

mitigation measures are not approved and implemented, the Revised 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 5.2-11 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.

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

6. *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. Certain traffic mitigation measures discussed below are within the jurisdiction of Caltrans and, if these mitigation measures are not approved and implemented, the Revised 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 5.2-12 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.

*Reference:* EIR §§ 5.2, 6.1.1, 12.0

## **VII. FINDINGS REGARDING PROJECT ALTERNATIVES**

### **A. Project Objectives**

An important consideration in the analysis of project alternatives is the degree to which such alternatives will achieve project objectives. To facilitate this comparison, the project objectives are re-stated here:

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.

## **B. Project Alternatives**

In addition to the originally proposed project, the EIR evaluated the following eight alternatives:

- The No Project/No Development Alternative (Alternative 1)
- The No Project/Employment Center Alternative (Alternative 2)
- The Commercial Only Alternative (Alternative 3)
- The Medical Office/Senior Housing Alternative (Alternative 4)
- The No Retail Alternative (Alternative 5)
- Reduced Main Street Alternative, also known as the Revised Project (Alternative 6)
- Reduced Mixed-use Alternative (Alternative 7)
- Specialty Food Market Retail (Alternative 8)

The City Council of the City of San Diego hereby finds that Alternative 1, Alternative 2, Alternative 3, Alternative 4, Alternative 5, Alternative 7, and Alternative 8 are not feasible. The City finds that there are specific economic, legal, social, technological and technological, and other considerations, including the provision of employment opportunities for highly trained workers and important matters of public policy, which make infeasible these project alternatives identified in the EIR. As noted earlier, “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 an alternative if it finds that it would be infeasible to implement because of “[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers.” (CEQA Guidelines, § 15091(a)(3).) An agency may also reject an alternative that does not meet

the public policy goals and objectives of the agency. In *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899, 947, the city approved a project while rejecting as infeasible a reduced-density alternative that stripped out portions of the project that would have created a synergistic mix of retail and restaurant tenants. Additionally, in *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, the court upheld the city's findings requiring that additional preservation of open space would be infeasible because it would "at the very least [slow] 'the progress of necessary development such that the public's health and welfare is harmed through lack of economic growth and productivity and a shortage of housing supply.'" (*Environmental Council of Sacramento, supra*, (2006) 142 Cal. App. 4th 1018, 1039). Similarly, courts have upheld a city's infeasibility finding on a policy-based rationale in the following cases: *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal. App. 4th 911, 936, and *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1270.

The following findings are based on the discussion in Section 12.0 of the EIR.

#### **1. No Project/No Development Alternative**

*Alternative Description:* Pursuant to Section 15126.6(e)(3)(B) of the CEQA Guidelines, the No Project Alternative is defined as the "circumstances under which the project does not proceed." For purposes of the EIR, the No Project/No Development Alternative assumes that the site would remain in its current vacant, graded condition, and would not be developed with the proposed mixed uses. In addition, none of the discretionary land use approvals would occur.

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the No Project/No Development Alternative would avoid all identified significant project-related impacts, including significant and unavoidable transportation/circulation/parking and neighborhood character impacts associated with the originally proposed project.



However, this alternative fails to meet the basic objectives of the Revised Project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would fail to implement that strategy because without new development, the site cannot be used to integrate a variety of uses in one compact village. Moreover, by eliminating all new development, this alternative would not comply with the goals and policies of the Housing Element or the Urban Design Element. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149 [Housing Element Policies HE-A.3, HE-A.4, HE-A.5, HE-A.7]; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25 [Urban Design Policies UD-C.1, UD-C.8, UD-A.11, UD-A.12].) Therefore, due to its failure to comply with these identified General Plan policies, the No Project/No Development Alternative is infeasible as a matter of public policy.

## **2. No Project/Employment Center**

*Alternative Description:* The No Project/Employment Center Alternative evaluates development consistent with the current land use and zoning designations of the Community Plan, Precise Plan, and the Carmel Valley PDO. Buildout under the existing zoning would allow for approximately 510,000 square feet of multi-tenant corporate office uses and associated parking. Due to the size of development under this alternative compared to the size of the Revised Project site and existing parking facilities in the Employment Center, parking likely would be provided primarily with surface parking lots. The amount of earthwork, therefore, would be greatly reduced from the Revised Project because subsurface parking would not be constructed.

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the No Project/Employment Center Alternative would avoid or reduce identified significant project-related neighborhood character impacts, on-site noise generators, and paleontological and historical resource impacts. Identified significant impacts to transportation/circulation/parking, on-site sensitive noise receptors, biological resources, paleontological resources, and health and safety from the originally proposed project would remain under this alternative; however, two significant traffic impacts associated with the originally proposed project would be avoided. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

This alternative fails to meet the basic Revised Project objectives. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction.

The Housing Element “incorporates the City of Villages strategy as a key component of the City’s housing strategy.” (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to “Ensure the provision of sufficient housing for all income groups to accommodate San Diego’s anticipated share of regional growth over the next housing element cycle, 2013 – 2020.” (*General Plan Housing Element*, p. HE-2.) The City’s share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Housing Element’s Adequate Sites Inventory at page HE-149 designates the Project site and the 608 units in review for the Revised Project as units that could accommodate the City’s housing needs in the RHNA. The No Project/Employment Center Alternative would remove the residential units and therefore be inconsistent with the Adequate Sites Inventory. In addition, Housing Element Policy HE-A.5 states: “Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations.” (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The Revised Project site has been deemed suitable by the Adequate Sites Inventory; however, the No Project/Employment Center Alternative fails to utilize the site

for residential uses, and therefore is infeasible from a policy perspective because it conflicts with the policies of the General Plan.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The General Plan at page SF-3 defines a village as “the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated.” This alternative would fail to implement the City of Villages strategy because it fails to provide the mix of uses needed to be defined as a village, and therefore fails to meet the growth policy objectives of the General Plan. The No Project/Employment Center Alternative would also fail to comply with the Housing Element’s goals and policies because no new housing would be developed, and it would be inconsistent with the Urban Design Element because without a mixed-use village, this alternative would not provide new commercial shopping destinations and function as a focal point for public gathering. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149 [Housing Element Policies HE-A.3, HE-A.4, HE-A.5, HE-A.7]; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25 [Urban Design Policies UD-C.1, UD-C.8, UD-A.11, UD-A.12].) Therefore, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy.

### **3. Commercial Only Alternative**

*Alternative Description:* The Commercial Only Alternative would include the commercial elements of the originally proposed project. Development under this alternative would include 510,000 sf of corporate office, 21,000 sf of professional office, and 270,000 sf of retail, for a total of 806,000 sf. No residential uses or hotel would be constructed. Similar to the originally proposed project, General Plan, Community Plan, and Precise Plan amendments would be required, as well as a Rezone. Parking for the proposed uses would be provided through surface parking lots and/or above-grade parking structures; no subsurface parking garages would be constructed. As a result, the amount of earthwork would be greatly reduced from the originally proposed project.

The Commercial Only Alternative was developed to (1) reduce project-generated traffic, and (2) lessen or avoid neighborhood character impacts relating to the bulk and scale of some of the proposed structures, by removing the residential and hotel uses of the originally proposed project, yet providing retail uses to satisfy unmet demand and office uses consistent with adjacent development.

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the Commercial Only Alternative would reduce Revised Project-generated traffic by removing hotel and residential uses of the originally proposed project. It would avoid or reduce identified significant project-related on-site sensitive noise generators, and paleontological and historical resource impacts. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise sensitive receivers, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

The alternative fails to meet the basic objectives of the Revised Project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The General Plan at page SF-3 defines a village as “the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated.” This alternative would fail to implement the City of Villages strategy because it fails to provide the mix of uses, specifically residential uses, needed to be defined as a village, and therefore fails to meet the

growth policy objectives of the General Plan. Because the Commercial Only Alternative would not include housing, or comply with the City of Villages Strategy, it would not comply with the General Plan Housing Element's goals and policies. The Housing Element "incorporates the City of Villages strategy as a key component of the City's housing strategy." (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to "Ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013 – 2020." (*General Plan Housing Element*, p. HE-2.) The City's share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element. The Housing Element's Adequate Sites Inventory at page HE-149 designates the Project site and the 608 units in review for the Revised Project as units that could accommodate the City's housing needs in the RHNA. The Commercial Only Alternative would remove the residential units and therefore be inconsistent with the Adequate Sites Inventory. In addition, Housing Element Policy HE-A.5 states: "Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations." (*General Plan Housing Element*, p. HE-45.) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The Revised Project site has been deemed suitable by the Adequate Sites Inventory; however, the Commercial Only Alternative fails to utilize the site for residential uses, and therefore is infeasible from a policy perspective because it conflicts with the policies of the General Plan.

In addition, by eliminating the mixed-use concept, this alternative would not meet the goals of the Urban Design Element. (*General Plan Housing Element*, pp. HE-1, HE-3, HE-44 - HE-45, HE-46, HE-149 [Housing Element Policies HE-A.3, HE-A.4, HE-A.5, HE-A.7]; *General Plan Urban Design Element*, pp. UD-11 – UD-14, UD-21 – UD-22, UD-25 [Urban Design Policies UD-C.1, UD-C.8, UD-A.11, UD-A.12].) Therefore, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy

#### **4. Medical Office/Senior Housing Alternative**

*Alternative Description:* The Medical Office/Senior Housing Alternative would be a mixed-use development, but would be limited to medical office and senior housing components. It would consist of approximately 425,000 sf of medical office and 600 senior housing units. Similar to the originally proposed project, General Plan, Community Plan, and Precise Plan amendments would be required, as well as a Rezone. Parking for the proposed uses would be provided through surface parking lots and/or above-grade parking structures, but no subsurface parking garages would be constructed because it is assumed that all required on-site parking would be accommodated in surface lots and/or above-grade parking structures. As a result, the amount of earthwork would be greatly reduced from the originally proposed project.

The Medical Office/Senior Housing Alternative was developed to reduce the bulk and scale of development relative to the originally proposed project, as well as to reduce project-generated traffic and to respond to the growing need for senior housing and medical facilities in the region. According to Census Bureau statistics, the number of Americans over the age of 85 is expected to reach 15 million by the year 2050. Developers have been trying to meet this demand by focusing development and rehabilitation efforts on three primary senior housing options: congregate living facilities, assisted living facilities, and continuing care retirement communities. Senior housing facilities are ideally located in or near village or town centers because they would provide seniors with easier access to essential services, such as a pharmacy, food market, shops, banks and general merchandise within a close distance to their home. The market demand for such facilities is justified given the trend of an aging population, barriers to enter new geographic markets and slow delivery of senior housing and medical facilities to match increasing demand.

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the Medical Office/Senior Housing Alternative would avoid or reduce identified significant project-related impacts on paleontological and historical resource impacts below a level of significance. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise, biological resources, and health and safety

from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance. This alternative would reduce peak hour traffic trips and would slightly reduce the scale and bulk of development when compared to the originally proposed project.

While this alternative would provide a medical office and senior housing uses within close proximity to major roads, freeways, and existing community amenities, the alternative would not meet identified Project objectives because it would fail to provide a place for public gathering and social interaction. This alternative also would not promote sustainable development principles and smart growth to the same degree as the originally proposed project, as it would not combine residential uses integrated with retail/commercial uses.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would not be consistent with that strategy because without retail uses, the alternative is not a true mixed-use development and the site cannot be used to integrate a variety of uses in one compact village.

Because only medical office and senior housing are proposed, this alternative does not comply with Housing Element policy HE-A.4, which seeks to “promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving.” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.4].)

Similarly, the senior-only housing proposed by this alternative would conflict with Housing Element Policy HE-A.7, which seeks to “[d]evelop a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or

multimodal transportation facilities,” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.7].)

Because only medical office and senior housing would be provided, this alternative does not comply with the following goals of the General Plan’s Urban Design Element:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.
- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20 [Urban Design Element Mixed-Use Villages and Commercial Areas Goals].)

By failing to encourage mixed-use development, whether vertical (stacked) or horizontal (side-by-side), and by failing to “provide more and improved linkages among uses in the superblock, neighboring development and the public street system,” the Medical Office/Senior Housing Alternative would be inconsistent with the Urban Design Element’s policies. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25 [UD-C.1, UD-C.8].) As a result, this alternative conflicts with the identified goals of the General Plan, and in-turn the Project objectives, and is therefore infeasible as a matter of public policy.

## **5. No Retail Alternative**

*Alternative Description:* The No Retail Alternative would include all of the basic elements of the originally proposed project with the exception of the retail uses. This alternative would consist of 510,000 sf of office, a 150-room hotel, and 608 multi-family residences. The Main Street component and ground floor retail uses in the office buildings would not be constructed. As a result, the office buildings would be reduced by one level compared to the originally proposed project. Parking would be provided in subsurface garages and an above-ground structure.



This alternative was developed to reduce Revised Project-generated traffic by removing the commercial retail uses of the originally proposed project. Retail uses have a higher average daily traffic trip generation rate than commercial or residential uses, and therefore, an alternative that does not include the proposed retail uses was considered. This alternative would also provide a slight reduction in development intensity relative to the originally proposed project

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the No Retail Alternative would not avoid or reduce identified significant project-related impacts below a level of significance, although it would reduce overall impacts to volume/capacity ratio along roadway segments and delay at intersections and freeway ramps, and would reduce the scale and bulk of development in comparison to the originally proposed project. Identified significant impacts to transportation/circulation/parking, neighborhood character, noise, biological resources, and health and safety from the originally proposed project would remain under this alternative. As with the originally proposed project, all of these impacts with the exception of transportation/circulation/parking and neighborhood character would be mitigated to below a level of significance.

While this alternative would provide offices, a hotel, and multi-family residences within close proximity to major roads, freeways, and existing community amenities, it lacks the retail component needed to achieve the Revised Project's Main Street concept. Furthermore, without the retail, this alternative would fail to serve the immediate needs of the community (which include retail/commercial uses) and would not provide a place for public gathering and social interaction. Additionally, while this alternative would promote sustainable development principles and smart growth to a certain extent with proposed office, hotel, and residential uses, it would not provide shopping or dining opportunities within the development.

The first Project objective is to "[d]evelop a mixed-use village consistent with the goals of the General Plan." Therefore, a feasible Project Alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) Since no retail

uses are proposed, this alternative would not provide a compact, mixed-use village and it would fail to meet the basic objectives of the General Plan Strategic Framework codified in the City of Villages strategy. By eliminating shopping and dining uses, the No Retail Alternative is inconsistent with the Strategic Framework, which was “created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools and civic uses at different scales, in village centers.” In addition, this alternative does not comply with Housing Element policy HE-A.4, which seeks to “promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving.” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.4].) In addition, the No Retail Alternative would fail to meet an important need in the community for retail services, and thus force residents of the community to drive to other communities to receive those services. The report prepared by The London Group Realty Advisors, concludes at page 1 that “74% of annual retail expenditures by Primary Market Area residents are leaving the market in the form of ‘outflow leakage.’ In fact [the] analysis demonstrates retail support for an additional 1.4 million square feet of space in the PMA.” (*Retail Market Analysis and Retail Critical Mass Associated with a Reduced Project Alternative*, February 5, 2014 [Critical Mass Report].) The City of Villages strategy seeks to create mixed-use villages to serve the needs of community, in that community, to reduce driving trips and subsequent GHG emissions. The elimination of retail in this Alternative would fail to place retail services where they are shown to be needed and therefore necessitate additional vehicle miles traveled to meet the need for those services. This is counter to the goals of the City of Villages strategy.

