviations are requested.

4. The proposed use is appropriate at the proposed location.

The project proposes a cinema of approximately 48,000 square-feet within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires all cinemas over 5,000 square feet to obtain a Conditional Use Permit.

The project would further a physical, social and economically balanced community by combining residential, commercial and civic uses within a centrally-located village center. The Carmel Valley community is underserved by retail space so there is a market

demand for additional retail. The project would provide additional commercial retail and service uses in the core of the community where they can be more easily accessed via multiple transportation modes. This would allow capture of more shopping and entertainment trips within the community.

The site is located in a transitional area between the office/industrial development of the Carmel Valley Employment Center, the commercial area across El Camino Real and residential neighborhoods to the north and northeast. To accommodate the mix of uses proposed, an amendment to the Carmel Valley Community Plan is being proposed to change the designation of the site from *Employment Center* to *Community Village*. The development of a cinema in this location is consistent with the mix of uses and will serve this site and the existing residential and commercial uses within the surrounding community.

Neighborhood Development Permit (NDP) - Section 126.0404

1. The proposed development will not adversely affect the applicable land use plan.

The project proposes commercial tandem parking within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires tandem parking for commercial uses obtain a Neighborhood Development permit.

The Carmel Valley and Employment Center Precise Plans do not specifically address interior parking arrangements for commercial developments. However, the General Plan encourages efficient parking arrangements and reduction in parking visibility. The proposed tandem parking arrangement would more efficiently use space by eliminating the need for additional drive aisles.

Tandem parking for commercial uses may be approved provided the tandem parking is limited to the assigned employee parking spaces and/or valet parking associated with restaurant use. Tandem parking is encouraged throughout the City in order to reduce the need for additional parking areas. The permit has been conditioned to allow a maximum of 206 (103 dual) tandem spaces and shall be dedicated to employee parking only.

Therefore the provision of tandem parking would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes commercial tandem parking within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires tandem parking for commercial uses obtain a Neighborhood Development permit.

Tandem parking for commercial uses may be approved provided the tandem parking is limited to the assigned employee parking spaces and/or valet parking associated with restaurant use. Tandem parking is encouraged throughout the City in order to reduce the need for additional parking areas. The permit has been conditioned to allow a maximum of 206 (103 dual) tandem spaces and shall be dedicated to employee parking only.

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed One Paseo, Project No. 193036. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The proposed project would result in direct project-level significant, unmitigable impacts in the areas of Visual Effects and Neighborhood Character and Transportation/Circulation.

The project would provide 3,688 parking spaces throughout the site upon build out, where 3,520 parking spaces are required for a surplus of 168 parking spaces. The project would utilize a shared parking program and would be able to provide all the required parking and is not considered a significant impact.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse effects to those persons or properties in the vicinity of the project. Therefore, the proposed tandem parking will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes commercial tandem parking within the mixed-use development of approximately 1,454,000 square-feet of commercial retail, commercial office and residential. The San Diego Municipal Code (SDMC) requires tandem parking for commercial uses obtain a Neighborhood Development permit.

Tandem parking for commercial uses may be approved provided the tandem parking is limited to the assigned employee parking spaces and/or valet parking associated with restaurant use. Tandem parking is encouraged throughout the City in order to reduce the need for additional parking areas. The permit has been conditioned to allow a maximum of 206 (103 dual) tandem spaces and shall be dedicated to employee parking only. The project, as amended by the project approvals, is not requesting any deviations are requested; therefore it will comply with all the applicable regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Site Development Permit No. 714398, Conditional Use Permit No. 977693, Neighborhood Development Permit No. 1124983 is granted to Kilroy Realty Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
9/8/2014
Or.Dept:[Dept]
Doc. No. 859639

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000155

SITE DEVELOPMENT PERMIT NO. 714398
CONDITIONAL USE PERMIT NO. 977693
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1124983
ONE PASEO, PROJECT NO. 193036: MMRP
CITY COUNCIL
DRAFT

This Site Development Permit No. 714398, Conditional Use Permit No. 977693, Neighborhood Development Permit No. 1124983, is granted by the City Council of the City of San Diego to Kilroy Realty Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0402(d), 126.0303(b), and 153.0201(a). The 23.6-acre site is located within the CVPD-MC Zone (proposed Carmel Valley Planned District-Mixed-Use Center), Carmel Valley Community Plan and the Carmel Valley Employment Center Precise Plan. The project site is legally described as: Parcels 1 and 2 of Parcel Map No. 15061 and Parcel 2 of Parcel Map No. 19130.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop a mixed-use project described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated XXXX, 2014, on file in the Development Services Department.

