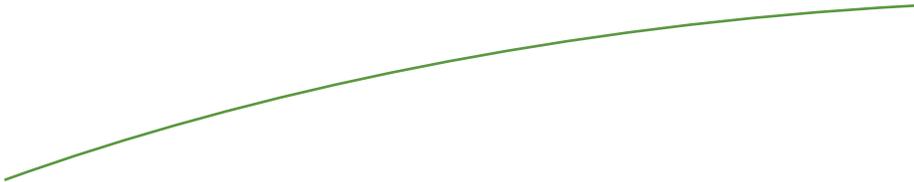




EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

This summary provides a brief synopsis of the One Paseo project description, the results of the environmental analysis, and project alternatives considered in this Environmental Impact Report (EIR). The summary does not contain the extensive background and analysis contained in the EIR. Therefore, the reader should review the entire EIR to fully understand the project and its environmental consequences.

ES-1 PROJECT LOCATION AND DESCRIPTION

The 23.6-acre project site is located at the southwestern corner of Del Mar Heights Road and El Camino Real in the developed suburban Carmel Valley community within the City of San Diego. The project site consists of a graded site with manufactured slopes and streetscaping along the perimeters that are adjacent to existing roadways. The project site was graded between 1986 and 1990 as part of previous entitlements. The baseline for environmental analysis in this EIR is the graded vacant project site as of the date of issuance of the Notice of Preparation (NOP; May 25, 2010).

The project entails the phased construction of a mixed-use development encompassing a maximum of 1,857,440 gross square feet (sf) consisting of approximately 270,000 gross sf of commercial retail (all 270,000 sf comprises the gross leasable area [gla]), approximately 557,440 gross sf of commercial office (536,000 sf gla), approximately 100,000 gross sf consisting of a 150-room hotel, and approximately 930,000 gross sf consisting of a maximum of 608 multi-family residential units. The project also would include public space areas, internal roadways, landscaping, hardscape treatments, utility improvements, and parking facilities to support these uses. A total of 4,089 parking spaces would be provided throughout the site in subsurface garages, one above-ground parking structure, and small surface lots. Associated off-site improvements (e.g., frontage improvements, utility extensions, access improvements, and intersection improvements proposed as mitigation for project traffic impacts) associated with the project also are analyzed throughout this EIR.

For the purposes of phasing, the project has been divided into five blocks (Blocks A through E) surrounding a central Main Street. Blocks D and E would be constructed in Phase 1, Block A is anticipated to be constructed in Phase 2, and Blocks B and C are anticipated to be developed in Phase 3. Table ES-1 presents a summary of the proposed land uses within each Block and the anticipated development of these uses per phase and Block in terms of gla and number of hotel rooms and residential units. This EIR analyzes potential environmental impacts resulting from this anticipated phasing sequence of the proposed project. Table ES-2 summarizes the maximum gross floor area of the proposed project by use in terms of gross sf. These summaries are intended to represent the maximum development potential proposed by the project. Because the project would be developed in phases driven by market conditions, densities of these uses may vary per phase, but the total area (gla and gross sf) or number of units of each use would not exceed the maximum area/units for that use. This would allow for some flexibility as the project is built out, while maintaining the maximum area/units of each use and the aggregate project total of no greater than 1,857,440 gross sf of proposed development.

The proposed mixed-use project will likely require that development be phased over a number of years. The timing and scope of future development proposals may result in the need to modify the proposed phasing identified in the proposed Precise Plan Amendment or planned construction schedule. Development may proceed in smaller or larger increments other than Blocks A through E or identified phases, provided proposed projects comply with the Transportation Phasing Plan, the Mitigation, Monitoring and Reporting Program (MMRP), and the approved conditions of the Vesting Tentative Map and Site Development Permit. Changes to the anticipated construction sequence analyzed in this EIR would be reviewed against the conclusions and MMRP in the certified Final EIR for the project.