The No Retail Alternative would not comply with the following goals of the General Plan’s Urban Design Element:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.

- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20 [Urban Design Element Mixed-Use Villages and Commercial Areas Goals].)

Without retail uses, this alternative cannot “encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development,” nor can it effectively “provide more and improved linkages among uses in the superblock, neighboring development and the public street system” since only office, residential and hotel uses would be developed. As a result, this alternative would be inconsistent with the Urban Design Element’s policies and therefore infeasible as a matter of public policy. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25 [UD-C.1, UD-C.8].)

## 6. Reduced Main Street Alternative (Revised Project)

*Alternative Description:* This alternative, also known as the Revised Project, would include all of the elements of the originally proposed project with the exception of the proposed hotel. In addition, this alternative would decrease the commercial square footage by nearly 10 percent, from 806,000 to 730,500 sf. The reduction in the total commercial square footage would include a 14 percent reduction in the amount of office space and a 10 percent reduction in the amount of retail. Although the size of the cinema would decrease by about 2,000 sf, the total number of seats would remain at 1,200. The number of residential units would remain at 608 multi-family units, and the overall floor area ratio would be reduced by 22 percent from 1.8 to 1.4.

This alternative would reduce the building heights in comparison with the originally proposed project. Under this alternative, no building would exceed nine stories from ground level. The amount of open space under this alternative would increase from 7.6 to 10.7 acres. Within the 10.7 acres of open space, 4.1 acres would be comprised of ground level open space that is not technically considered usable because of anticipated traffic noise levels. Of the 6.6 acres of usable open space, 1.5 acres would be devoted to recreational use accessible to the public including a 1.1-acre passive recreation area and a nearby 0.4-acre children’s play area.

*Finding:* The City has determined that this alternative is preferred to the originally proposed project and is feasible.

*Rationale:* Implementation of this alternative would lessen, but not eliminate, significant impacts associated with the originally proposed project. The most notable reductions in impacts would be related to traffic and neighborhood character, yet such impacts would remain significant under this alternative. Building heights and overall bulk and scale under this alternative would be reduced, yet the project would still result in significant neighborhood character impacts. Significant impacts related to noise, biological resources, paleontological resources, and health and safety would be reduced to a less than significant level with mitigation.

This alternative would meet the basic project objectives because it would provide a place for public gathering and social interaction and advance sustainable development and smart growth principles. As with the originally proposed project, this alternative will combine residential and retail/commercial uses.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) As with the originally proposed project, this alternative satisfies this objective.

The Strategic Framework Element of the City’s General Plan creates the overarching vision for how the City will develop in the future. The City of Villages Strategy is a departure from the suburban development model employed by the 1979 General Plan, which generally has been implemented in the Carmel Valley area. The General Plan explained that “[o]ver 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.” (*General Plan Strategic Framework*, p. SF-1.).

Based on this direction, the General Plan seeks to efficiently use the remaining developable land in the City, consistent with the new growth policies of the Strategic Framework. The Strategic Framework Element embraces mixed use villages as the desirable development pattern for the City 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." (*General Plan Strategic Framework*, p. SF-6.)

Toward that end, the General Plan employs the City of Villages strategy to implement this new development pattern. The General Plan notes that the "City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system." (*General Plan Strategic Framework*, p. SF-3.) The General Plan defines a village as "the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system." (*General Plan Strategic Framework*, p. SF-3.) The Reduced Main Street Alternative will implement the City of Villages strategy since it will create a mixed-use heart of Carmel Valley where residential, commercial, employment, and civic uses are together on one site. The City of Villages Strategy requires high residential and retail density to achieve the mixed use benefits of a Village, and this alternative will meet those requirements. Therefore, the Reduced Main Street Alternative is consistent with the Strategic Framework Element of the City's General Plan.

General Plan Housing Element policy HE-A.4 states: "Through the community plan update process, encourage location and resource efficient development. The community plans should focus on policies which promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools, and recreation, providing residents and employees with the option of walking, biking or using transit rather than driving." (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.4].) Because the Reduced Main Street Alternative will cluster activities onsite and provide a balanced mix of different uses, it is consistent with this policy.

The Housing Element also “incorporates the City of Villages strategy as a key component of the City’s housing strategy.” (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to “[e]nsure the provision of sufficient housing for all income groups to accommodate San Diego’s anticipated share of regional growth over the next housing element cycle, 2013 – 2020.” (*General Plan Housing Element*, p. HE-2 [Housing Element, Goal 1].) The City’s share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element.

The Reduced Main Street Alternative is feasible from a policy standpoint because it maintains the same number of dwelling units as the originally proposed project, and thus it allows the City to achieve its goals under the RHNA. As noted in the General Plan Housing Element, “the General Plan sets forth direction to update the City’s many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City.” (*General Plan Housing Element*, p. HE-46.) The Housing Element’s Adequate Sites Inventory designates the Project site and the 608 units in review for the Project as units that could accommodate the City’s housing needs in the RHNA. (*General Plan Housing Element*, p. HE-149.) The 608-units proposed in this alternative are consistent with the Adequate Sites Inventory.

The Project site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a “full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City’s communities.” (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the Project is already in place, and therefore, the site is more desirable for meeting the RHNA than infill sites in areas where infrastructure

does not exist. The Reduced Main Street Alternative maintains the same number of housing units on the site, and therefore maximizes the site for housing consistent with the Adequate Sites Inventory. In addition, SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the Revised Project site as a Town Center smart growth area. (*Smart Growth Concept Map*, January 27, 2012 [*Concept Map*].) The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the Regional Comprehensive Plan (RCP) specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the General Plan "City of Villages Strategy" as supporting the Town Center concept. (*Regional Comprehensive Plan*, November 2006 [*RCP*].)

The Reduced Main Street alternative is consistent with the Town Center designation and the overall regional vision and core values of the RCP. The Revised Project will contribute to the implementation of the RCP's goals and key policy objectives by developing a mixed-use project that provides additional housing types and employment opportunities within close proximity to major road and freeways and to existing community amenities within the Carmel Valley neighborhood.

Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, 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 transit service." (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.3].) By placing 608-dwelling units in the same location as a new employment center, the Reduced Main Street Alternative concentrates development on a site designated by the City for increased density and as an opportunity site for accommodating projected housing needs and, in doing so, protects open areas and areas far from developed employment centers from future residential development. By focusing higher densities in the major employment center of the community, which is located directly south and west of the

Project site on El Camino Real and High Bluff Drive, this alternative is feasible as a matter of public policy.

Housing Element Policy HE-A.5 seeks to “[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.5].) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use, which is what will happen with the Reduced Main Street Alternative. Since this site has been deemed suitable by the Adequate Sites Inventory, this alternative will maximize the density of the proposed zone. It is therefore feasible from a policy perspective because it is consistent with the policies of the General Plan.

Housing Element Policy HE-A.7 encourages the “develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.7].) This alternative will create a mix of housing types on the Project site and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting, keeping with the goals of SB375. Therefore, the Reduced Main Street Alternative’s housing units are consistent with Policy HE-A.7 and the alternative is feasible as a matter of public policy.

The Urban Design Element of the General Plan also provides goals and policies for the implementation of the City of Villages Strategy. The goals for mixed use areas in the Urban Design Element include:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.



- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.
- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20 [Urban Design Element Mixed-Use Villages and Commercial Areas Goals].)

The Reduced Main Street Alternative is consistent with these goals, because as explained in the Recirculated Alternatives, this alternative will integrate a number of uses onsite, it will create a heart for Carmel Valley, it will serve as a neighborhood destination and provide attractive and functional retail shopping uses in an underserved community, both as to the amount and variety of retail available. (*Critical Mass Report; Retail Market Analysis*.) In addition, Urban Design Element policy UD-C.1.a states that mixed use centers should “encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development.” (*General Plan Urban Design Element*, p. UD-21 [Urban Design Element Policy UD-C.1a].)

The variety of uses proposed in this alternative comply with this element because the Reduced Main Street Alternative will maximize vertical and horizontal mixed-use development. By mixing uses onsite and increasing linkages to neighboring job centers, this alternative will also be consistent with Urban Design Element policy UD-C.8 which provides direction to “[r]etrofit existing large-scale development patterns, such as ‘superblocks’ or ‘campus-style’ developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system.” (*General Plan Urban Design Element*, p. UD-25 [Urban Design Element policy UD-C.8].)

Finally, the Recirculated Alternatives section of the EIR states that “Parking facilities [for the Reduced Main Street Alternative] would include underground garages beneath the site, a multi-level, above-ground parking structure, and some surface parking.” By creating a mixed-use development that minimizes surfaces parking lots, the Reduced Main Street Alternative complies with Urban Design policy UD-A.11, which “[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking” and policy UD-A.12, which seeks to “[r]educe the amount and visual impact of surface

parking lots.” (*General Plan Urban Design Element*, p. UD-12 – UD-14 [Urban Design Element policies UD-A.11, UD-A.12].) As a result, this alternative is feasible from a policy standpoint because it would implement the Urban Design goals and policies of the General Plan.

## **7. Reduced Mixed-use Alternative**

*Alternative Description:* The Reduced Mixed-use Alternative would retain all of the land use components of the originally proposed project, with the exception of the hotel. This alternative would reduce the amount of commercial development by approximately 50 percent, from the proposed 806,000 to 407,800 sf. This alternative would reduce the number of residential units by 50 percent from 608 to 304 units. The Alternative would consist of 140,000 sf (GFA) of retail, 267,800 sf (GFA) of commercial office, and 304 multi-family residential units. This alternative would not include the 1.5 acres of open space accessible to the public which would be included in the Reduced Main Street Alternative. The overall GFA of this alternative would be reduced by 1.04 million sf (50 percent) from 1,857,440 sf to 817,800 sf. The floor area ratio (“FAR”) would be reduced from 1.8 to 0.8.

The Reduced Mixed-use Alternative is intended to reduce traffic and neighborhood character impacts while retaining the basic elements of the originally proposed project, with the exception of the hotel. Similar to the originally proposed project, discretionary land use approvals would be required.

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the Reduced Mixed-use Alternative would reduce, but not eliminate, significant impacts associated with the originally proposed project. The most notable reduction in impacts would be related to traffic. The other impact reduction would be related to visual effects and neighborhood character.

Although this alternative would not eliminate the significant traffic impacts in the horizon year, it would reduce the magnitude of some of the traffic impacts in the interim. In the existing and near-term condition, the Reduced Mixed-use Alternative would avoid the significant impact

associated with the originally proposed project on the Del Mar Heights Road bridge, between the I-5 northbound and southbound ramps. In addition, although Del Mar Heights Road, between the I-5 northbound ramp and High Bluff Drive, would continue to be significantly impacted by the Reduced Mixed-use Alternative, the level of service (LOS) would be E rather than F (with the originally proposed project) in the existing and near-term scenarios. However, as with the originally proposed project, the LOS would be F with the Reduced Mixed-use Alternative in the long-term condition. In the existing plus project condition, this alternative would avoid the impact to the Carmel Creek Road/Del Mar Trail intersection.

While the reduction in development intensity would be accompanied by a reduction in building heights and mass, the scale of the Reduced Mixed-use Alternative would lessen significant neighborhood character impacts, yet they would remain significant and unmitigated. Significant impacts related to noise, biological resources, paleontological resources, and health and safety would remain under this alternative, but would be reduced to below a level of significance with mitigation.

The reduction in retail would eliminate the critical mass necessary to implement the "Main Street" concept. As discussed and analyzed in the Critical Mass Report, the originally proposed project, as well as the Reduced Main Street Alternative, contemplate a retail tenant and merchandise mix consistent with lifestyle centers, which are generally defined as retail development between 150,000 -500,00 square feet that included national-chain specialty stores within dining and entertainment in an outdoor setting. Such high-quality specialty retailers typically locate in projects with similar quality retailers and require a volume of shoppers to sustain their operations not generated by smaller, neighborhood-oriented shopping centers. (*Critical Mass Report*.) The 50 percent reduction in retail associated with this alternative would not generate the number of shoppers necessary to sustain and attract the desired class of retailers necessary to address the retail gap within Carmel Valley identified in the Critical Mass Report. Moreover, the greatly reduced intensity of uses would promote surface parking, in the place of more costly underground or structured parking, reducing the available land for public gathering spaces thereby resembling a traditional suburban shopping center.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) The Urban Design Element of the General Plan, discussed in greater detail below, includes a goal that mixed-use areas include “vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.” (*General Plan Urban Design Element*, p. UD-20.) The Main Street design concept promotes a pedestrian-oriented public gathering space associated with residential and commercial development, often associated with successful “lifestyle centers” developed over the last decade. (*Critical Mass Report*.) The Land Use and Community Planning Element of the General Plan specifically promotes the enhancement or maintenance of a “Main Street” character for infill projects. (*General Plan Land Use Element*, p. LU-11.) The “Main Street” concept is central to the mixed-use villages goals enunciated in the General Plan’s Urban Design Element. Moreover, the Economic Prosperity Element of the General Plan contemplates the Main Street design concept:

The City of Villages strategy incorporates the growing need for convenience and good design to attract the consumer. Many of the new shopping centers of this coming era will be designed to resemble a community and will function like a Main Street. The provision of traditionally stand-alone commercial uses within mixed-use development is an important strategy in using the City’s land more efficiently. (*General Plan Economic Prosperity Element*, p. EP-13.)

As noted, the Revised Project objective quoted above seeks to create “a mixed-use village consistent with the goals of the General Plan.” The phrase “consistent with the General Plan” involves development of a village that will provide opportunities for “public gathering and social interaction, reinforcing the sense of community.” A village integrates residential, commercial, employment, and civic uses in pedestrian-friendly, inviting, accessible, and attractive streets and public spaces. Over time, the General Plan anticipates that these villages will be increasingly connected to each other by an expanded regional transit system. The village land use pattern and

densities help make transit operate more efficiently, which in turn allows for improved and more cost effective transit services. (*General Plan Land Use Element*, at p. LU-6.)

Section 4.2 of the proposed Precise Plan Amendment sets forth specific design guidelines to achieve the necessary critical mass and mix of uses to implement the village concept, including:

- Vertical integration of retail, residential and office uses;
- Pedestrian-oriented ground floor retail or other street-activating uses fronting Main Street;
- Outdoor gathering spaces, including plazas and landscaped open space to accommodate a wide-range of activities including strolling, sitting, eating and entertainment; and
- Paseos to provide a pedestrian and bicycle network between retail and residential uses.

The Reduced Mixed-use Alternative reduces retail space to 140,000 square feet of gross floor area, reduces office space to 267,800 square feet and reduces housing by 50% to 304 dwelling units. The Reduced Mixed-use Alternative's significant reduction in housing and retail density leads to a reduction in the mixed use characteristics of the site as a "village," "and therefore lacking the vibrancy and atmosphere needed to "activate" the project." (*Critical Mass Report*.)

The City of Villages Strategy requires high residential and retail density to achieve the mixed use benefits of a Village. The development pattern of the Reduced Mixed Use Alternative is inconsistent with the Strategic Framework, which was "created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools and civic uses at different scales, in village centers." (*General Plan, Strategic Framework*.) By failing to provide a compact, mixed use village, consistent with the City of Villages Strategy, this alternative fails to meet the basic objectives of the General Plan Strategic Framework. Therefore, this alternative fails to meet the first Project objective, and is infeasible as a matter of public policy.