The project shall include:

- a. Phased construction of a mixed-use development with a maximum of 1,454,069 gross square feet (gsf) consisting of approximately 198,500 sf of commercial retail, approximately 484,000 sf of commercial office and 608 multi-family residential units;
- b. Civic space areas (including plazas and paseos), internal roadways, landscaping, hardscape treatments, utility improvements, and parking facilities to support these uses;
- c. Cinema with 1,200 seats and approximately 48,000 square feet;

- d. Approximately 3,688 parking spaces provided throughout the site in subsurface garages, one above-ground parking structure, and small surface lots.
- e. A maximum of 206 (103 dual) tandem spaces provided and dedicated to employee parking only;
- f. Associated off-site improvements, including frontage improvements, utility extensions, access improvements, and intersection improvements;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Signage; and
- i. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
 7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
 8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
 9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
- If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. This Permit may be developed in phases per Exhibit "A," on file in the Development Services Department, and as specified further within this Permit.
 11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the

event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] No. 193036 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 193036, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 193036, to the satisfaction to the Development Services Department and the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

TRANSPORTATION/CIRCULATION, NOISE, PALEONTOLOGICAL RESOURCES, BIOLOGICAL RESOURCES, HEALTH AND SAFETY, and HISTORICAL RESOURCES.

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

PARK AND RECREATION REQUIREMENTS:

16. The Owner/Permittee shall ensure equal recreational access to both project residents and the general public over the 1.1-acre passive recreation area and the 0.4-acre children's play area as identified in Block "C" on Exhibit "A." The passive recreation area and children's play area shall be owned and maintained by the Owner/Permittee at the Owner/Permittee's expense, and shall not be considered City parkland.

SOLID WASTE REQUIREMENTS:

17. Prior to issuance of construction permits, the Owner/Permittee shall include a representative of the Environmental Services Department (ESD) in preconstruction meetings to ensure that:

- An appropriate destination for soils has been identified;

- Concrete, wood, and dry wall are separated and appropriate 100% recycling destinations are identified and used;
- Grubbed material is separated and taken to Miramar Landfill Greenery;
- Contract documents verify that 5% buy recycled program is completed using consumer/preconsumer recycled materials;
- A solid waste coordinator has been identified;
- An appropriate number of bins are provided with appropriate signage;
- Bins are appropriately used and contamination levels are minimized;
- The Construction and Demolition Debris Diversion Deposit Program deposit has been paid; and
- Materials are being taken to the appropriate facility.

18. Prior to final inspection or issuance of any Certificate of Occupancy, the Owner/Permittee shall contact a representative of the Environmental Services Department to schedule an appointment to:

- Inspect and approve a storage area that has been provided consistent with San Diego Municipal Code Chapter 14: General Regulations, Article 2: General Development Regulations Division 8: Refuse and Recyclable Materials Storage Regulations;
- Ensure that a hauler has been retained to provide recyclable materials collection and yard waste collection;
- Inspect and approve the education materials for building tenants/owners that are required pursuant to the City's Recycling Ordinance; and
- Identify a contact person for follow-up on food waste collection/composting.

ENGINEERING REQUIREMENTS:

19. This Permit shall comply with the conditions of Vesting Tentative Map No. 714401.

20. The Owner/Permittee shall construct three City standard commercial driveways on El Camino Real. All signalized driveways shall comply with City Standard Drawings SDG-163, satisfactory to the City Engineer.

21. Prior to the issuance of any building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

22. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

23. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in

accordance with the Landscape Standards, the San Diego Low Impact Development Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

24. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall label and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

25. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)(5).

26. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

GEOLOGY REQUIREMENTS:

30. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or

update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

31. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING/DESIGN REQUIREMENTS:

32. The Owner/Permittee shall seek a LEED Gold rating certification for the project's office buildings.

33. The Owner/Permittee shall develop the project using energy and water efficiency standards, "cool" roofs, and paving materials and will establish an extensive onsite recycling and composting program to the satisfaction of the Development Services Director.

34. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

35. Signage shall comply with the Carmel Valley Signage Guidelines and Criteria. Notwithstanding any provision of the Carmel Valley Planned District Ordinance to the contrary, all signage located within the Carmel Valley Planned District area shall conform to the Carmel Valley Signage Guidelines and Criteria adopted by the City Council on January 9, 1991, and filed in the office of the City Clerk as Document No. OO-17578.