| Table ES-1 DEVELOPMENT SUMMARY | | | | | | | |
|--|--|---------------------|--|-------------------------------------|------------------|---------------------------|---|
| Phase/Block | Commercial Retail ¹ (sf) | | Commercial Office ³ (sf) | | Hotel (Rooms) | Residential (MF Units) | Total ³ |
| | Retail | Cinema ² | Corporate Office | Professional Office ⁴ | | | |
| <i>Phase 1 (Start of Construction Anticipated in 2013)</i> | | | | | | | |
| Block D | 61,190 | --- | 270,000 | 21,000 | --- | --- | 352,190 |
| Block E | 39,460 | --- | 245,000 | --- | --- | --- | 284,460 |
| <i>Phase 1 Total</i> | <i>100,650</i> | <i>---</i> | <i>515,000</i> | <i>21,000</i> | <i>---</i> | <i>---</i> | <i>636,650</i> |
| <i>Phase 2 (Start of Construction Anticipated in 2014)</i> | | | | | | | |
| Block A | 65,610 | --- | --- | --- | --- | 194 | 65,610 + 194 MF units |
| <i>Phase 2 Total</i> | <i>65,610</i> | <i>---</i> | <i>---</i> | <i>---</i> | <i>---</i> | <i>194</i> | <i>65,610 + 194 MF units</i> |
| <i>Phase 3 (Start of Construction Anticipated in 2015)</i> | | | | | | | |
| Block B | 38,940 | --- | --- | --- | 150 | 181 | 38,940 + 150 hotel rooms + 181 MF units |
| Block C | 14,800 | --- | --- | --- | --- | 233 | 14,800 + 233 MF units |
| Block D | --- | 50,000 | --- | --- | --- | --- | 50,000 |
| <i>Phase 3 Total</i> | <i>53,740</i> | <i>50,000</i> | <i>---</i> | <i>---</i> | <i>---</i> | <i>414</i> | <i>103,740 + 418 MF units</i> |
| Total¹ | 220,000 | 50,000 | 515,000 | 21,000 | 150 | 608 | 806,000 + 150 hotel rooms + 608 MF units |

MF = multi-family

¹ As it relates to retail, all areas are considered gross leasable because all retail space may be leasable.

² Cinema consists of up to 10 screens.

³ Gross Leasable Area (excludes parking structures in conformance with City of San Diego LDC Sections 113.0234 and 142.0560). Density transfers permitted in accordance with procedures described in the Precise Plan.

⁴ Professional Office (located on Main Street).

| Table ES-2 GROSS FLOOR AREA SUMMARY ¹ | | | | | | |
|---|---------------------|---------------------------|-------------------------------------|---------------|---------------------|-----------|
| Commercial Retail ² (sf) | | Commercial Office (sf) | | Hotel (sf) | Residential (sf) | Total |
| Retail | Cinema ³ | Corporate Office | Professional Office ⁴ | | | |
| 220,000 | 50,000 | 535,600 | 21,840 | 100,000 | 930,000 | 1,857,440 |

¹ Gross Floor Area calculations per Land Development Code.

² Gross square feet

³ Cinema of up to 10 screens.

⁴ Professional Office (located on Main Street).

ES-2 ENVIRONMENTAL ANALYSIS

The EIR contains an environmental analysis of the potential impacts associated with implementation of the proposed project. The issues that are addressed in detail in the EIR include Land Use, Transportation/Circulation/Parking, Visual Effects and Neighborhood Character, Noise, Air Quality, Energy, Greenhouse Gas Emissions, Paleontological Resources, Biological Resources, Hydrology/Water Quality, Public Utilities, Public Services and Facilities/Recreation, Health and Safety, and Historical Resources. Of these issues, the analysis concluded that significant, direct and/or cumulative impacts would occur with respect to Transportation/Circulation/Parking, Visual Effects and Neighborhood Character, Noise, Paleontological Resources, Biological Resources, Health and Safety, and Historical Resources. All significant impacts would be reduced to below a level of significance by proposed mitigation measures with the exception of Transportation/Circulation/Parking and Visual Effects and Neighborhood Character. The analysis contained in this EIR concluded that the project would not have significant impacts related to Land Use, Air Quality, Energy, Greenhouse Gas Emissions, Hydrology/Water Quality, Public Utilities, and Public Services and Facilities/Recreation.