Further, the Reduced Mixed-use Alternative would not contain enough retail space to succeed as a high-quality, mixed-use "lifestyle center" that meets the goals and policies of the City of Villages concept. The volume of retail would conflict with two primary principles: (1) the amount of space available for certain primary or "anchor" tenants, as well as supporting retail,

with certain space requirements; and (2) the availability of space for preferred co-tenants, as many of the desired retailers demand the presence of other specific retailers as a condition of leasing. (*Critical Mass Report.*)

As described in Section 12.10 of the EIR, the project aspires to offer a broader range of shopping experiences than a traditional community shopping center because of its integration into a mixed use environment. As described in the Critical Mass Report, lifestyle centers are characterized by higher quality "specialty" retail tenants (as distinguished from typical in-line tenants typically associated with strip-style malls already present in Carmel Valley). Such quality tenants prefer to cluster together because such tenants view their businesses as synergistic: that is, patrons of one are likely also to patronize the other, and also would more likely patronize either or both if both are present. Lifestyle centers also provide an emphasis on entertainment opportunities, such as movie theaters and restaurants, to "activate" the center by generating opportunities to participate in a range of activities on the same outing. Integrated open space to promote pedestrian activity is also a key ingredient of lifestyle centers. (*Critical Mass Report.*)

According to the Critical Mass Report, the 140,000 square feet of retail included in the Reduced Mixed-use Alternative would be insufficient to create a lifestyle retail center. The lifestyle centers analyzed in the Critical Mass Report ranged between 150,000 and 500,000 square feet, with a median size of approximately 300,000 square feet. The 140,000 square feet of retail included in the Reduced Mixed-use Alternatives would fall below the smallest lifestyle center identified, and outside the strong preferences of the specialty retailers and other tenants associated with lifestyle centers. Moreover, successful lifestyle centers with retail components of less than 200,000 sf are already part of an integrated mixed-use environment with dynamic retail, or are located in high traffic areas that are tourist destinations. Then centers are smaller in nature because these other attributes substitute for critical mass. Such attributes are not presently part of the Revised Project Site. (*Critical Mass Report.*)

The smaller retail component of the Reduced Mixed-use Alternative also does not complement the adjacent Del Mar Highlands Town Center. Although both the Retail Market Analysis and the Critical Mass Report conclude, based on extensive economic evidence, that a surplus of demand for retail uses would continue to exist in Carmel Valley even after development of the originally

proposed project or Revised Project and any future expansion of the Del Mar Highlands Town Center, similar tenant mixes would fail to differentiate the two centers. In other words, lacking a critical mass of retail space, a reduced project could effectively duplicate the types of retail tenants already present in Carmel Valley, rather than fill the void by providing the upscale retail opportunities currently lacking in Carmel Valley. (*Retail Market Analysis; Critical Mass Report.*)

A lifestyle center provides a shopping experience that complements the retail tenants of nearby retail establishments. A smaller retail component would not attract the desired tenant mix to attract shoppers and would fail to capture any significant portion of the retail sales “leakage” from Carmel Valley. (*Critical Mass Report.*) As a result, the Reduced Mixed-use Alternative fails to meet the City of Villages strategy of the General Plan, and therefore is infeasible as a matter of public policy.

Moreover, General Plan Housing Element policy HE-A.4 states: “Through the community plan update process, encourage location and resource efficient development. The community plans should focus on policies which promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools, and recreation, providing residents and employees with the option of walking, biking or using transit rather than driving.” (*General Plan Housing Element*, p. HE-45 [General Plan Housing Element policy HE-A.4].) The reduced retail and residential density of the Reduced Mixed-use Alternative does not promote the adequate clustering of activities and therefore is inconsistent with the policies of the General Plan.

The Housing Element also “incorporates the City of Villages strategy as a key component of the City’s housing strategy.” (*General Plan Housing Element*, p. HE-1.) Goal number 1 of the Housing Element is to “[e]nsure the provision of sufficient housing for all income groups to accommodate San Diego’s anticipated share of regional growth over the next housing element cycle, 2013 – 2020.” (*General Plan Housing Element*, p. HE-2 [Housing Element, Goal 1].) The City’s share of regional growth is expressed in SANDAG’s RHNA. As explained above, the City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which has been incorporated into the Housing Element.

The reduction in dwelling units in the Reduced Mixed-use Alternative is infeasible from a policy standpoint because it could prevent the City from achieving its goals under the RHNA. As noted in the General Plan Housing Element, “the General Plan sets forth direction to update the City’s many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City.” (*General Plan Housing Element*, p. HE-46.) The Housing Element’s Adequate Sites Inventory designates the Project site and the 608 units in review for the Project as units that could accommodate the City’s housing needs in the RHNA. (*General Plan Housing Element*, p. HE-149.) The Reduced Mixed-use Alternative would reduce the residential units in the Project to such an extent that it would be inconsistent with the Adequate Sites Inventory.

As noted above, the site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a “full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City’s communities.” (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the site is already in place, and therefore, the site is more desirable for meeting the RHNA than infill sites in areas where infrastructure does not exist. The Reduced Mixed-use Alternative reduces the housing units on the site, and therefore fails to maximize the site for housing consistent with the Adequate Sites Inventory. The Reduced Mixed-use Alternative is therefore infeasible because it does not meet the policy demands of the RHNA.

As noted in the City’s General Plan at page SF-5, “The SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure



Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource protection. The RCP addresses San Diego's relationships with neighboring counties, Tribal Governments, and northern Baja California. The City of San Diego General Plan is designed to complement and support the RCP." (*General Plan Strategic Framework*.) SANDAG's Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the proposed project site as a Town Center smart growth area (*Concept Map*). The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. This continues SANDAG's Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City General Plan "City of Villages Strategy" as supporting the Town Center concept. (*RCP*.) The Reduced Mixed-use Alternative fails to intensify land uses near this designated Town Center and is therefore inconsistent with SANDAG's RCP and the City of Villages Strategy that the RCP relies upon to support the Town Center concept. Therefore, the Reduced Mixed-use Alternative fails to meet the public policy goals of both SANDAG and the City, and is therefore infeasible as a matter of public policy.

Housing Element Policy HE-A.3 states that "[t]hrough the community plan update process, 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 transit service." (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.3].) The Reduced Mixed-use Alternative reduces the residential density of the Project, which could necessitate construction of those units in open areas or areas far from employment centers. The Reduced Mixed Use Alternative therefore fails to focus the higher densities of the Project in the major employment center of the community, which is located directly south and west of the Project site on El Camino Real and High Bluff Drive. The Alternative is therefore infeasible as a matter of public policy.

Housing Element Policy HE-A.5 seeks to "[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density

minimums, as well as maximums, of applicable zone and plan designations.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.5].) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use. The site has been deemed suitable by the Adequate Sites Inventory; however, the Reduced Mixed-use Alternative fails to maximize the density of the proposed zone, and therefore is infeasible as a matter of public policy because it conflicts with the identified Housing Element policies of the General Plan.

Housing Element Policy HE-A.7 encourages the “develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.7].) The Reduced Mixed-use Alternative reduces the amount of housing on the site by 50% which would reduce the opportunity to create a mix of housing types on the Project site, and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. The Reduced Mixed-use Alternative’s reduction in housing units is inconsistent with Policy HE-A.7 and is therefore infeasible as a matter of public policy.

Urban Design Element UD-C.1.a states that mixed use centers should “encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development.” (*General Plan Urban Design Element*, p. UD-21 [Urban Design Element Policy UD-C.1a].) However, as stated in the Recirculated Alternatives section of the FEIR, the significant reduction in density, and particularly retail development, would promote a traditional suburban shopping center design, with greater reliance of surface parking. Increased reliance on surface parking is inconsistent with Urban Design policy UD-A.11, which “[e]ncourage[s] the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking” and policy UD-A.12, which seeks to “[r]educe the amount and visual impact of surface

parking lots.” (*General Plan Urban Design Element*, p. UD-12 – UD-14 [Urban Design Element Policy UD-A.11, UD-A.12].) Therefore, the Reduced Mixed-use Alternative does not meet these policies of the Urban Design Element and is infeasible due to its conflict with such General Plan policies.

The Project site is unique in that it is a large undeveloped superblock in an area that has been developed under a suburban model. As noted above, the Reduced Mixed-use Alternative’s reduction in retail square footage and residential units undermines the mixing of uses on the site and creates a bunkering effect between uses. This is inconsistent with Urban Design Element policy UD-C.8 which provides direction to “[r]etrofit existing large-scale development patterns, such as ‘superblocks’ or ‘campus-style’ developments, to provide more and improved linkages among uses in the superblock, neighboring developments, and the public street system.” (*General Plan Urban Design Element*, p. UD-25 [Urban Design Element Policy UD-C.8].) The Reduced Mixed-use Alternative would create a balkanization among uses in the center, which would reduce the linkages to neighboring job centers. The Reduced Mixed-use Alternative is therefore infeasible as a matter of public policy due to its inconsistency with Urban Design Element policies.

In addition to the multiple grounds for infeasibility outlined above, the Reduced Mixed-use Alternative would generate a positive annual net fiscal impact to the City ranging from an estimated \$250,000 to \$410,000 per year, in comparison to an estimated range of \$1,450,000 to \$1,840,000 from the originally proposed project and an estimated range of between \$528,000 and \$880,000 from the Reduced Main Street Alternative. In addition, the Reduced Mixed-use Project would provide only 2,967 construction jobs in comparison to 7,717 for the originally proposed project and 6,402 for the Reduced Main Street Alternative. The Reduced Mixed-use Alternative would provide 873 permanent jobs, in comparison to 1,785 and 1,591 permanent jobs associated with the originally proposed project and Reduced Main Street Alternative, respectively. (*One Paseo Mixed Use Project-Net Fiscal Impact and Economic Benefit Analysis*, dated January 2013; *Net Fiscal Impact and Economic Benefit of Reduced Mixed-Use Alternative*, dated March 13, 2014 [collectively, *Fiscal Impact Analysis*].) The City rejects the Reduced Mixed-use Alternative as infeasible due to the failure to generate sufficient jobs, net fiscal impact and economic activity in comparison to the originally proposed project and the Reduced

Mixed-use Alternative which demonstrate extraordinary public benefit in General Fund net revenues.

The applicant has agreed to participate in the Regional Beach Sand Project coordinated through SANDAG. The Beach Sand Project is a coordinated regional effort to replenish sand on the region's beaches, which suffer from critical sand shortage negatively affecting the environment and enjoyment by residents and tourists of our beaches. Material excavated from the project site in the course of grading operations has been determined to be suitable for the beach replenishment efforts. With the Reduced Mixed-use Alternative, it is estimated that between 0 and 5,000 cubic yards of sand may be available to replenish area beaches, due to the Reduced Mixed-use Alternative's reduced development scope and grading operations, in comparison to the approximately 250,000 cubic yards of sand associated with the Revised Project. (*Final Sampling and Analysis Plan Results Report*, dated November 1, 2012 [*Beach Report*].) The City therefore finds the Reduced Mixed-use Alternative infeasible due to the failure to produce sufficient excavation materials to replenish beaches within the region.

## **8. Specialty Food Market Retail Alternative**

*Alternative Description:* This alternative would include commercial uses that would not generate more than the 6,500 average daily trips (ADT), which is the approximate amount of ADT that would be generated by development of the property as an employment center, consistent with the current land use and zoning designations of the Community Plan, Precise Plan, and the Carmel Valley PDO.

Given the community's expressed interest in a specialty food market, this alternative is based around construction of a specialty food market in combination with retail stores. The specialty food market is anticipated to be 30,000 sf. Applying the City's traffic generation rate for a food market (150 trips per 1,000 sf), the specialty food market would be expected to generate 4,500 ADT. After subtracting the 4,500 ADT related to the specialty food market from the goal of 6,500 ADT, 2,000 ADT would remain for additional retail development on the site. Based on the City's traffic generation rate for retail of 40 trips per 1,000 sf, an estimated 50,000 sf of retail is included in this alternative. Thus, the Specialty Food Market Retail Alternative includes a

30,000 sf food market, and 50,000 sf of retail uses, such as restaurants, banks, convenience stores, and other neighborhood stores, totaling 80,000 sf with a floor area ratio of 0.08.

Based on its similarity to the retail uses associated with Del Mar Highlands Town Center, it is assumed that the retail development would be constructed at the eastern end of the project site, and take access from El Camino Real, opposite the main entry to Del Mar Highlands Town Center. The specialty food market would likely be a stand-alone, one-story building. Convenience stores, banks, cleaners, etc, would be grouped into one or more single-story buildings. Larger restaurants would be expected to be constructed as stand-alone, one-story buildings. The retail uses would share landscaped, surface parking lots surrounding the stores. The retail development and associated parking lots would occupy an area of approximately 10 acres, leaving approximately 13 acres of the Revised Project site vacant.

*Finding:* The City finds that specific economic, legal, social, technological, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

*Rationale:* Implementation of the Specialty Food Market Retail Alternative would reduce or avoid significant impacts associated with the originally proposed project. Most notably, this alternative would avoid impacts to some of the roadway segments and intersections impacted by the originally proposed project. In addition, this alternative would avoid the significant visual and neighborhood character impacts related to the originally proposed project by limiting building heights to one story, and reducing the square footage of buildings from 927,400 to 80,000 sf. Due to the limited footprint and grading requirements, this alternative would also avoid significant impacts related to biological, historical, and paleontological resources. As retail uses are not considered sensitive receptors, traffic noise impacts would be avoided by this alternative.

This alternative would not meet the basic objectives of the Revised Project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth. Furthermore, the remaining 13 acres would be

potentially subject to further development, in accordance with the Carmel Valley PDO. Thus, this alternative is considered infeasible.

The first Project objective is to “[d]evelop a mixed-use village consistent with the goals of the General Plan.” Therefore, a feasible project alternative must implement the City of Villages Strategy so as to minimize the expansion of the City into open areas and focus growth into mixed use activity centers. (*General Plan Strategic Framework*, pp. SF-1, SF-3, SF-6.) This alternative would not be consistent with that strategy because no residential uses are proposed. Since this alternative only involves retail uses, it does not comply with Housing Element policy HE-A.4, which seeks to “promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools and recreation, providing residents and employees with the option of walking, biking and using transit rather than driving.” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.4].) Nor can this alternative meet the Housing Element’s goal of providing “sufficient housing for all income groups to accommodate San Diego’s anticipated share of regional growth over the next housing element cycle, 2013-2020” since it contains no housing. (*General Plan Housing Element*, p. HE-1.)

Similarly, this alternative would conflict with Housing Element Policy HE-A.7, which seeks to “[d]evelop a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities,” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.7].)

Since no housing would be provided, this alternative does not comply with the following goals of the General Plan’s Urban Design Element:

- Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces.
- Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.
- Neighborhood commercial shopping areas that serve as walkable centers of activity.

- Attractive and functional commercial corridors which link communities and provide goods and services. (*General Plan Urban Design Element*, p. UD-20 [Urban Design Element Mixed-Use Villages and Commercial Areas Goals].)