36. Fences and walls shall conform to the fence regulations in San Diego Municipal Code (SDMC), Chapter 14, Article 2, Division 3.

37. All construction plans shall be reviewed against the underlying zone and the Precise Plan Amendment design guidelines, dated March 2014.

38. Prior to the issuance of building permits for Block C, the approval of a Process 2 Substantial Conformance Review shall be required.

39. The Owner/Permittee shall post a copy of each approved discretionary Permit or Vesting Tentative Map in its sales office for consideration by each prospective buyer.

40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations of the SDMC.

TRANSPORTATION REQUIREMENTS

41. In accordance with the shared parking study (prepared by Walker Parking Consultants dated December 16, 2011 and revised November 29, 2012), a minimum of 3,520 (3,688 provided at project build out) automobile parking spaces shall be provided within the approximate location shown on the project's Exhibit "A," including 73 automobile disabled accessible, 17 van accessible and 162 carpool spaces. A minimum of 136 motorcycle and 327 bicycle spaces shall be provided on-site. Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department. Minimum required parking per the LDC shall be provided at each stage in the project's phasing.
42. The regulations of Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply except the minimum required number of parking spaces (at project build out) shall be determined in accordance with the shared parking study (prepared by Walker Parking Consultants dated December 16, 2011 and revised November 29, 2012) that is Appendix "D" to the project's Environmental Impact Report No. 193036.
43. Prior to the issuance of the first building permit, the Owner/Permittee shall record Shared Parking Agreements among all parcels for the proposed parking spaces located on site, satisfactory to the City Engineer.
44. The 1,116 residential parking spaces shall be physically separated from the commercial spaces and be clearly marked and designated as residents' parking.
45. A maximum of 206 (103 dual) tandem spaces may be provided and shall be dedicated to employee parking only.
46. Off-street loading spaces shall be provided per the City's LDC, Article 2, Division 10. The Owner/Permittee proposes to provide 12 off-street (where 9 are required) loading spaces.
47. Prior to the issuance of the first building permit for Phase 2, the Owner/Permittee shall fund up to \$40,000 towards the design and installation of Carmel Valley community monument signs at Del Mar Heights Road and High Bluff Drive and at the south end of El Camino Real, north of the SR-56, to the satisfaction of the City Engineer. If the funds are not used for the stated purpose within 5 years of payment, the money shall be refunded to the Owner/Permittee.
48. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening of Del Mar Heights Road to provide an eastbound exclusive right turn lane at two project entrances and at the intersection of Del Mar Heights Road and El Camino Real with 8-foot wide non-contiguous sidewalk within a 22-foot wide landscaped parkway, satisfactory to the City Engineer.
49. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening of El Camino Real to provide southbound exclusive right turn

lanes at four project entrances with an 8-foot wide non-contiguous sidewalk within a 17-foot wide landscaped parkway, satisfactory to the City Engineer.

50. If approved by Caltrans, the Owner/Permittee shall fund, at no cost to the City or increase in cost to the existing Carmel Valley Maintenance Assessment District, the incremental increase in long-term maintenance costs resulting from certain proposed median landscaping enhancements on Del Mar Heights Road within the jurisdiction of Caltrans as shown on Exhibit "A," satisfactory to the City Engineer.

51. Prior to the issuance of the first building permit, the Owner/Permittee shall provide \$1,100,000 towards Project No. T-44 (I-5 Underpass-Bikeway/Pedestrian Connector) of the 2014 Carmel Valley Public Facilities Financing Plan, to the satisfaction of the City Engineer.

52. Prior to the issuance of the first building permit, the Owner/Permittee shall contribute \$150,000 to the City's Traffic Engineering Operations Division, towards the investigation and installation of traffic calming measures on High Bluff Drive north of Del Mar Heights Road, satisfactory to the City Engineer. If the funds are not used for the stated purpose within 5 years of payment, the money shall be refunded to the Owner/Permittee.

53. The Owner/Permittee shall implement a boulevard-style (or similar) design treatment along the Del Mar Heights Road project frontage with separated bicycle tracks as part of the City's pilot program for innovative bicycle facilities, satisfactory to the City Engineer.