Based on initial environmental review of the project, the City of San Diego (City) has determined that the proposed project would not have the potential to cause significant adverse effects in the following areas: Agriculture and Forestry Resources, Geology and Soils, Mineral Resources, and Population and Housing.

Table ES-3 summarizes the proposed project's potentially significant environmental impacts and proposed mitigation measures by issue, as analyzed in Section 5.0, *Environmental Analysis*, and 6.0, *Cumulative Impacts*, of this EIR. The last column of this table indicates whether the impact would be reduced to below a level of significance after implementation of proposed mitigation measures.

ES-3 PROJECT ALTERNATIVES

Alternatives to the proposed project are evaluated in Section 12.0, *Alternatives*, of this EIR in terms of their ability to meet most of the objectives of the proposed project, and eliminate or further reduce significant environmental effects of the project. In addition, the California Environmental Quality Act (CEQA) requires the inclusion of a No Project Alternative. The alternatives considered in this EIR include the No Project/No Development Alternative, No Project/Development Under Existing Plans Alternative, Commercial Only Alternative, the Medical Office/Senior Housing Alternative, and the No Retail Alternative. These alternatives are briefly summarized below.

No Project/No Development Alternative

Under the No Project/No Development Alternative, the proposed mixed-use development would not be constructed and the site would remain in its current vacant, graded condition. In addition, the proposed General Plan/land use plan amendments or Rezone would not occur.

The No Project Alternative would eliminate all impacts resulting from the proposed project.

No Project/Development Under Existing Plans Alternative

The No Project/Development Under Existing Plans Alternative would involve developing the site under the current land use and zoning designations of the Community Plan, Precise Plan, and the Carmel Valley PDO. Per these plans, the site would be developed with Employment Center uses. Buildout under the existing zoning would allow for approximately 510,000 sf of corporate office uses and associated parking. Due to the size of development under this alternative compared to the size of the project site, it is assumed that parking would be provided with surface parking lots. The amount of earthwork, therefore, would be greatly reduced from the proposed project since subsurface parking would not be constructed. No General Plan, Community Plan, or Precise Plan amendments or Rezone would be required under this alternative.

The No Project/Development Under Existing Plans Alternative would result in less impacts compared to the proposed project. Specifically, this alternative would avoid two significant traffic impacts resulting from the proposed project and significant community character impacts. This alternative also would avoid potentially significant impacts under the proposed project related to on-site land use – noise compatibility, paleontological resources, and historical resources. Impacts associated with biological resources, health and safety, and public utilities would be same as the proposed project.

Commercial Only Alternative

Under the Commercial Only Alternative, the commercial elements of the proposed project would be constructed, including 510,000 sf (gla) of corporate office, 21,000 sf (gla) of professional office, and 270,000 sf (gla) of retail, for a total of 806,000 sf (gla). No residential uses or the hotel would be constructed. Similar to the 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. As a result, the amount of earthwork would be greatly reduced from the proposed project.

The Commercial Only Alternative would result in a net ADT reduction of approximately 15 percent compared to the proposed project, which would lessen traffic impacts, but would not reduce them to below a level of significance. Similarly, significant community character impacts would be lessened, but not avoided altogether with this alternative. The Commercial Only Alternative would avoid potentially significant on-site land use – noise compatibility impacts associated with stationary noise sources from commercial uses, as well as construction noise impacts resulting from the proposed project. This alternative also would avoid potentially significant impacts related to paleontological resources and historical resources. Impacts associated with land use - noise compatibility (other than stationary noise sources from commercial uses as discussed above), biological resources, and health and safety would be same as the proposed project.

Medical Office/Senior Housing Alternative

The Medical Office/Senior Housing Alternative entails the construction of approximately 425,000 sf of medical office and 600 senior housing units. Similar to the 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. As a result, the amount of earthwork would be greatly reduced from the proposed project.