By failing to encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development, and by failing to “provide more and improved linkages among uses in the superblock, neighboring development and the public street system,” the Specialty Food Retail Market Alternative would be inconsistent with the Urban Design Element’s policies. (*General Plan Urban Design Element*, pp. UD-21 – UD-22, UD-25 [UD-C.1, UD-C.8].) As a result, due to its failure to comply with these identified General Plan policies, this alternative is infeasible as a matter of public policy.

## **VIII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS**

### **A. Significant Irreversible Environmental Changes That Will Be Caused By The Revised Project**

Section 15126(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 10 of the EIR, implementation of the Revised Project would not result in significant irreversible impacts to biological, agricultural, forestry, mineral, or cultural resources. The Revised Project site currently is vacant, graded, and designated for employment center uses. Therefore, it contains no natural vegetation, agriculture, or forestry resources. No significant mineral deposits underlie the site, nor are there any known significant cultural resources present onsite. In addition, no water bodies are located on the site or within the Revised Project vicinity.

The Revised Project would require the commitment of energy and non-renewable resources, such as energy in the form of electricity, energy derived from fossil fuels, construction materials, and labor during the construction phase. Use of the resources would have an incremental effect on the regional consumption of these commodities, and would therefore result in long-term, irretrievable losses of non-renewable resources such as fuel and energy. In addition, an incremental increase in energy demand would occur during Revised Project operation.

## **B. Growth Inducing Impacts of The Project**

Section 15126(d) of the CEQA Guidelines requires an EIR to analyze any growth-inducing impact of the project. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 11 of the EIR, that demand for various construction-related jobs would increase during the construction phase of the Revised Project. However, it is anticipated that this demand would be met by the local labor force and would not require the importation of a substantial number of workers that would cause an increased demand for temporary or permanent housing.

The Revised Project will create additional part-time and full-time employment. Given the site's existing Employment Center designation, long-term plans for Carmel Valley already anticipate that the site would be developed with similar "employment center" uses. None of the anticipated jobs are expected to require the importation of a specialized work force. While the Revised Project has the potential to foster economic growth for the City, it is expected to have a limited effect on regional population growth because it is expected to draw from the local population for the anticipated jobs.

If the General Plan Amendment, Community Plan Amendment, Precise Plan Amendment, and Rezone are approved, the project will add 608 new residential units and approximately 1,666 persons that were not anticipated in the City's existing land use projections. The majority of the new housing units are anticipated to be absorbed by existing San Diego residents; they are not anticipated to result in overall regional population growth. Rather, the new units will accommodate regional housing demand within a mixed-use, infill development, in accordance with the City's Housing Element.

The Revised Project does not require the extension of existing roads to provide access to the site. Since the Revised Project is conditioned on the payment of Facilities Benefit Assessment (FBA) fees to fund programmed public facilities identified in the Carmel Valley Public Facilities Financing Plan (PFFP), proposed roadway improvements would not result in growth beyond what is already planned. In addition, existing off-site infrastructure is more than adequate to accommodate the project. Permanent storm water and sewer drainage facilities will be located in approximately the same location will replace the current, temporary facilities. The new facilities



will be sized to accommodate the Revised Project. Proposed utility extensions will occur off of existing utility lines in the roadways surrounding the Revised Project site and will be sized to accommodate the project. As a result, no infrastructure improvements will result in growth beyond what is already planned.

The surrounding community public services can accommodate the Revised Project. The project will include onsite recreational areas and will pay FBA fees to offset any Revised Project impacts on park facilities.

The area around the Revised Project site generally is built-out, thus, the project itself would not result in a new use that would attract new development in addition to the Revised Project itself. The Revised Project would not remove any existing physical barriers to growth, thus, growth inducement likely would not occur with development of the Revised Project.

## **IX. FINDINGS REGARDING SB 610 WATER SUPPLY ANALYSIS**

Per Senate Bill 610, any project that would include water demand for 500 residential units or the equivalent water consumption of 500 residential units is required to prepare a Water Supply Assessment (WSA). The City prepared the Water Supply Assessment (WSA) Report and subsequently prepared an Addendum specific to the Revised Project. The WSA and the Addendum are included in Appendices J and J.1, respectively, in the EIR.

The Revised Project will result in a projected water demand of approximately 216 acre-feet per year (AFY). The WSA considered the City's existing and projected water supplies, including recycled water supplies and planned capital improvement projects. The WSA noted that, per the City's 2010 Urban Water Management Plan (UWMP), the planned water demands of the Revised Project site is 86 AFY, which results in a difference of 130 AFY from the Revised Project's projected water use.

However, SDCWA accounts for such increases in water demand through the Accelerated Forecasted Growth demand increment in its 2010 UWMP. Through accounting for Accelerated Forecasted Growth, SDCWA is planning to meet future and existing growth, and will include the project in all future planning and water supply modeling analysis, including analysis in the 2015 UWMP.

Ultimately, the City Council of the City of San Diego finds that there will be adequate water supplies to serve the Revised Project along with existing and other future planned projects during normal, single-dry year, and multiple dry years scenarios.

#### **X. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR**

The EIR includes the comments received on the Draft EIR and the Recirculated Alternatives section, as well as responses to each of those comments. The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments, as specified by CEQA Guidelines Section 15088(b).

The City Council of the City of San Diego hereby finds that the responses to comments made on the Draft EIR and the Recirculated Alternatives section, and any subsequent revisions to the EIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate per CEQA Guidelines Section 15088.5(b).

#### **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, the City's approval of the One Paseo project will result in significant environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code sections 21002 and 21081(b) and CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the EIR and/or other information in the administrative record.

The City Council of the City of San Diego, (i) having independently reviewed the information in the EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the Revised Project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found either in the preceding sections, which are incorporated by reference into this section, the EIR, or in documents that comprise the Record of Proceedings in this matter.

#### **A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS**

##### **1. The Revised Project will create numerous construction and permanent jobs, resulting in a significant boost to the local economy.**

The Revised Project will result in substantial fiscal benefits for the City. The national and regional economies are recovering from a significant recession, which led to numerous job losses and revenue reductions. According to the San Diego Regional Chamber of Commerce's 2012 economic impact study titled "San Diego's Road to Economic Recovery," the unemployment rate in San Diego was at approximately 5% in 2007, and rose to a peak of 10.9% in July of 2010. (*San Diego's Road to Economic Recovery*, dated June 2012.) The National University Institute for Policy Research Economic Ledger (December 2011) notes that, "from 2007 to 2009 San Diego lost 102,400 payroll jobs." (*National University Institute for Policy Research Economic Ledger*, dated December 2011.) The Chamber report shows a negative 3% growth between 2008 and 2009, with positive growth of 1% beginning in 2010. The National University study indicates that although unemployment rates are dropping more growth and job creation are necessary. The Report states, "NUSIPR's forecast for employment gains in 2012 will only lower the annual rate to 9.8 percent. Real GDP needs to grow more than three percent to absorb all new labor entrants and "re-entrants" to more significantly bring the unemployment rate down." The Revised Project will help boost the local economy by supporting an estimated 6,402 construction related jobs. (Fiscal Impact Analysis.) Construction output from the Revised Project, which includes direct, indirect and induced spending associated with Revised Project construction, is anticipated to be \$1,014,000,000. In addition, the completed Revised Project will support an estimated 1,591 new permanent jobs and inject approximately \$154,000,000 in new permanent job wages into the local economy. (*Ibid.*)

**2. The Revised Project will make a substantial contribution to the City's General Fund and fund infrastructure for the community.**

The Revised Project is estimated to generate a net annual fiscal benefit to the City of between \$528,000 and \$880,000. (Fiscal Impact Analysis.) Such revenue may be spent by the City to improve vital services including police and fire protection, parks, roads and other infrastructure in the City. Money added to the General Fund will positively impact the City as a whole, not just the Carmel Valley community. In addition, City development impact fees from the Revised Project are expected to total approximately \$21,000,000, which will help to pay for planned infrastructure serving the Carmel Valley community.

**3. The Revised Project will revitalize the Carmel Valley economy.**

Development of the Revised Project will revitalize an underutilized property and result in a new source of economic vibrancy in the Carmel Valley community. The Revised Project is anticipated to generate on an annual basis approximately \$113,000,000 in new wages, \$41,000,000 in new wages through economic multiplier effects, and conservatively, more than \$80,000,000 in new retail sales activity (Fiscal Impact Analysis; Retail Market Analysis). The Revised Project is also expected to generate approximately \$2,500,000 in new annual tax revenues for the City, supporting net new tax revenues of between \$528,000 and \$880,000 annually, after incremental City project related expenses. (*Ibid.*) As demonstrated by the Retail Market Analysis prepared for the project by the Kosmont Companies, the addition of new retail uses at the project site will fulfill a recognized need in the community for additional retail development, and reduce the need for area residents to travel outside the community to satisfy their shopping requirements. The analysis prepared by The London Group suggests that Kosmont's study was conservative, and that "the local market is significantly underserved as to both the supply of retail space and variety of choices available to residents of the community." (*One Paseo Retail Component Market Analysis*, dated May 2013.)

In addition, the Critical Mass Report explains that the Revised Project will attract higher-quality "specialty" retail tenants that prefer to cluster together with other synergistic business entities that are currently missing from Carmel Valley. Patrons of one high-end tenant are likely to patronize the other, and more likely to patronize both if both are present. (*Critical Mass Report.*) The Revised Project will activate the area, emphasizing entertainment options and integrating

open space to promote pedestrian activity, and at the same time, will contrast with and complement the existing nearby retail establishments.

**4. The Revised Project will help fulfill the City of Villages Strategy in the City's General Plan which will sustain the long-term economic, environmental, and social health of the City, and implements the regional planning goals of the SANDAG Regional Comprehensive Plan.**

The Revised Project will fulfill the City's General Plan, Strategic Framework by implementing the General Plan's City of Villages strategy, by creating a mixed-use village in the heart of the Carmel Valley Community where residential, commercial, employment and civic uses are all present and integrated. As noted in the General Plan at page SF-3, "Implementation of the City of Villages strategy relies upon the designation and development of village sites." (*General Plan Strategic Framework*.) Therefore, actual development of sites within a community consistent with this strategy is necessary for the City of Villages to succeed. The Revised Project is located on one of the last undeveloped sites in the Carmel Valley Community and is therefore being developed as a "village" to ensure that Carmel Valley implements this important General Plan strategy. According to the City's General Plan at page SF-3, the "City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system...The strategy is designed to sustain the long-term economic, environmental, and social health of the City and its many communities... A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated...All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs." (*General Plan Strategic Framework*.)

The Revised Project proposes the residential, commercial, employment and civic uses described in the strategy. The Project's 608 units of multi-family residential housing will provide a greater range of housing types in Carmel Valley that are affordable to people of different incomes and needs. The 198,500 square feet of commercial uses will ensure that residents of the Project and larger community have adequate retail to serve the area, and the employment uses will provide

job centers close to residential uses to create a live-work balance in the community. By designating and developing this site consistent with the definition of a “village” in the General Plan, the Project will “sustain the long-term economic, environmental, and social health of the City.”

The City’s General Plan states that coordination between the City and SANDAG is vital for coordinating regional land use and transportation planning. Page SF-5 of the General Plan states, “The SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource protection...The City of San Diego General Plan is designed to complement and support the RCP.” (*General Plan Strategic Framework*.) SANDAG’s Smart Growth Concept Map provides a regional perspective on smart growth opportunity areas and identifies the Project site as a Town Center smart growth area (*Concept Map*).

The RCP defines Town Centers as containing residential, office/commercial, and civic/cultural facilities uses, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre. (*RCP*.) This continues SANDAG’s Regional Growth Management Strategy of encouraging placement of the highest development densities within, among other places, Town Centers. Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City General Plan “City of Villages Strategy” as supporting the Town Center concept. (*RCP*.) Therefore, development consistent with the City of Villages Strategy both implements the General Plan goals and policies and furthers the established SANDAG regional planning goals.

**5. The Revised Project will protect open space through consistency with the City of Villages Strategy.**

The City of Villages strategy is a departure from the suburban development model employed by the 1979 General Plan, which generally has been implemented in the Carmel Valley area. The General Plan at SF-1 explains that “[o]ver 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.” (*General Plan Strategic Framework*.)

Based on this direction, the General Plan seeks to efficiently use the remaining developable land in the City consistent with the new growth policies of the Strategic Framework. The Strategic Framework Element embraces mixed use villages as the desirable development pattern for the City 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.” (*General Plan Strategic Framework*, p. SF-6.) Implementation of The City of Villages Strategy preserves open space and the environment. The Conservation Element of the General Plan at page CE-3 states that, “the City of Villages strategy to direct compact growth in limited areas that are served by transit is, in itself a conservation strategy. Compact, transit-served growth is an efficient use of urban land that reduces the need to develop outlying areas.” (*General Plan Conservation Element*.)

As shown in the Kosmont Retail Market Analysis, there is net supportable retail space of 1,219,972 square feet in the trade area for the Project, which includes Carmel Valley. (*Retail Market Analysis*.) As noted in the Critical Mass Report, “our May 3, 2013 report concluded that \$542 million or 74% of annual retail expenditures by Primary Market Area residents are leaving the market in the form of ‘outflow leakage.’ In fact, [the] analysis demonstrates retail support for an additional 1.4 million square feet of space in the PMA.” (*Critical Mass Report*.) Therefore, the Carmel Valley area has significant pressure to develop additional retail space within the community to serve the unmet needs of residents. By concentrating that growth in retail space within the already developed area of the Community, growth into open space areas

will be avoided, thereby furthering the goals of the General Plan Conservation Element. Implementation of the City of Villages Strategy also compliments and implements the third planning goal of the North City West Community Plan, which is “to preserve the natural environment.” (*North City West Community Plan*.) The City of Villages Strategy balances the growing needs of residents for retail, residential and employment uses, while preserving the environment and open space. Therefore, the Project’s design consistent with the City of Villages will preserve and protect open space and the environment.

**6. The Revised Project will Support the Housing Goals of the General Plan and Provide More Balanced Housing Supply in the Community.**

General Plan Housing Element policy HE-A.4 states: “Through the community plan update process, encourage location and resource efficient development. The community plans should focus on policies which promote a cluster of activities and services to establish a balance of housing, jobs, shopping, schools, and recreation, providing residents and employees with the option of walking, biking or using transit rather than driving.” (*General Plan Housing Element*, p. HE-45 [Housing Element policy HE-A.4].) Because the Revised Project will allow for the clustering of activities onsite, it advances this policy.

The Housing Element also “incorporates the City of Villages strategy as a key component of the City’s housing strategy.” *General Plan Housing Element*, p. HE-1. Goal number 1 of the Housing Element is to “[e]nsure the provision of sufficient housing for all income groups to accommodate San Diego’s anticipated share of regional growth over the next housing element cycle, 2013 – 2020.” (*General Plan Housing Element*, p. HE-2 [Housing Element, Goal 1].) The City’s share of regional growth is expressed in the RHNA developed by SANDAG. The City is required to certify that there is suitable land available to meet the RHNA through the Adequate Sites Inventory, which is incorporated into the General Plan Housing Element.