54. For all transportation permit conditions and mitigation measures that refer to project phases, the following ADT's per phase shall apply (per the Transportation Phasing Plan that is Attachment 89 of the Urban System Associates' "Reduced Main Street Alternative" traffic memorandum dated September 24, 2013, Appendix "C.1" of Environmental Impact Report No. 193036), satisfactory to the City Engineer:

- a. Phase 1: 10,245 ADT-728 AM peak hour in and 122 AM peak hour out; 344 PM peak hour in, 852 PM peak hour out.
- b. Phase 2: 18,030 ADT- (Phase 1 and Phase 2 project trip generation) 867 AM peak hour in, 260 AM peak hour out; 769 PM peak hour in, 1,245 PM peak hour out.
- c. Phase 3 (project build-out): 23,854 ADT- (total project trip generation) 944 AM peak hour in, 433 AM peak hour out; 1,111 PM peak hour in, 1456 PM peak hour out.

If the phases are not developed in the order presented in the EIR, or if the phases overlap, then the required mitigation shall be tied to the trips generated (total ADT, AM in, AM out, PM in, PM out) by the actual development proposed by the Owner/Permittee regardless of that development's physical location onsite, satisfactory to the City Engineer.

55. Prior to the issuance of any building permits for Phase 3, the Owner/Permittee shall implement the Transportation Demand Management Plan, dated May 2014, that includes information kiosks in central locations, bike lockers, priority parking spaces for carpools, electric

vehicle charging systems and a shuttle system (as detailed in condition #56) for residents and employees that initially connects to the Sorrento Valley Coaster Station.

56. Prior to the issuance of any building permits for Phase 3, the Owner/Permittee shall provide and maintain a shuttle vehicle system which includes shuttle service from the project through the Employment Center in Carmel Valley to the Sorrento Valley Coaster Station, arriving and departing at 15 minute intervals during AM/Mid-day/PM peak periods and other times as appropriate (including school hours) satisfactory to the City Engineer. The frequency and operation of the shuttle service shall be maintained until public transit service is available to serve the project or within close proximity.

57. Prior to the issuance of the first building permit, Owner/Permittee shall provide an adaptive traffic control system for ten to thirteen intersections along Del Mar Heights Road, satisfactory to the City Engineer.

58. Any work performed within Caltrans right-of-way will require review and approval by Caltrans.

59. Prior to the issuance of the first building permit the Owner/Permittee shall provide an Access Easement Agreement containing the legal description of the properties involved, the reason for the agreement, and the conditions of the agreement to ensure perpetual mutual access for all lots within the development, satisfactory to the City Engineer.

60. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and First Avenue (private driveway) including widening to provide two westbound left turn lanes and an eastbound right turn lane, satisfactory to the City Engineer.

61. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a signalized intersection on Del Mar Heights Road and Third Avenue (private driveway) including widening to add a westbound left turn lane and an eastbound right turn lane, satisfactory to the City Engineer.

62. Prior to the issuance of the first building permit, Owner/Permittee shall assure by permit and bond the modification of the traffic signal at El Camino Real/Del Mar Highlands Town Center driveway to provide a fourth approach, satisfactory to the City Engineer.

63. Clustered mail boxes shall be located internal to the site and not in or adjacent to the public right-of-way. Access and/or parking requested by U.S. Postal Service shall be fully accommodated on-site (in addition to the minimum required parking).

64. **Mitigation Measure 5.2-1:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure reconfiguration of the median on Del Mar Heights Road bridge to extend the EB to NB dual left-turn pocket to 400 feet to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the median reconfiguration shall be completed and accepted by the City Engineer or Caltrans.