The Medical Office/Senior Housing Alternative would result in a net ADT reduction of approximately 12 percent compared to the proposed project, which would lessen traffic impacts, but would not reduce them to below a level of significance. Similarly, significant land use – noise compatibility impacts and community character impacts would be lessened, but not avoided altogether with this alternative. This alternative also would avoid potentially significant impacts related to paleontological resources and historical resources. Impacts associated with noise (other than land use – noise compatibility as discussed above), biological resources, and health and safety would be same as the proposed project.

No Retail Alternative

The No Retail Alternative entails the development 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 proposed project. Parking would be provided in subsurface garages and an above-ground structure. This alternative was developed to reduce project-generated traffic by removing the commercial retail uses of the proposed project, as well as provide a slight reduction in development intensity relative to the proposed project.

The No Retail Alternative would result in a net ADT reduction of approximately 61 percent compared to the proposed project, which would lessen traffic impacts, but would not reduce them to below a level of significance. In comparison to the proposed project, this alternative would result in potentially significant traffic impacts to the same three roadway segments, five intersections, and two freeway ramp meters as the proposed project. The V/C ratio along roadway segments and delays at the intersections and freeway ramp meters would be reduced, but not to below a level of significance. As with the project, impacts to freeway segments would be less than significant under the No Retail Alternative. The No Retail Alternative also would reduce the scale and bulk of development in comparison to the proposed project, but the structures under this alternative would, like the proposed project, represent enough of a scale and bulk differential to create a potential inconsistency with lower-scale commercial and residential development proximate to the project site. Identified significant impacts to transportation/circulation/parking, community character, noise, biological resources, and health and safety from the proposed project would remain under this alternative.

ES-4 AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The City prepared a NOP, dated May 25, 2010, and distributed it to the public including all responsible and trustee agencies, members of the general public, and governmental agencies, including the State Clearinghouse. Comments on the NOP were received from the Carmel Valley Community Planning Board; Torrey Pines Community Planning Board; Sheppard, Mullin, Richter and Hampton LLP on behalf of Donohue Shriber, Inc.; California Department of Transportation; Native American Heritage Commission; and members of the public. A scoping meeting was held on June 9, 2010 to inform the public about the project and receive comments. Copies of the NOP and comment letters are contained in Appendix A of this document. The concerns raised during the NOP and scoping meeting process were primarily related to traffic, land use, neighborhood character, density, and urban decay.

During the NOP comment period, concerns were raised about the density of the proposed project and whether the project would be consistent with the existing community character of Carmel Valley. Typical environmental issues associated with density include land use compatibility, traffic, visual effects and neighborhood character, noise, and air quality. These environmental issues and associated potential project impacts related to density are analyzed in their respective section of this EIR.