The Revised Project allows the City to achieve its goals under the RHNA. As noted in the General Plan Housing Element, “the General Plan sets forth direction to update the City’s many community plans to be consistent with current citywide goals and policies. This includes targeting new growth into village centers to fully integrate land use, circulation, and sustainable development and design principles. As part of the ongoing community plan update process, the



City will work with community stakeholders to identify locations that would support compact, pedestrian-friendly mixed-use village centers linked by transit, and develop community-specific policies that support infill development. It is expected that over the eight years of this Housing Element cycle a number of locations will be identified for higher-density mixed-use development throughout the City.” (*General Plan Housing Element*, p. HE-46.) The Housing Element’s Adequate Sites Inventory designates the Project site and the 608 units in review for the Project as units that could accommodate the City’s housing needs in the RHNA, and therefore the Project supports the policies of the General Plan’s Housing Element. (*General Plan Housing Element*, p. HE-149.)

The Project site provides a unique opportunity to allow for a compact mixed-use village in an already urbanized area, with existing infrastructure in place. The Housing Element states that a “full realization of the Adequate Sites Inventory cannot be achieved unless there is significant infrastructure investment in the City’s communities.” (*General Plan Housing Element*, p. HE-3.) The majority of infrastructure necessary to serve the Project is already in place, and therefore, the site is more desirable for meeting the RHNA than infill or vacant sites in areas where infrastructure does not exist. The Revised Project maintains the same number of housing units on the site, and therefore maximizes the site for housing consistent with the Adequate Sites Inventory. The Revised Project therefore meets the policy demands of the RHNA and implements the General Plan Housing Element Policies.

Housing Element Policy HE-A.3 states that “[t]hrough the community plan update process, 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 transit service.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.3].) By placing 608-dwelling units in the same location as a new employment center, the Revised Project protects open areas and areas far from developed employment centers from future residential development. By focusing higher densities in the major employment center of the community, which is located directly south and west of the Project site on El Camino Real and High Bluff Drive, the Revised Project satisfies these important public policy goals.

Housing Element Policy HE-A.5 seeks to “[e]nsure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.5].) Policy HE-A.5 provides clear direction to maximize residential density on sites suitable for residential use, which is what will happen with the Revised Project. Since this site has been deemed suitable by the Adequate Sites Inventory, the Revised Project will maximize the density of the proposed zone. It thus satisfies the policies of the General Plan.

Housing Element Policy HE-A.7 encourages the “develop[ment of] a comprehensive strategy for addressing the critical need for more workforce housing, serving moderate to middle income workers in San Diego. In keeping with the goals of SB 375 and the Sustainable Communities Strategy, the City should strive to promote the location of workforce housing proximate to employment and/or multimodal transportation facilities.” (*General Plan Housing Element*, p. HE-45 [Housing Element Policy HE-A.7].) The Revised Project will create a mix of housing types on the Project site and provide work force housing adjacent to the major employment center in the area. The Carmel Valley area is predominantly single family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. Therefore, the Revised Project’s housing units are consistent with Policy HE-A.7 and satisfy public policy.

**7. The Revised Project will address a number of critical infrastructure needs, above and beyond what is required to mitigate the Revised Project’s potential environmental impacts.**

Implementation of the Revised Project will require the applicant to undertake and fund a number of infrastructure improvements above and beyond that which is required to mitigate the project’s transportation impacts, including the following:

- a. As part of an agreement with Caltrans, the applicant has agreed to advance the installation of improvements within the jurisdiction of Caltrans, including improvements to the I-5/Del Mar Heights Road Interchange, and fund more than

its fair share of such improvements. Specifically, the applicant will add an HOV lane to the I-5 southbound Ramp (Loop) at a cost of \$350,000. The project's fair share cash contribution would have been \$111,000.

- b. The applicant has agreed to make certain median landscaping enhancements on Del Mar Heights Road within Caltrans' jurisdiction, and the long-term maintenance of these improvements will be funded by the applicant.
- c. The applicant will contribute funding for Caltrans to study the design of a third eastbound through lane on the Del Mar Heights Road bridge, as needed to increase future capacity on that facility. The applicant's fair share contribution has been calculated by Caltrans to be \$1,192,500, but the applicant has agreed to contribute \$1,500,000.

**8. The Revised Project will provide quality of life enhancement in and around Carmel Valley.**

As part of the Revised Project, the applicant has agreed to provide a number of benefits to the community, which are not required to mitigate any environmental effects of the project, including the following:

- a. The applicant will donate materials excavated from the project site to SANDAG's Regional Beach Sand Project. Up to an estimated 250,000 cubic yards of material have been prequalified by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency as beach quality sand for beach replenishment. This native Torrey Sandstone material has been tested and submitted to all necessary agencies for approval in the Final Sampling and Analysis Plan Results Report (SAP). Several receiving beach sites have been identified and possess existing Sand Compatibility Opportunistic Use Permits. Nourished shorelines provide two primary benefits: increased area for recreation, and greater protection against coastal storms. Other tangible benefits include tourism revenues, restored wildlife habitats, enhanced public health and safety.

- b. The applicant will advance up to \$1,100,000 to the SR56/I-5 CVREP Phase 1 trail under I-5, to help advance portions of the installation of this previously approved Caltrans' improvement. The project is a 1.23-mile long, 12 foot wide trail connection under the I-5 freeway structures that would link the existing Old Sorrento Valley Road along Peñasquitos Lagoon easterly to the existing SR 56 bike bath, providing access to the lagoon and to the ocean and creating a link between three regional trail systems (the Sea-to-Sea Trail from the Salton Sea to the Pacific Ocean, the existing Old Sorrento Valley Road trail, and Carmel Valley Restoration Enhancement Project trail) and to the proposed Carmel Valley Park and Ride trailhead. The project would include removal of sediment under freeway bridges to promote movement of wildlife. The applicant's financial contribution will help complete one of the most significant missing trail connections in coastal north county San Diego.
- c. The applicant will fund the installation of an Adaptive Traffic Control signal system on Del Mar Heights Road from the I-5/Del Mar Heights Road interchange to the intersection of Carmel Canyon Road. The applicant and City are coordinating these efforts with Caltrans for the two traffic signals near the I-5/Del Mar Heights Road interchange within Caltrans' jurisdiction. Caltrans has the sole authority to approve the coordination efforts within its jurisdiction. Once implemented, this program will help reduce congestion and improve the flow on this busy roadway.
- d. The applicant will fund up to \$150,000 towards the investigation and installation of potential traffic calming devices on High Bluff Drive north of Del Mar Heights Road.
- e. The applicant will fund up to \$40,000 for the design and installation of Carmel Valley community identity monuments at Del Mar Heights Road and the south end of El Camino Real.
- f. The applicant will enhance the planted medians, tree-lined parkways and bike lanes along Del Mar Heights Road and El Camino Real in order to connect the

Revised Project to the community beyond the Revised Project boundary. In addition, the applicant will implement a boulevard-style design treatment along the Revised Project frontage with separated bicycle tracks and improved pedestrian promenades.

- g. The applicant will enhance the crosswalks at the intersection of Del Mar Heights Road and El Camino Real with enhanced pedestrian connections.
- h. The applicant will advance up to \$550,000 for the design and engineering of a potential enhanced park and additional play fields at the Carmel Valley Recreation Center, as well as a potential future gateway to the Center.

**9. The Revised Project will advance the goals of SANDAG's 2050 RTP and will be a sustainable mixed-use community.**

- a. The Revised Project is a premier example of "smart-growth" principles. The Revised Project fulfills a vision for a civic and cultural "core" by creating a special destination where work, play, dining/entertainment, living and just gathering naturally bring the Carmel Valley community together. The Revised Project will serve as "*the major unifying element of the entire community,*" as envisioned by the Community Plan. The Revised Project will help connect the community by providing walkways, trails, bike lanes and linear park-like amenities that will link the diverse land uses in Carmel Valley to one another. By providing a new degree of connectivity in Carmel Valley, the project will allow residents, employees in the adjacent offices and shoppers to explore their community by foot and by bicycle in new and different ways. The Revised Project includes a pedestrian connection from High Bluff Drive which includes a significant number of office buildings. This connection will allow employees in these buildings to access food, entertainment, and shopping that will be offered by the project. The connection of these previously isolated office buildings to retail and uses furthers the Strategic Framework's smart growth goals to integrate jobs, housing and retail use in a pedestrian friendly area.

- b. The applicant will include bike and pedestrian friendly bike stations and ride sharing amenities, as well as several electric vehicle charging stations, and a shuttle service that will further the sustainability goals of the City and reduce GHG emissions. A shuttle service is being offered as part of an enhanced Transportation Demand Management program. It is anticipated that the shuttle system will be implemented in the final stages of the Revised Project. It will be piloted as a loop system that will run during the AM/PM peak times from the Revised Project site to the local schools and to the nearby Coaster stations.
- c. It is anticipated that all of the Revised Project's office buildings will be certified to a LEED Gold rating.
- d. The Revised Project will be developed using energy and water efficiency standards, "cool" roofs and paving materials and an extensive onsite recycling and composting program.

## **B. CONCLUSION**

For the foregoing reasons, the City Council of the City of San Diego finds that the Revised Project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City Council of the City of San Diego has adopted these Findings and Statement of Overriding Considerations.

## **Exhibit "B"**

### **Mitigation, Monitoring, and Reporting Program**

#### **GENERAL REQUIREMENTS**

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue areas as identified in the One Paseo Project EIR: Transportation/ Circulation/Parking, Visual Effects and Neighborhood Character, Noise, Paleontological Resources, Biological Resources, Health and Safety, and Historical Resources. The mitigation measures identified below include all applicable measures from the One Paseo Project EIR (Project No. 193036; SCH No. 2010051073). All mitigation measures identified for the Originally Proposed Project would be required to be implemented for the Revised Project. In addition, Mitigation Measure 12.9-1 that addresses noise impacts would be required for the Revised Project. This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California PRC requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the San Diego Corporate Center Project EIR, and therefore must ensure the enforceability of the MMRP. An EIR has been prepared for this project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented. Therefore the following general measures are included in this MMRP:

#### **A. GENERAL REQUIREMENTS – PART I**

##### **Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

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

4. The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II**

**Post Plan Check (After permit issuance/Prior to start of construction)**

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

**Note:**

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

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
  - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #193036 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

**Note:**

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



3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

**NOTE:**

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

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

<u>Issue Area</u>	<u>Document Submittal</u>	<u>Assoc Inspection/Approvals</u>
General	Consultant Qualification Letters	Prior to Pre-con Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-con Meeting
Geology	As Graded Soils Report	Geotechnical/fault inspection
Paleontology	Paleontology Reports	Paleontology site observation
Archaeology	Archaeology Reports	Archaeology/Historic site observation
Biology	Biology Reports	Biology inspection
Noise	Acoustical Reports	Noise mitigation features inspection
Traffic	Traffic Reports	Traffic features site observation
Waste Management	Waste Management Reports	Waste management inspections
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

## **SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

### **Transportation/Circulation/Parking**

***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 the 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.

***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.

***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.

***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.

***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.

***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.

***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 in Phase 1, the dedicated NB right-turn lane shall be completed and accepted by the City Engineer.

***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.

**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.

**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.

**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.

**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.

**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.

**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.

## **Noise**

***Mitigation Measure 5.4-1:*** Prior to issuance of building permits, a noise analysis shall be completed to assess building-specific stationary noise sources and impacts to on-site uses. Appropriate noise attenuation measures identified in the noise analysis shall be incorporated into the project design to ensure compliance with the Noise Ordinance noise limits for stationary sources (i.e., interior noise levels of 45 dBA  $L_{EQ}$  or less for residential and hotel uses; 50 dBA  $L_{EQ}$  or less for commercial uses). Methods for ensuring compliant interior noise levels may include, but would not be limited to, the following:

- Installation of roof-top mechanical ventilation and HVAC units on mounts that isolate the building from vibration caused by the machinery;
- In the floors separating residential uses from non-residential uses, use additional thicknesses of building materials and/or materials designed to isolate the residential spaces from vibration generated by non-residential spaces;
- Commercial air handling ducts shall not be routed in or adjacent to interior living space walls without specific plans to address isolation;
- Commercial HVAC systems shall not be mounted over interior living areas without specific plans to address isolation;
- Clusters of residential HVAC systems shall not be mounted directly over residential areas;
- Coolant or large water lines including HVAC water for commercial services shall not be routed in walls adjacent to living areas without specific plans to address isolation;
- Operable windows shall not be located where they look directly at any rooftop HVAC systems in adjacent buildings;
- Elevator shafts shall not be located directly adjacent to living quarters without specific plans to address isolation; and/or
- Commercial spaces for nighttime entertainment shall not have a common floor ceiling to a living space.

Once the project is constructed and in full operation, the developer shall conduct on-site noise measurements to verify that noise planning and attenuation measures identified in the noise analysis have mitigated project noise to levels below those proscribed by the Noise Ordinance noise limits for stationary sources.

***Mitigation Measure 5.4-2:*** Prior to issuance of building permits, an exterior-to-interior noise analysis shall be completed to assess off-site noise sources and impacts to interior on-site residential and commercial uses. Appropriate noise planning and attenuation measures identified in the noise analysis shall be incorporated into the project design to ensure compliance with the General Plan Noise Element Land use - Noise Compatibility Guidelines (i.e., interior noise levels of 45 dBA CNEL or less for residential and hotel uses; 50 dBA CNEL or less for commercial uses). Methods for ensuring compliant interior noise levels may include, but would not be limited to, the following:

- Use of window glazing with an increased sound transmission classification;
- Use of additional thicknesses of interior drywall; and/or
- Use of additional thicknesses of exterior building materials.

Once the project is constructed and in full operation, interior noise measurements shall be conducted to verify that exterior-to-interior noise planning has mitigated project noise levels to ensure compliance with the General Plan Noise Element Land use – Noise Compatibility Guidelines.

***Mitigation Measure 5.4-3:*** Prior to issuance of building permits, an interior noise analysis shall be completed to assess on-site noise sources and impacts to interior on-site residential uses. Appropriate noise planning and attenuation measures identified in the noise analysis shall be incorporated into the project design to ensure compliance with the General Plan Noise Element Land use - Noise Compatibility Guidelines. Potential noise planning and attenuation measures may include, but are not limited to, the following:

- Commercial air handling ducts shall not be routed in or adjacent to interior living space walls without specific plans to address isolation;
- Commercial HVAC systems shall not be mounted over interior living areas without specific plans to address isolation;
- Clusters of residential HVAC systems shall not be mounted directly over residential areas;
- Coolant or large water lines including HVAC water for commercial services shall not be routed in walls adjacent to living areas without specific plans to address isolation;
- Operable windows shall not be located where they look directly at any rooftop HVAC systems in adjacent buildings;
- Elevator shafts shall not be located directly adjacent to living quarters without specific plans to address isolation;
- Commercial spaces for nighttime entertainment shall not have a common floor ceiling to a living space;
- Limitations upon the use of exterior amplified music systems associated with entertainment such as prohibiting exterior amplified music systems in areas directly adjacent to or below on-site residences,<sup>1</sup> and
- Commercial lease agreements shall include strict enforceable measures to control interior and exterior noise to limit impacts to residential areas.

Once the project is constructed and in full operation, interior noise measurements shall be conducted to verify that interior noise planning has mitigated project noise levels to ensure compliance with the General Plan Noise Element Land use – Noise Compatibility Guidelines.

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<sup>1</sup> This excludes temporary outside amplification systems use for a short-term special event conducted with a separate City special event permit.