65. **Mitigation Measure 5.2-1.1:** Prior to issuance of the first building permit for Phase 1, the project applicant shall contribute to Caltrans \$1,500,000 toward the provision of a third eastbound through lane on the Del Mar Heights Road bridge to the satisfaction of the City Engineer.
66. **Mitigation Measure 5.2-2:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure the widening of the segment to extend the WB right-turn pocket at the Del Mar Heights Road/I-5 NB ramps by 845 feet and the modification of the raised median to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the widening shall be completed and accepted by the City Engineer and Caltrans.
67. **Mitigation Measure 5.2-3:** Prior to issuance of the first building permit for Phase 1, the project applicant shall make a fair-share contribution (4.9 percent) towards the widening of El Camino Real from Via de la Valle to San Dieguito Road to a four-lane Major to the satisfaction of the City Engineer.
68. **Mitigation Measure 5.2-4:** Prior to issuance of the first building permit for Phase 1, the project applicant shall make a fair-share contribution (19.4 percent) towards the widening of Via de la Valle from San Andres Drive to El Camino Real (West) to a four-lane Major to the satisfaction of the City Engineer.
69. **Mitigation Measure 5.2-5:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond installation of a traffic signal at the Carmel Creek Road/Del Mar Trail intersection, to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the traffic signal shall be completed and accepted by the City Engineer.
70. **Mitigation Measure 5.2-6:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of a dedicated NB right-turn lane at the Del Mar Heights Road and High Bluff Drive intersection to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy for Phase 1, the dedicated NB right-turn lane shall be completed and accepted by the City Engineer.
71. **Mitigation Measure 5.2-7:** Prior to issuance of the first building permit for Phase 2, the project applicant shall assure by permit and bond construction of the following improvements at the Del Mar Heights Road/High Bluff Drive intersection to the satisfaction of the City Engineer: (1) widen Del Mar Heights Road on the north side receiving lanes and re-stripe the NB left and re-phase the signal to provide NB triple left-turn lanes; and (2) modify the EB and WB left-turn lanes to dual left-turn lanes and widen the EB approach by 2 feet on the south side to accommodate the EB and WB dual left-turn lanes. Prior to issuance of the first certificate of occupancy in Phase 2, all improvements in this mitigation measure shall be completed and accepted by the City Engineer.

72. **Mitigation Measure 5.2-8:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure by permit and bond construction of a 365-foot long EB right-turn lane at the Del Mar Heights Road/ El Camino Real intersection, to the satisfaction of the City Engineer. Prior to issuance of the first certificate of occupancy in Phase 1, the 365-foot long EB right-turn lane shall be completed and accepted by the City Engineer.

73. **Mitigation Measure 5.2-9:** Prior to issuance of the first building permit for Phase 3, the project applicant shall make a fair-share contribution (3.5 percent) towards the widening and re-striping of the EB approach to provide one left, one shared through/left-turn, one through, and two right-turn lanes at the El Camino Real/SR 56 EB on-ramp intersection to the satisfaction of the City Engineer.

74. **Mitigation Measure 5.2-10:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure construction of the following improvements at the Del Mar Heights Road/I-5 NB ramps to the satisfaction of the City Engineer and Caltrans (1) widen/re-stripe the I-5 NB off-ramp to include dual left, one shared through/right, and one right-turn lane; (2) extend the WB right-turn pocket by 845 feet and modify the raised median; and (3) reconfigure the median on the Del Mar Heights Road bridge to extend the EB dual left-turn pocket to 400 feet. Prior to issuance of the first certificate of occupancy in Phase 1, all improvements in this mitigation measure shall be completed and accepted by the City Engineer and Caltrans.

75. **Mitigation Measure 5.2-11:** Prior to issuance of the first building permit for Phase 3, the project applicant shall make a fair-share contribution (34.8 percent) towards adding an HOV lane to the I-5 SB loop on-ramp to the satisfaction of the City Engineer.

76. **Mitigation Measure 5.2-12:** Prior to issuance of the first building permit for Phase 1, the project applicant shall assure the widening and re-striping of the I-5 NB on-ramp to add an HOV lane to the satisfaction of the City Engineer and Caltrans. Prior to issuance of the first certificate of occupancy in Phase 1, the NB on ramp additional HOV lane shall be completed and accepted by the City Engineer or Caltrans.

77. **Mitigation Measure 5.2-13:** The VTM shall require that project construction be phased such that concurrent construction of Phases 1, 2, and 3 shall be prohibited, although phases may overlap.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

78. The Owner is required to incorporate/utilize advanced conservation measures and shall achieve a minimum of 5% water use reduction for commercial uses and 7.5% for residential uses, satisfactory to the Public Utilities Director.

79. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction all public water facilities as required in the accepted water study for this project in a manner satisfactory to the Public Utilities Director and the City Engineer. Water facilities, as shown on the approved Exhibit "A", may require modification based on the accepted water study and final engineering.

80. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

81. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

82. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

83. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

GENERAL/OTHER REQUIREMENTS:

84. The Owner/Permittee shall pursue agreements with local jurisdictions that include beaches that participate in a beach sand replenishment effort. Up to an estimated 250,000 cubic yards of the project's export material has been prequalified in a Final Sampling and Analysis Plan (SAP) and approved by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency. To the extent that the project's grading operations occur between October and March, qualified beach sand material can be exported to local beaches as a part of the project's grading and excavation phase. Several receiving beach sites have been identified and possess open Sand Compatibility Opportunistic Use Permits (SCOUP). These permits allow the subject beaches to receive qualified sand material between October and March, satisfactory to the Development Services Director.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on XXXX and Resolution No. XXXX.

(R-[Reso Code])

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT
REPORT NO. 193036, ADOPTING FINDINGS AND A
STATEMENT OF OVERRIDING CONSIDERATIONS, AND
ADOPTING THE MITIGATION, MONITORING, AND
REPORTING PROGRAM FOR THE ONE PASEO PROJECT
(PROJECT NO. 193036).

WHEREAS, on XXXX Kilroy Realty Corporation, submitted an application to
Development Services Department for a rezone, amendments to the General Plan, the Carmel
Valley Community Plan and the Carmel Valley Employment Center Precise Plan, a Vesting
Tentative Map (including public right-of-way and easement vacations), a Site Development
Permit, a Conditional Use Permit, and a Neighborhood Development Permit for the development
of a mixed-use project for the One Paseo (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council
of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on XXXX; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the
Mayor because this matter requires the City Council to act as a quasi-judicial body and where a
public hearing was required by law implicating due process rights of individuals affected by the
decision and where the Council was required by law to consider evidence at the hearing and to
make legal findings based on the evidence presented; NOW, THEREFORE,

WHEREAS, the City Council considered the issues discussed in Environmental Impact
Report No. 193036 (Report) prepared for this Project; NOW, THEREFORE,

(R-[Reso Code])

BE IT RESOLVED, by the City Council of the City of San Diego, that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

(R-[Reso Code])

BE IT FURTHER RESOLVED, that THE CITY CLERK is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of O-_____ rezoning the site from the existing Carmel Valley Planned District Employment Center (CVPD-EC) Zone to the Carmel Valley Planned District-Mixed-Use Center (CVPD-MC). The CVPD-MC is a newly created zone within the Carmel Valley Planned District pursuant to Section 153.0311.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
9/8/2014
Or.Dept: DSD
Doc. No. 859519

ATTACHMENT(S): Exhibit A, Findings and Statement of Overriding Considerations
Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT "A"

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

SCH No. 2010051073

Project No. 193036

July 2014

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

SCH No. 2010051073

Project No. 193036

July 2014

SECTION 1: INTRODUCTION

I. PROJECT DESCRIPTION

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

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

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

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

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

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

II. PROJECT OBJECTIVES

The EIR included the following project objectives:

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

SECTION 2: ENVIRONMENTAL REVIEW PROCESS

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

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

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

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

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

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

SECTION 3: FINDINGS

I. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

II. ENVIRONMENTAL EFFECTS FOUND NOT SIGNIFICANT DURING PROJECT SCOPING

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

A. Agriculture and Forestry Resources

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

Reference: EIR, § 8.1

B. Geology and Soils

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

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

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

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

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

Reference: EIR, § 8.2

C. Mineral Resources

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

Reference: EIR, § 8.3

D. Population and Housing

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

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

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

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

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

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

Reference: EIR, § 8.4

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

A. Direct and Cumulative

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

1. Land Use

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

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

Reference: EIR, § 5.1.2

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

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

Reference: EIR, § 5.1.3

c. Urban Decay

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

Reference: EIR, § 5.1.4

d. Cumulative

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

Reference: EIR, § 6.2.1

2. Air Quality

a. Consistency with any Applicable Air Quality Plan

Although the Revised Project would require amendments to the General Plan, Community Plan and Precise Plan to allow for the proposed land uses, construction or operational air emissions generated by the Revised Project would not exceed applicable significance thresholds for ozone precursors or respirable particulate matter (PM₁₀). Project design features are proposed to reduce project emissions in compliance with the strategies in the Regional Air Quality Strategy (RAQS) and State Implementation Plan (SIP) for attaining and maintaining air quality standards. The

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

Reference: EIR, § 5.5.2

b. Compliance with Air Quality Standards

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

Reference: EIR, § 5.5.3

c. Exposure of Sensitive Receptors to Substantial Pollutant Concentrations

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

Reference: EIR, § 5.5.4

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

The predicted level of emissions of PM₁₀ during all of the analyzed construction phasing scenarios of the proposed Revised Project would be below the City's significance criteria. Thus, the project's construction-related dust emissions would be less than significant.