**Mitigation Measure 5.4-4:** During construction of Phase 3, noise attenuation shall be provided sufficient to comply with the Noise Ordinance (i.e., a 12-hour average of greater than 75 dBA  $L_{EQ}$ ). Potential attenuation measures include, but are not limited to, use of sound walls, sound blankets, noise attenuation devices/modifications to construction equipment, and use of quieter equipment. As one option, a temporary 12-foot-high noise barrier could be constructed 50 feet in both (north-south) directions along Third Avenue from the point(s) where the proposed subterranean parking garage is within 100 feet of occupied residences.

The minimum noise reduction from a barrier that obstructs the line-of-sight between the noise source and the noise receiver is five dBA. Therefore, with a 12-foot-high temporary noise barrier, noise levels at the on-site residences in Block B would be reduced to below 75 dBA (12-hour) if they would otherwise be slightly above 75 dBA, as discussed above under Impact Analysis.

**Mitigation Measure 12.9-1:** Prior to issuance of building permits, a noise analysis shall be completed to determine the location and construction materials for noise attenuation features shown on the development plans needed to protect usable recreation areas from noise levels in excess of 65 CNEL. Barriers shall consist of a single, solid sound wall with a height based on the finished grade of the noise source. The sound attenuation barrier shall be solid and constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, with no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it may be tongue and groove and must be at least one-inch thick or have a surface density of at least 3.5 pounds per square foot. Glass or clear plastic may be used on the upper portion. Sheet metal of 18-gauge (minimum) may be used, if it meets the other criteria, and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any doors or gates shall be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above.

#### **Paleontological Resources**

**Mitigation Measure 5.8-1:** The following shall be implemented:

#### **I. Prior to Permit Issuance**

##### **A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

##### **B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

## **II. Prior to Start of Construction**

### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

### **2. Identify Areas to be Monitored**

Prior to the start of any work that requires monitoring, the PI shall submit a PME based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

### **3. When Monitoring Will Occur**

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation

and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the CSV. The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

#### C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.



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

#### **IV. Night and/or Weekend Work**

##### **A. If night and/or weekend work is included in the contract**

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
- 2. The following procedures shall be followed.

##### **a. No Discoveries**

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8 AM on the next business day.

##### **b. Discoveries**

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

##### **c. Potentially Significant Discoveries**

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8 AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

##### **B. If night work becomes necessary during the course of construction**

- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- 2. The RE, or BI, as appropriate, shall notify MMC immediately.

##### **C. All other procedures described above shall apply, as appropriate.**

#### **V. Post Construction**

##### **A. Preparation and Submittal of Draft Monitoring Report**

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the

results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **Biological Resources**

***Mitigation Measure 5.9-1:*** Prior to the issuance of any authorization to proceed, the ADD Environmental designee shall ensure that the following measures are included as notes in the construction plans and grading plans:

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1 - September 15), or an active nest is confirmed, the project biologist shall conduct a pre-grading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
  - A. If active nests are confirmed, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
  - B. If no active nests are confirmed per "A" above, mitigation under "A" is not required.

## **Health and Safety**

***Mitigation Measure 5.13-1:*** Construction permits shall designate staging areas where fueling and oil-changing activities are permitted. No fueling and oil-changing activities shall be permitted outside the designated staging areas. The staging areas, as much as practicable, shall be located on level terrain and away from sensitive land uses such as residences, and schools. Staging areas shall not be located near any stream channels or wetlands. The proposed staging areas shall be identified in the construction site plans, which shall be submitted to the Regional Water Quality Control Board as part of the Notice of Intent to File under the NPDES permit process.

***Mitigation Measure 5.13-2:*** Prior to construction, a Health and Safety Plan shall be prepared and worker training shall be implemented to manage potential health and safety hazards to workers and the public.

## **Historical Resources**

***Mitigation Measure 5.14-1:*** The following measures shall be implemented:

### **I. Prior to Permit Issuance**

#### **A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

#### **B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

### **II. Prior to Start of Construction**

#### **A. Verification of Records Search**

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

#### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified Archaeologist and Native American

Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit an AME based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

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

### III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of

fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

#### C. Determination of Significance

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

#### IV. Discovery of Human Remains

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

##### A. Notification

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

##### B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

##### C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:

- a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
- c. In order to protect these sites, the Landowner shall do one or more of the following:
  - (1) Record the site with the NAHC;
  - (2) Record an open space or conservation easement on the site;
  - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried artifacts with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

**D. If Human Remains are **NOT** Native American**

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/ landowner, any known descendant group, and the San Diego Museum of Man.

**VI. Night and/or Weekend Work**

**A. If night and/or weekend work is included in the contract**

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
2. The following procedures shall be followed.
  - a. No Discoveries
 

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8AM of the next business day.



b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

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

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

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

Planning Commission Initiation Issues  
Community Plan Analysis – One Paseo

The proposed land use plan amendments were initiated by the Planning Commission on July 23, 2009, Report No. 09-057 (Attachment 20). The Commission requested that the following five specific issues be evaluated in addition to the issues staff identified in the initiation report.

**1. Evaluate a mixed-use village designation including a residential component.**

*Staff Response:* The applicant initially proposed the site be designated *Regional Commercial/Residential Permitted* by the Precise Plan. Staff recommended the designation as correlating with the scale and size anticipated with submittal of a future development project. After submittal of the development plans, a transit line was included for Carmel Valley in Sandag's 2050 RTP and the application was changed to propose a *Multiple Use General Plan* land use designation and a *Community Village* Community Plan designation. These land use designations have been evaluated in the FEIR and discussed in the community plan analysis of the staff report.

**2. Evaluate interconnectivity with the adjacent shopping center (and other surrounding uses) to establish a relationship that encourages a similar transition with future expansion of the shopping center.**

*Staff Response:* A primary objective of the proposal is to create a less auto dependent environment within the project site (also see discussion #8 below). The land use plan proposed for the development project also complements surrounding land uses by essentially 'mirroring' uses adjacent to the site. Wider sidewalks (8 feet) and enhanced landscaping are provided along the perimeter of the site to provide pedestrian access and comfort. Access to adjacent properties is provided at key points along the site's perimeter. Enhanced visual access into the site is also provided at High Bluff Drive and at two points along El Camino Real. The approved permit for the adjacent shopping center allows a phased development and an expansion up to 475k square feet from the current 280k square feet. The approved permit contains a site plan that allows parking decks and new buildings within the existing parking lot accessed from the existing signalized driveway along El Camino Real. The One Paseo project proposes to use the same signalized driveway for access which would provide a direct connection to the shopping center.

**3. Define what a community town center is, or should be, for Carmel Valley.**

*Staff Response:* The General Plan provides for villages that can be responsive to the needs of the City's diverse communities. These can be achieved through multiple approaches to the type and mix of uses, building intensities and design themes. Several village designations are also identified in the General Plan to serve as an overall guide to land use place types. The staff report's community plan analysis identifies issues related to the quality of transit, level of public support and impact to

neighborhood character that should be evaluated when addressing the type of town center or village suitable and/or desirable for the Carmel Valley community.

**4. The potential loss of industrial zoning and therefore opportunities for 'clean tech' businesses to expand.**

*Staff Response:* The market for the Carmel Valley employment center is largely for commercial office, although there are some technology firms that have a scientific research component (e.g. 'clean tech'). The General Plan does not identify any of the employment lands within Carmel Valley as Prime Industrial. Therefore, preservation of employment land to allow the location of base sector economic uses is not considered significant.

However, the current Employment Center (EC) zone allows for both commercial office as well as base sector economic uses such as scientific research and manufacturing ('clean tech'). The proposed zoning (MC-CVPD) permits a comparable list of employment uses and the development's office component proposes just slightly less office space than what could be approved consistent with the EC zone. Although firms mainly performing scientific research are unlikely to choose the proposed office space as their location, scientific research is allowed by the proposed zone and technology companies that desire office space could find the location suitable.

**5. The need for creativity in design that promotes walkability, public use, the 'disappearance' of automobiles, and sustainability.**

*Staff response:*

Walkability-As described in the One Paseo Precise Plan Amendment document, the mixed-use project emphasizes design principles which create and reinforce a comfortable, safe and inviting pedestrian experience. A focal point of the proposed mixed-use project is a pedestrian-oriented Main Street. Parking access and design emphasizes a "park once" principle where moving a car to cross the approximately 23-acre site is unnecessary. The project incorporates a series of internal 'paseos' as well as connecting to existing off-site pedestrian pathways along High Bluff Road, Del Mar Heights Road and El Camino Real. A number of hardscape/landscape improvements are proposed along El Camino Real to promote and enhance the pedestrian experience. A new direct connection from One Paseo to the adjacent office complex is also proposed.

Public Spaces: One Paseo provides a series of paseos, plazas, and a civic green which will be open to the public for a wide variety of activities. These important project-defining spaces would allow people various opportunities to congregate and interact in a manner that promotes a sense of community.

Concealed Parking: 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. When located above grade, parking spaces are either wrapped by useable portions of buildings or located behind a decorative facade. Of the 3,688 parking spaces proposed, fewer than 30 are within a surface lot configuration.

Sustainability-Section 3.2.7 of the FEIR provides a complete list of sustainable features which will be incorporated into the project to reduce waste, conserve energy and water, reduce greenhouse gas emissions and lower operating costs. One Paseo 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.

The following additional issues were identified in the staff report for the plan amendment initiation:

**6. The appropriate land use and zoning designation for the subject property.**

*Staff Response:* See discussion #1 above.

**7. The appropriate intensity for residential and commercial uses.**

*Staff Response:* The applicant has reduced the scale and intensity of the original project as a response to community concerns. The FEIR provides an analysis of eight project alternatives which offer varying intensities for residential and commercial uses:

- No Project/No Development Alternative
- No Project/Development Under Existing Plans Alternative
- Commercial Only Alternative
- Medical Office/Senior Housing Alternative
- No Retail Alternative
- Reduced Main Street Alternative
- Reduced Mixed-Use Alternative
- Specialty Food Market Retail Alternative

As discussed in the community plan analysis report section, there is public opposition to the proposed development intensity. Several of the FEIR alternatives are specifically intended to provide a response to public input.

**8. Compatibility with the surrounding uses.**

*Staff response:* The compatibility of the project with surrounding uses is evaluated in a number of sections in the FEIR (Section 5.1-Land Use (including a consistency evaluation with the City of San Diego General Plan, Section 5.3-Visual Effects and Character, Section 5.4-Noise, Section 6.0-Cumulative Effects, Section 7.0 Mitigation,

Monitoring and Reporting Program and Section 12-Alternatives). Chapter 2 (Land Use), Chapter 3 (Mobility), Chapter 4 (Design Guidelines), and Chapter 5 (Landscape Guidelines) of the Precise Plan Amendment provide policies that promote compatibility with adjacent uses.

**9. Traffic impacts and the type of improvements needed.**

*Staff Response:* The FEIR analyzes potential traffic impacts from the proposed project and identifies required improvements. Detailed discussions are provided in Section 5.2 (Transportation/Circulation/Parking), Section 6.1.1 (Cumulative Effects Found to be Significant), Appendix C (Traffic Impact of Proposed Project), a Traffic Impact Analysis of Revised Project and other alternatives (Appendices C.1-C.4)

Information about needed traffic improvements may be found in Section 7.2.1, (Transportation/Circulation/Parking) of the Mitigation, Monitoring and Reporting Program contained in the FEIR and conditions of the tentative map and associated development permits.

**10. Water Supply Assessment.**

*Staff Response:* Appendix J (Water Supply Assessment and Water Supply Verification) and Appendix J.1 (Addendum to Water Supply Assessment and Water Supply Verification) document the capability of the City to adequately provide water to the proposed project.

**11. Revisions to the current Employment Center Precise Plan or amendment of the adjacent Town Center Precise Plan to address the new land uses and future projects.**

*Staff Response:* The subject property has historically been within the 118 acre Employment Center Precise Plan rather than the 168 acre Town Center Precise Plan. El Camino Real currently serves as a definable and logical boundary between the two plans. The Town Center is intended to provide a broader community-focused mixed-use core and the Employment Center is intended to serve as a job center for the community and a complement to Town Center land uses. Removing the site and placing the property into the Town Center Precise Plan would require amendments to two separate precise plans. The One Paseo Precise Plan Amendment, which is incorporated into the Employment Center Precise Plan, considers design influences of neighboring precise plans including but not limited to the Town Center Precise Plan.

**12. The provision of on-site affordable housing units that could be incorporated into a future development.**

*Staff Response:* The City's project-level affordable housing requirements are defined by the Municipal Code. The One Paseo project will comply with the Inclusionary Affordable Housing Regulations in accordance with Municipal Code Section 142.1304 which provides for the payment of fees.

**13. Types of vehicular, pedestrian, and bicycle access that could be incorporated within and adjacent to the subject property in order to maximize walkability and establish pedestrian linkages to and from the site to reduce the overall need for auto dependency.**

*Staff Response:* See discussion #5 above.

**14. Public services capacity to serve the proposed change in use and potential increase in development intensity.**

*Staff Response:* Sections 5.11 (Public Utilities) and 5.12 (Public Services and Facilities/Recreation) of the FEIR addresses the ability of the City and other service providers to provide the following:

- Water Supply and Conservation
- Water Infrastructure
- Storm Water Drainage
- Solid Waste Disposal
- Fire and Emergency Medical Services
- Police Protection Services
- School Services
- Libraries
- Park and Recreational Facilities

Additional information may be found in technical studies included in the appendices of the FEIR and Chapter 6 of the Precise Plan Amendment (Public Facilities/Services and Safety).

**15. Address the demand for the following through a comprehensive market study: hotel, office, and retail.**

*Staff Response:* A Retail Market Analysis has been prepared by the Kosmont Companies (2012). A copy of the report is included as Appendix B of the FEIR. This report reaches the conclusion that additional demand for retail uses within the Trade Area will continue even with full build-out of the project. The new retail uses proposed by the project would not adversely impact existing businesses nor lead to urban decay.

The report does not consider the potential market for a hotel because this component of the project was eliminated from the project after the CPA initiation hearing. It was also determined by City Staff that office use be eliminated from the study because: (1) the existing adopted land use allows offices and a study would not be required to build-out under the current community plan and (2) the amount of office space being proposed is less than may be built under the current Employment Center Precise Plan.

**16. The availability of transit to serve the site, such as shuttle, Bus Rapid Transit (BRT).**

*Staff Response:* At present, Carmel Valley is not served by public transit services. The SANDAG 2050 Regional Transportation Plan includes a peak hour rapid bus route 473 which links Oceanside to UTC via Highway 101 Coastal Communities and Carmel Valley. SANDAG is developing San Diego Forward which incorporates the Regional Comprehensive Plan, adopted in 2004 and will replace the 2050 Regional Transportation Plan/Sustainable Communities Strategy adopted in 2011. On December 20, 2013, the SANDAG Board of Directors approved for further evaluation a 2050 Unconstrained Transportation which includes: 1) a new Light Rail Transit connection from UTC to Del Mar Heights Road via UTC-Campus Point and Sorrento Valley; and 2) a rapid bus route 103 that runs from Solana Beach to Sabre Springs along Del Mar Heights Road and Carmel Valley Road. It is anticipated that SANDAG will consider final adoption of San Diego Forward in Summer 2015.

One Paseo has submitted a Transportation Demand Program (2012) that provides a complete discussion of strategies which are intended to improve the efficiency of the existing transportation system by encouraging use of alternative transportation modes to the single-occupancy vehicle (including the use of a shuttle system).