Reference: EIR, § 5.5.5

e. Objectionable Odors

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

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

Reference: EIR, § 5.5.6

f. Cumulative Impacts

The Revised Project would not generate operational emissions that would exceed the thresholds for criteria pollutants, including ozone precursors (volatile organic compounds [VOC]) and nitrogen oxides (NO_x) and PM₁₀. Therefore, the Revised Project's contributions to the increase of these criteria pollutants, in combination with the cumulative projects, would not be cumulatively considerable. In addition, the Revised Project would not cause or contribute to a CO hot spot in combination with the cumulative projects.

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

Reference: EIR, §§ 5.5.5, 6.2.3

3. Energy

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

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

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

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

Reference: EIR, § 5.6.2

b. Cumulative Impacts

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

Reference: EIR, § 6.2.4

4. Greenhouse Gas Emissions

a. Generation of Greenhouse Gas (GHG) Emissions

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

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

Reference: EIR, § 5.7.2

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

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

Reference: EIR, § 5.7.3

c. *Cumulative Impacts*

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

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

Reference: EIR, § 6.2.5

5. Hydrology/Water Quality

a. *Impervious Surfaces and Associated Runoff*

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

Reference: EIR, § 5.10.2

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

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

Reference: EIR, § 5.10.3

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

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

Reference: EIR, § 5.10.4

d. *Groundwater Extraction*

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

Reference: EIR, § 5.10.5

e. *Groundwater Recharge*

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

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

Reference: EIR, § 5.10.5

f. Cumulative Impacts

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

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

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

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

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

Reference: EIR, § 6.2.8

6. Public Utilities

a. Water Supply and Conservation

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

Reference: EIR, § 5.11.2

b. Water Infrastructure

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

Reference: EIR, § 5.11.2

c. Wastewater Infrastructure

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

Reference: EIR, § 5.11.2

d. Storm Water Drainage

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

Reference: EIR, § 5.11.2

e. Solid Waste Disposal

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

Reference: EIR, § 5.11.2

f. Cumulative Impacts

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

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

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

Reference: EIR, § 6.2.9

7. Public Services and Facilities/Recreation

a. Fire and Emergency Medical Services

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

Reference: EIR, § 5.12.2

b. Police Protection Services

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

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

Reference: EIR, § 5.12.2

c. Schools

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

Reference: EIR, § 5.12.2

d. Libraries

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

Reference: EIR, § 5.12.2

e. Parks and Recreational Facilities

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

Reference: EIR, § 5.12.2

f. Cumulative Impacts

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

Reference: EIR, § 6.2.10

B. Cumulative

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

1. Visual Effects and Neighborhood Character

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

Reference: EIR, § 6.2.2

2. Paleontological Resources

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

Reference: EIR, § 6.2.6

3. Biological Resources

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

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

Reference: EIR, § 6.2.7

4. Health and Safety

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

Reference: EIR, § 6.2.11

5. Historical Resources

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

Reference: EIR, § 6.2.12

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

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

A. Transportation/Circulation/Parking

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

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

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

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

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

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

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

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

Reference: Final EIR §§ 5.2, 6.1.1, 12.0

B. Noise

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

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

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

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

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

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

Reference: EIR §§ 5.4, 6.1.2, 12.0

C. Paleontological Resources

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

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

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

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

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

Reference: EIR §§ 5.8, 12.0

D. Biological Resources

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

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

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

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

Reference: EIR §§ 5.9, 6.2.7, 12.0

E. Health and Safety

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

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

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

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

Reference: EIR §§ 5.13, 12.0

F. Historical Resources

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

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

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

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

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

Reference: EIR §§ 5.14, 12.0

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

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

A. Transportation/Circulation/Parking

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

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

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

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

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

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

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

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

Reference: EIR §§ 5.2, 12.0

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

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

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

Reference: EIR §§ 5.2, 12.0

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

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

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

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

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

Reference: EIR §§ 5.2, 12.0

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

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

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

B. Visual Effects and Neighborhood Character

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

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

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

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

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

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

Reference: EIR §§ 5.3, 12.0

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

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

A. Transportation/Circulation/Parking

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

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

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

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

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

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

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

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

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

Reference: EIR §§ 5.2, 12.0

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

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

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

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

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

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

Reference: EIR §§ 5.2, 12.0

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

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

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

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

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

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

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

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

Reference: EIR §§ 5.2, 6.1.1, 12.0

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