**17. Methods that could be used to encourage other modes of transportation as an alternative to fossil fuel-burning vehicles including: electric charging stations, bicycle racks, transit center, transit pass subsidization, etc.**

*Staff Response:* The One Paseo Transportation Demand Management Program (2012) includes a comprehensive list of methods that will be employed as an alternative to fossil fuel-burning vehicles including but not limited to electric vehicle charging stations, bicycle support improvements and transit enhancements. The applicant has also offered to work with the community to create a cycle track on Del Mar Heights Road.



# Transportation Demand Management Plan



## One Paseo

A Mixed-Use Development  
Del Mar Heights Road &  
El Camino Real  
San Diego, CA 92130

By: Kilroy Realty Corporation

Prepared by: Marcela Escobar-Eck  
Atlantis Group Land Use Consultants

May 2014  
FINAL

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### Transportation Demand Management (TDM) and San Diego Region Jurisdictions<sup>1</sup>

The San Diego region has grown rapidly over the last 40 years, with a population increase of nearly 60 percent. According to the 2050 Regional Growth Forecast, the population will continue to grow by an additional 33 percent, reaching 4.4 million residents in the next 40 years. Meeting the transportation needs of this growing population requires a comprehensive and multimodal approach. Some solutions include capital projects like new rail infrastructure, High Occupancy Vehicle (HOV) lanes, managed lanes, and bicycle network improvements. Other solutions include enhanced or increased public transit services such as Bus Rapid Transit, trolley, and commuter rail. While these projects require considerable time and resources to plan and implement, programs and services that reduce or manage travel demand (Transportation Demand Management or TDM) are cost effective, flexible, and can be executed in shorter time frames. While TDM will not eliminate the need for new transportation infrastructure or services, it does contribute to the effective and efficient use of the region's transportation infrastructure.

In October 2011 the San Diego Association of Governments (SANDAG) adopted the 2050 Regional Transportation Plan (RTP) and the Sustainable Communities Strategy (SCS). These comprehensive documents were tiered-off of State climate change and smart growth Bill SB 375 and AB 36 the Global warming Bill.

#### Defining TDM

TDM refers to a variety of strategies that change travel behavior (how, when, and where people travel) in order to improve transportation system efficiency and achieve key regional objectives, such as reduced traffic congestion, increased safety and mobility, and energy conservation and emission reductions (Victoria Transport Policy Institute). Typical TDM programs reduce Single Occupant Vehicle (SOV) trips through ridesharing initiatives such as carpooling and vanpooling; alternative work schedules and teleworking; and the use of transit, biking, and walking to work. However, TDM strategies should not be limited to just commuting trips. TDM strategies, programs, and plans are most effective when considered for all trips and at all geographic levels—from a specific site, to a neighborhood, city, and regional or state levels – creating a comprehensive and coordinated approach.

TDM is a key component of the 2050 Regional Transportation Plan and Sustainable Communities Strategies as a cost effective means for easing traffic congestion and reducing air pollution, while improving the commute for thousands of San Diego region residents.

"iCommute" is the TDM program in the RTP for the San Diego region's Sustainable Communities Strategy. iCommute programs encourage and incentivize sustainable transportation choices by providing free online ride matching services, a regional vanpool program, transit support, bicycle encouragement programs, the Guaranteed Ride Home program, and School Pool. Participation by commuters and employers in TDM programs is voluntary in the San Diego region. In the early 1990's TDM regulations in the San Diego region required employer trip reduction plans. These regulations were enacted when the federal government designated the region's air quality as "severe." In 1995 the Federal government reclassified the region's air quality designation from "severe" to "serious", and the TDM regulations were rescinded.

<sup>1</sup> Integrating Transportation Demand Management Into the Planning and Development Process (SANDAG Publication May 2012)

The SANDAG study calls for design strategies that encourage active transportation (walking and biking to transit or work) and recreation for neighborhoods, streets and outdoor spaces.

Key strategies include the following:

- Mixed land uses in city neighborhoods
- Improved access to transit and transit facilities
- Improved access to recreational facilities such as parks, plazas and open spaces
- Improved access to full-service grocery stores
- Accessible, pedestrian-friendly streets with high connectivity, traffic calming, landscaping and public amenities
- Facilitate biking for transportation and recreation through bicycle networks and infrastructure

The overall design and project goals incorporated into the One Paseo project achieve these fundamental strategies.

*“When TDM supporting amenities are provided within developments, it becomes much easier for tenants to change their transportation choice. For example, when office buildings offer showers and secure bike parking they will see an increase in walking and biking. Carpooling and vanpooling increase when priority parking spaces are set aside for HOVs.”*

- SANDAG 2050 Regional Transportation Plan  
adopted October 28, 2011

### TRANSPORTATION DEMAND MANAGEMENT (TDM) ONE PASEO

Commuters base their travel choices on a desire to save time and money, reduce stress, improve the environment and their health, and other considerations. The One Paseo TDM strategy is to address these personal and business motivations with targeted outreach, education and public awareness campaigns combined with the resources and incentives needed to change travel behavior.

#### Goals and Objectives

- Reduce peak hour congestion.
- Provide for a balanced approach to mobility.
- Enhance safety and convenience for vehicles, bicyclists, and pedestrians.
- Reduce parking demand.
- Maximize the functionality of current and future parking supply.
- Execute sustainability practices detailed in LEED for Neighborhood Development.
- Reduce greenhouse gas emissions.
- Support Kilroy Realty Corporation's sustainability program.
- Facilitate a coordinated transportation approach with the overall neighborhood.

#### Integrating Transportation Demand Management into the Project

TDM deals directly with the basic demand for travel by affecting mode, time of day, frequency, and path of travel. TDM includes a broad range of synergistic actions to reduce single occupant vehicular travel. These strategies are intended to improve the efficiency of the existing transportation system by encouraging use of alternate travel modes to the single-occupancy vehicle (SOV).

#### Strategies

- Ridesharing, Preferential Carpool Parking and Parking Strategies.
- Parking cash-out incentives (Cash incentive in lieu of free parking for choosing not to drive to work alone).
- Pedestrian and Bicycle connections and circulation Improvements.
- Cycling Support Services, storage and amenities.
- Electric Vehicle Charging Stations.
- Shuttle Program to closest Coaster station.
- Transportation Coordinator/TDM Sustainability Coordinator.
- Tenant/Resident/Staff best practices education such as staggered work hours.
- Public Transit Enhancements for the future.
- Carsharing/Bikesharing promotions.
- Trip Reduction Membership Program.



### TDM PLAN RECOMMENDATIONS

#### OVERVIEW

The project's goal is to provide safe, appealing, and comfortable street environments to encourage pedestrian use. This is accomplished in part via street features, such as human-scaled buildings and street widths, wide sidewalks, buildings that are pulled up to the sidewalk to create a continuous street wall, retail storefronts and other uses, and interesting street furniture and trees which will create a safe, inviting, and well-used public realm with visual interest.

Specifically, the project site design and features support the use of alternative modes of transportation by encouraging on-site amenities, programs, and incentives such as the use of car sharing/van pool vehicles, bicycle lockers, food and child care services, links to guaranteed ride home programs, and commuter benefits.

#### MEASURES

##### Ridesharing, Preferential Carpool Parking and Parking Strategies

Carpool preferential parking will be offered on-site in a variety of locations throughout the development. Carpool and/or shared-use vehicle parking spaces will be provided to encourage peak hour rideshare commuting equivalent to 10% of the total automobile parking for each office building on the site. Signage indicating such parking spaces will be provided, and the parking spaces will be within 200 feet of entrances to the buildings served. A One Paseo Master Association (Association) parking permit will be required (one per carpool), and participants must apply for a carpool placard through the Association. The program is open to residents, tenants and employees.

Shared parking strategies were utilized in the development of the overall site plan. The mix of three land uses planned for the site makes it natural and more efficient for the use of shared parking, consistent with the Shared-Parking section of the City's Land Development Code, Section 142.0545. As an example of shared parking, the peak times in activity for businesses such as an office and a cinema are essentially the opposite of one another as is their demand for parking. For mixed-use development, not sharing parking and building separate parking facilities for each use is a waste of space and resources that could be used to enhance the project and add amenities.

The City of San Diego approved the number of parking spaces to be built for the completed project site and at the end of its first phase of development based on a Shared Parking Analysis<sup>2</sup>. The objective is to properly serve future residents, tenants and customers but not overbuild parking spaces. In order to do so, a Shared Parking Model was approved by the City of San Diego which projects parking demand based on a number of factors (proposed program data, site conditions, market demand, current information from the Urban Land Institute Shared Parking 2<sup>nd</sup> Edition 2005, and focused parking studies of specific land uses).

<sup>2</sup> One Paseo – San Diego, California Shared Parking Analysis – Final Walker Project No. 37-8142.00 dated 12/16/2011



### Pedestrian and Bicycle Circulation Improvements

In the built environment, places are defined by their blocks and streets. Blocks need to be walkable in length and organized into a fine-grained pattern for an increased sense of location and direction. Pedestrian-friendly blocks typically range somewhere between 300 and 600 feet, with longer blocks broken by paseos (refer to General Plan Policies UD-C.6d). One Paseo is comprised of five pedestrian-friendly blocks, each made up of varying uses to create a multi-functional walkable environment.

Paseos, defined as “a slow, easy stroll outdoors along a street or series of streets”, are spaces specifically for pedestrians integrated into the overall circulation network, and connect to the larger more public open spaces. They reduce the overall block length, extend retail and dining opportunities, and reinforce the pedestrian scale at sidewalk level (refer to General Plan Policies UD-C.6d). These types of spaces offer connections to residential lobbies, parking facilities and other types of open spaces throughout the project.

The bicycle is an important means of transportation. As an alternative to the automobile, a well-planned bicycle network can promote a low-cost, quiet, non-polluting, and healthy mode of transportation. The project’s vision aims to provide a safe and convenient bicycle route network that encourages bicycle use and provides ample amenities for cyclists. Consistent with the LEED for Neighborhood Development Rating System (LEED-ND), the project is designed to connect the on-site *bicycle network*<sup>3</sup> to the existing community *bicycle network* of at least 5 continuous miles in length within ¼ mile bicycling distance of the project boundary.

**Class II Bike Lane:** These facilities are often referred to as bike lanes. Bike lanes provide a striped and stenciled lane for one-way travel on a street or highway. When properly designed, bike lanes help improve the visibility of bicyclists. Class II bike lanes will be provided along Del Mar Heights Road and El Camino Real along the project boundary.

**Class III Bike Route:** Generally referred to as a bike route, it provides for shared use with pedestrian or motor vehicle traffic and is identified only by signing. This is recommended when there is enough right-of-way for bicyclists and motorists to safely pass. Class III bike routes will be provided within the interior of the project boundary.



### Bicycle Parking

Bicycle parking will be fully accessible and convenient. Primary bicycle parking areas will be concentrated along major building entrances, and public plazas. The locations are predominantly adjacent to existing or proposed bicycle routes. The proposed locations will facilitate a seamless transition from bikeway to secure bike parking so riders will not need to dismount and “walk” their bikes. Great care should be taken in designing and implementing bicycle parking areas to preserve aesthetics and maintain community values. Bike racks and lockers should also be installed near building entrances within the core of Main Street. Secondary internal drives should also be outfitted with bicycle parking to provide for direct access to commuters.

<sup>3</sup> (LEED-ND Rating System) **bicycle network** a continuous network consisting of any combination of physically designated in-street bicycle lanes at least 5 feet wide, off-street bicycle paths or trails at least 8 feet wide for a two-way path and at least 5 feet wide for a one-way path, and/or streets designed for a target speed of 25 miles per hour or slower.



The following measures are suggested:

- Adopt a standard bicycle rack design for future installations. At a minimum, a favorable bike rack style includes the following: a stable structure and an anchored, permanent foundation; a design that prevents bicycles from being tipped over; a design to accommodate a wide range of bike styles; and space to secure the frame and one or both tires.
- Develop a systematic bicycle rack replacement program to phase out obsolete rack styles. To encourage cyclists to park in the primary bicycle parking areas, rack replacement or installation within these areas should be prioritized.
- Introduce secure bicycle parking (e.g., bike lockers, bike rooms, etc.) within residential and office buildings and the proposed parking garages. It is envisioned that office building bicycle parking will be provided free of charge to tenants participating in the *OPCommute* program on a first-come-first serve basis or through a lottery. Secure bicycle parking within parking/office structures will be accessible only to those who have the service, likely on a bi-annual basis. All secure bicycle parking facilities will contain bike racks within a locked perimeter barrier accessible only to participants in the program. Secure, enclosed bicycle storage areas must be locked and easily accessible to residents and/or workers.



### **Bicycle Support Services & Amenities**

Education – Measures taken to increase awareness of the bicycle network on-site as well as in the community, how to safely ride a bike, and how to properly maintain a functioning bike.

- *Bike Network Awareness* – Publicize and distribute the Regional bike network plan San Diego Regional Bike Map, and <http://www.ridethecity.com/sandiego> provide information on the *OPCommute* Web site to include an online form for reporting maintenance issues; increase content and frequency of presentations on the bicycle network and viability as a work/school commute mode.
- *Safe Cycling* – Offer presentations throughout the year (May 2 Bike to Work Day, June 3 Dump the Pump Day, October Rideshare Month ) focused on bicycle safety and offer incentives to encourage attendance; develop marketing campaigns to address common safety concerns or to target specific markets (e.g., incoming tenants, community events, etc.).

### Amenities

- *Bicycle Maintenance* – Support the expansion of low-cost, on-site bicycle maintenance through Bike Cart/Bike Concierge service, which includes provision of permanent high-visibility location to store equipment and perform repairs; increase advertisement of bike repair workshops (e.g., Bike 101); provide bike tire air stations. A Bike Cart/Bike Concierge service will be located in block “C” of the One Paseo project.
- Showers and lockers in office buildings for employees, who bike, walk or run to work.
- Direction on how to bike to nearest transit stop and bike trail linkages.





### **Electric Vehicle Charging Stations**

Electric charging stations will be a part of the long-range parking strategy for the project; while Electric Vehicle Charging Stations are not a direct TDM measure, they do assist in supporting the project's overall sustainability goals. More importantly, one of the most successful vehicle sharing programs in the region, Car2Go, is wholly dependant on a successful and broad base network of EV charging stations. Although Car2Go does not currently include Carmel Valley in its service area, the goal is to be ready when electric vehicle car-sharing programs such as Car2Go do expand their current service areas in the region.



### **Shuttle Program**

Provide an on-site shuttle program that will be phased in as the project reaches final build-out phase. Initial implementation of the shuttle program will include convenient shuttles running during midday intervals to provide mobility options to the Employment Center in Carmel Valley (e.g. High Bluff Drive and El Camino Real).

The shuttle will include an am/pm peak time route that would generally run from the project site to the closest transit connection, initially the Sorrento Valley Coaster Station. The frequency of operation and the route will be evaluated periodically to gauge the benefit of ridership in relation to operational costs. The frequency of operation and the route may be adjusted from time to time based on market demand for the service.

A shuttle stop may be added to serve children from the One Paseo project to their designated local public school once the residential portion of the project is builtout and a sufficient market demand exists to serve the children that may reside in the project.

### **Parking Cash-out**

Encourage employers (through education and leasing agreements) to provide a "parking cash-out" option to employees who do not drive. Financial incentives for ridesharing are currently available to reduce costs through the SANDAG commute program, and employers are allowed to offer payroll tax savings for transportation assistance up to \$245 a month per employee for transit passes or vanpool vouchers (as of 2013 published incentive rates). Pre-tax programs offer savings to employers as well as employees. Transit subsidies can be deducted as a business expense. When funds are removed from paychecks before taxes are applied, employers save on payroll taxes.

### Tenant/Resident/Staff Resources

Provide links to regional plans and best practices by government agencies and third parties via a web-site targeted for tenants, residents and staff via a specific web-site link associated with the project. The website could be: *OPCommute.com* initially.

Provide Information regarding:

- Flexible Work Schedule/Telecommuting Policies to reduce peak hour Single Occupancy Vehicle (SOV) trips.
- Biking links
- Walking, Carpooling, Vanpooling, Shuttles, E-Charge, What's New

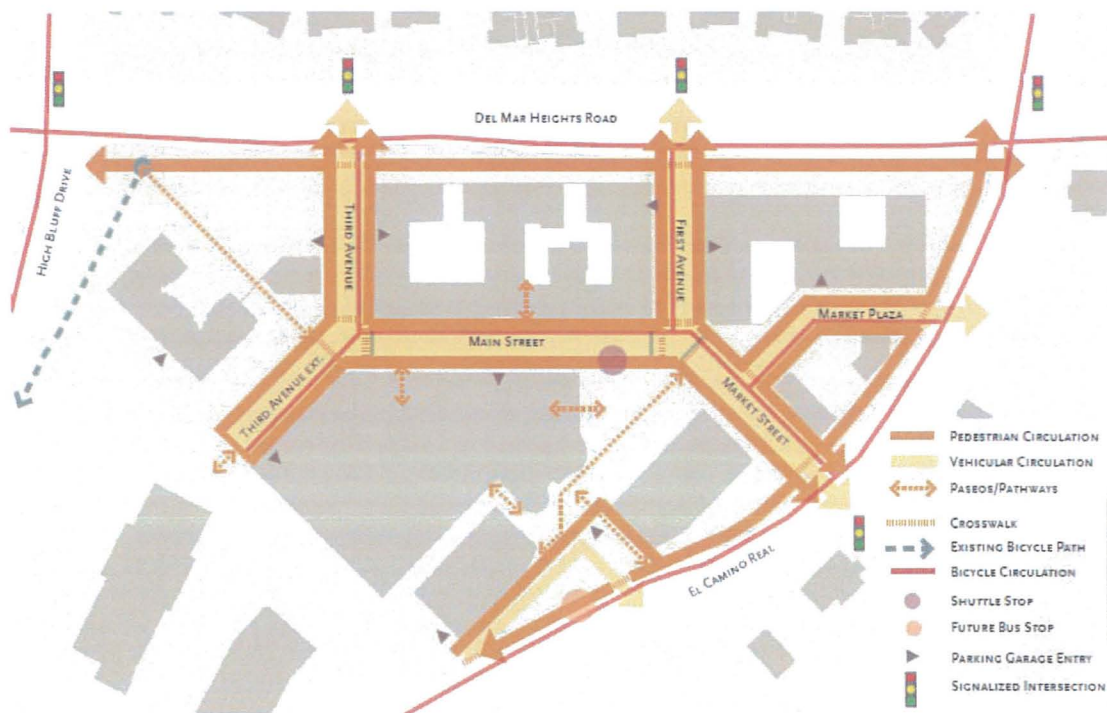


Figure 1a: Mobility Plan

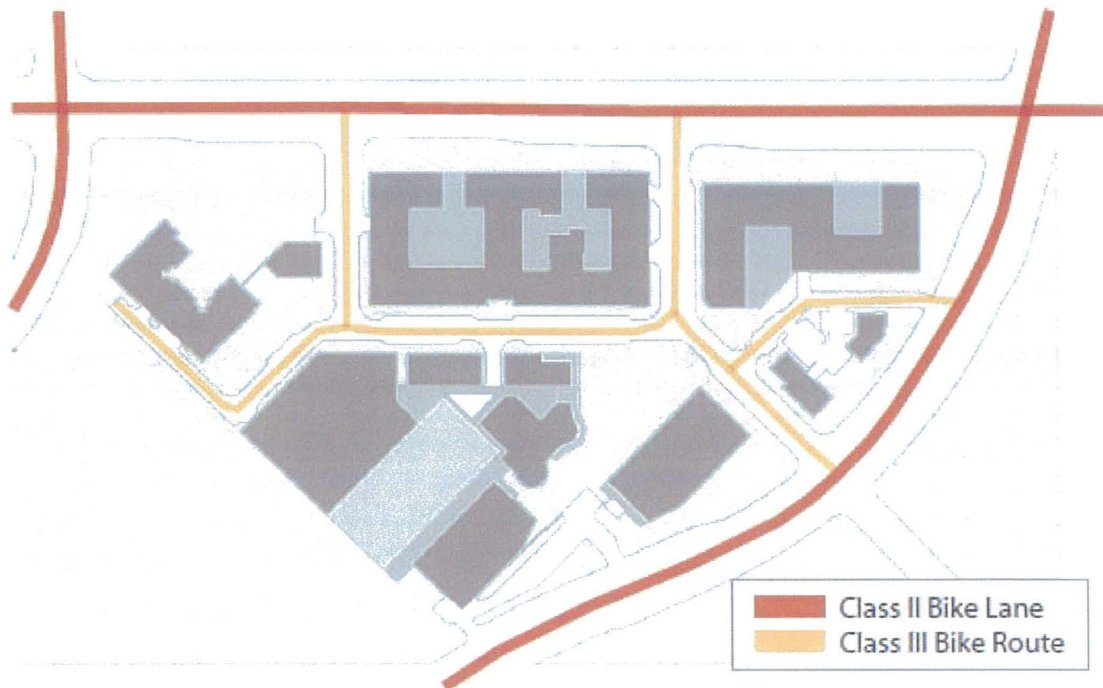


Figure 1b: Bicycle Circulation

### Transportation Coordinator/TDM Sustainability Coordinator

Work with local established advocacy groups such as Circulate San Diego, Bike San Diego and the San Diego County Bicycle Coalition to promote and manage alternative transportation programs. SANDAG has also established a successful commute program which offers assistance and tools to commuters and employers. Consideration will be given to utilizing the service bureau of one of these organizations in lieu of funding an on-site transportation/TDM Sustainability coordinator (Coordinator).

The Coordinator will provide the following services with overall goal to reduce SOV trips during peak hours:

- Provide marketing and outreach for all TDM programs including presentations to tenants, staff and community members at large.
  - \* Create flyers
  - \* Letters to employees
- Act as the primary point of contact for residents, employees and tenants, and patrons of One Paseo wanting to travel using an alternative mode.
- Promote services and resources available through OPCommute.com such as:
  - Emergency Ride Home Guarantee
  - Ride Matcher resources
- Offer individualized trip planning to residents, employees and tenants of One Paseo. Trip planning is a customer-based service through which the coordinator can suggest and possibly arrange commute options, ranging from a rideshare match to recommending bike routes. Given



the close proximity of two train stations to the site, trip planning via the Coaster and Amtrak should be considered.

- Conduct annual surveys and provide reports to assess user satisfaction and quantify TDM effectiveness. Typical measures of effectiveness include the following: Eco-vehicle ride share program utilization; preferential carpool parking utilization; pedestrian and bicycle counts; transit/shuttle ridership; bicycle parking utilization, number of employees participating in a parking cash out program, parking occupancy counts; and number of public relations events held.

### Transit Enhancements

City of San Diego General Plan Mobility Element  
Figure ME-1 Transit Land Use Connections



The Transit Planning function is not controlled by the project applicant: it is controlled by SANDAG as the regional planning agency. However, a Bus Rapid Transit line is identified in the current 2050 Regional Transportation Plan (RTP) and a *Lower Frequency Bus Service* (identified in Figure ME-1 pg. ME-5 of the General Plan) has traditionally served the perimeter of the site.

According to SANDAG, “As part of the 2050 revenue constrained plan, Rapid Bus Route #473 runs from Oceanside to UTC via Highway 101 Coastal Communities and Carmel Valley. It has both a peak and off-peak headway of 10 minutes, is to be built in the 2030 period, and its capital improvements cost is \$127 million.”

The project is ranked 19 of 53 transit projects in the 2050 RTP. Figure 1 shows a proposed bus stop location that would be provided to serve the Bus Rapid Transit line proposed along El Camino Real on the perimeter of the project.

A second transit route, #653, will run Peak Period Bus Rapid Transit on the I-5. (15 minute headways) by 2035, will connect Mid-city to Palomar Airport Road. However, it is unknown at this time if this BRT on the I-805/I-5 will have a stop in Carmel Valley. If it were to stop at Del Mar Heights Rd and the I-5, it would be approximately ½ mile walking distance from One Paseo to a potential I-5 BRT station. This route will provide access to the Oceanside, and Solana Beach Coaster stations, where riders would have access to both rail (Amtrak, Coaster, Trolley and Sprinter) and local bus lines.

### Carsharing/Bikesharing

Carsharing is gaining momentum in the United States, especially in urban areas and near college and corporate employment campuses. Carsharing is promoted as an alternative to vehicle ownership and is particularly well suited for occasional use, and to allow the commuter to travel the “last mile” between the transit terminal and the workplace and back. This strategy is similar to a rental car service and is effective as long as vehicles are reliable and accessible and pick-up locations are convenient.

Carsharing has the potential to expand as more participants become familiar with the program and understand the benefits. User costs typically consist of an annual membership fee, a nominal hourly rental cost, and a user fee per mile driven. These costs cover all vehicle charges including fuel and insurance. Special rates are common for longer distance trips or for extended periods of time. Carsharing is commonly available to licensed drivers 18 years of age or older, whereas traditional car rentals are typically accessible only to clients 21 or 25 years and older.

San Diego also became the first city in the United States with an all-electric car-sharing system in 2013. By providing ample EV charging stations and preferential parking locations, the probability of encouraging alternatives to vehicle ownership and single occupancy vehicle trips is greatly increased.

Renting out bicycles is the latest San Diego initiative to reduce automobile use. Bike-sharing programs have increased in popularity around the world as some commuters have left their cars behind in favor of riding to work and cities have tried to use the programs to ease traffic congestion. As with car-sharing, bike-sharing can provide the means to travel the “last mile” between the transit terminal and the workplace and back. Bike-rental systems have been successful in several cities throughout the United States. The University of California Transportation Center estimated there were 165 cities with sharing programs in the world that use 237,000 bikes as of May 2011. San Diego’s bike-share program is expected to be run completely by private entities and cost taxpayers nothing. The San Diego County Bicycle Coalition participated in San Diego’s recent steps to build the nation’s largest bike-friendly business improvement district program, already showing a positive impact on neighborhood commercial districts.

With the extensive commitment to bicycle infrastructure provided at the One Paseo project, it is anticipated that it will be an ideal location for implementing a bike-share program within the Carmel Valley area.

### Trip Reduction Membership Program

The One Paseo Association will have the option to implement TDM elements as standalone initiatives (e.g., reduced rate transit pass options, carpool program, etc.) or consolidate them to one “umbrella” trip reduction program. Successful examples of a consolidated program include Stanford University’s Commute Club and the City of San Diego’s Transportation Alternatives Program (TAP).

A single trip reduction membership program could provide the following benefits:

- Provide consistent branding of the program and streamlined, cost-effective marketing.
- Bundle incentives and provides equitable membership benefits.
- Reduce confusion and redundancy of multiple programs.
- Simplify TDM evaluation and reporting of performance indicators. It is difficult to isolate the effectiveness of a singular TDM strategy when many are offered. TDM is best viewed as a combination of complementary components.
- Heighten profile of commitment to sustainable practices, employee work/life balance, and the quality of the life throughout the community of Carmel Valley.



The Transportation/TDM Sustainability Coordinator will work to coordinate all of the following TDM strategies to track and enhance the effectiveness of these measures.

## TDM PLAN RECOMMENDATIONS TABLE

RECOMMENDATION	TARGETED AUDIENCE	PHASING
Ridesharing, Preferential Carpool Parking and Parking Strategies	Entire Community	100% within scope of development for each project phase
Pedestrian and Bicycle Circulation Improvements	Entire Community	100% within scope of development for each project phase
Bicycle Parking	Entire Community	100% within scope of development for each project phase
Bicycle Support Services	Entire Community	Phase 2
Electronic Vehicle Charging Stations	Entire Community	100% within scope of development for each project phase
Shuttle Program	Entire Community	Project Build-out (unless regional funding sources become available with earlier demand for service)
TENANT/RESIDENT/STAFF RESOURCES		Incremental with build out of each phase
• TDM Resource Website	Entire Community	Upon Introduction of final office phase or final residential phase
• Transit Enhancements	Entire Community	Controlled by Regional funding sources – Not within control of project developer
• Carsharing/Bikesharing	Entire Community	Market driven by third party providers willing to expand programs based on market demand
• Trip Reduction Membership Program	Entire Community	Final Project Phase

## REFERENCES

1. *Integrating Transportation Demand Management into the Planning and Development Process* a reference for cities (May 2012)  
[http://www.sandag.org/uploads/publicationid/publicationid\\_1663\\_14425.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1663_14425.pdf)
2. *Parking and Transportation Demand Management*  
[www.greatcommunities.org](http://www.greatcommunities.org)
3. *LEED 2009 for Neighborhood Development Rating System* [Created by the Congress for the New Urbanism, Natural Resources Defense Council, and the U.S. Green Building Council (Updated October 2013)]

## OWNERSHIP DISCLOSURE STATEMENT

**KILROY REALTY CORPORATION**  
**CORPORATE OFFICERS**  
**March 11, 2014**

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<u>Name</u>	<u>Office</u>
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Jeffrey C. Hawken	EVP, COO and Assistant Secretary
Tyler H. Rose	EVP, CFO and Secretary
Eli Khouri	EVP and Chief Investment Officer
David Simon	EVP
Justin Smart	EVP Development & Construction Services
A. Robert Paratte	EVP Leasing and Business Development
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James Axtell	Senior Vice President Asset Management, L.A.
Richard Buziak	Senior Vice President Asset Management, Northern CA
Brian Galligan	Senior Vice President Asset Management, San Diego
Heidi Roth	SVP-CAO, Controller and Assistant Secretary
Rick Mount	Senior Vice President Construction Services
Joseph Magri	Senior Vice President Counsel & Assistant Secretary
Rich Ambidge	Senior Vice President Development & Construction Services
Chris Heimburger	Senior Vice President Development
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Stan Low	Senior Vice President MIS
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Mike Sanford	Senior Vice President Northern California
Steve Scott	Senior Vice President San Diego
Mike Shields	Senior Vice President Pacific Northwest
Michelle Ngo	Senior Vice President and Treasurer
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David Weinstein	Vice President Asset Management (Northern CA)
Tony Kathol	Vice President Asset Management
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Jonas Vass	Vice President Development
Robert Little	Vice President Development (San Diego)
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Joseph Bruna	Vice President Internal Reporting
Sara Neff	Vice President Sustainability
Mike Stauffer	Vice President Tax
Janelle Strand	Vice President Training & Quality Control



Looking east at High Bluff Drive







Looking east along Del Mar Heights Road, site to  
the south



Looking southwest from the El Camino Real and Del  
Mar Height Road towards the site







Looking west from El Camino Real into the site





Looking southeast from High Bluff Drive into the  
site