| Table ES-3 PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|---|---|--|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| TRANSPORTATION/CIRCULATION/PARKING | | |
| Implementation of the proposed project would result in a direct impact on the roadway segment of Del Mar Heights Road from I-5 SB ramps to I-5 NB ramps. | <p>Mitigation Measure 5.2-1: Prior to issuance of the first building permit for Phase 1, the project applicant shall reconfigure the median on the bridge to extend the EB to NB dual left-turn pocket to 400 feet to the satisfaction of the City Engineer.</p> <p>Direct impacts are considered significant because the roadway segment would continue to operate at LOS E even with implementation of this proposed improvement. Therefore, direct impacts would remain significant.</p> | Significant |
| Implementation of the proposed project would result in a direct and cumulative impact on the roadway segment of Del Mar Heights Road from I-5 NB ramps to High Bluff Drive. | <p>Mitigation Measure 5.2-2: Prior to issuance of the first building permit for Phase 1, the project applicant shall widen the segment to extend the WB right-turn pocket at the I-5 NB ramps by 845 feet and modify the raised median to the satisfaction of the City Engineer.</p> <p>Direct and cumulative impacts would remain potentially significant following installation of the improvements, which are outside the control of the City.</p> | Significant (direct and cumulative) |
| Implementation of the proposed project would result in a direct and cumulative impact on the roadway segment El Camino Real from Via De La Valle to San Dieguito Road. | <p>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.</p> <p>This roadway segment of El Camino Real is planned to be widened to a four-lane Major and is programmed and funded in the City of San Diego Facilities Financing Program as CIP T-12.3. Direct impacts to this segment of El Camino Real are considered significant because there is no assurance of when the planned road widening improvements would occur. Direct impacts therefore would remain significant until the roadway is widened.</p> | Less Than Significant (cumulative) Significant (direct) |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|--|--|---|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| TRANSPORTATION/CIRCULATION/PARKING (cont.) | | |
| Implementation of the proposed project would result in a direct and cumulative impact on the roadway segment of Via de la Valle from San Andreas Drive to El Camino Real (West). | <p>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.</p> <p>This roadway segment of Via de la Valle is planned to be widened to a four-lane Major and is programmed and funded in the Black Mountain Ranch Public Facilities Financing Plan as Project No. T-32.1. Direct impacts are considered significant because there is no assurance of when the planned road widening improvements would occur. Direct impacts therefore would remain significant until the roadway is widened.</p> | <p>Less than significant (cumulative)</p> <p>Significant (direct)</p> |
| Implementation of the proposed project would result in a direct and cumulative impact on the intersection of Carmel Creek Road/Del Mar Trail. | <p>Mitigation Measure 5.2-5: Prior to issuance of the first building permit for Phase 1, the project applicant shall install a traffic signal at the Carmel Creek Road/Del Mar Trail intersection, to the satisfaction of the City Engineer.</p> | Less than significant (direct and cumulative) |
| Implementation of the proposed project would result in direct and cumulative impacts on the intersection of Del Mar Heights Road/High Bluff Drive. | <p>Mitigation Measure 5.2-6: Prior to issuance of the first building permit for Phase 1, the project applicant shall construct a dedicated NB right-turn lane to the satisfaction of the City Engineer.</p> <p>Mitigation Measure 5.2-7: Prior to issuance of the first building permit for Phase 2, the project applicant shall construct 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.</p> | Less than significant (direct and cumulative) |
| Implementation of the proposed project would result in direct and cumulative impacts on the intersection of Del Mar Heights Road/El Camino Real. | <p>Mitigation Measure 5.2-8: Prior to issuance of the first building permit for Phase 1, the project applicant shall construct 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.</p> | Less than significant (direct and cumulative) |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|---|--|--|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| TRANSPORTATION/CIRCULATION/PARKING (cont.) | | |
| Implementation of the proposed project would result in a cumulative impact on the intersection of El Camino Real/SR 56 EB on-ramp. | <p>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 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.</p> <p>Cumulative impacts are considered potentially significant until the identified improvements are installed, which are outside the control of the City.</p> | Significant |
| Implementation of the proposed project would result in direct and cumulative impacts on the intersection of Del Mar Heights Road/I-5 NB ramps. | <p>Mitigation Measure 5.2-10: Prior to issuance of the first building permit for Phase 1, the project applicant shall construct 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 raise median; and (3) reconfigure the median on the Del Mar Heights Road bridge to extend the EB dual left-turn pocket to 400 feet.</p> <p>Direct and cumulative impacts would remain potentially significant following installation of the improvements, which are outside the control of the City.</p> | Significant (direct and cumulative) |
| Implementation of the proposed project would result in a cumulative impact on the intersection of Del Mar Heights Road/I-5 SB on-ramp meter. | <p>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.</p> <p>Cumulative impacts are considered potentially significant until this identified improvement is completed, which is outside the control of the City.</p> | Significant |
| Implementation of the proposed project would result in a cumulative impact on the intersection of Del Mar Heights Road/I-5 NB on-ramp meter. | <p>Mitigation Measure 5.2-12: Prior to issuance of the first building permit for Phase 1, the project applicant shall widen and re-stripe the I-5 NB on-ramp to add an HOV lane to the satisfaction of the City Engineer and Caltrans.</p> <p>Cumulative impacts are considered potentially significant until this identified improvement is completed, which is outside the control of the City.</p> | Significant |
| Implementation of the proposed project would result in construction impacts to the roadway segment of Del Mar Heights Road from I-5 NB ramps to High Bluff Drive. | <p>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.</p> | Less than significant |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|--|---|--|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER | | |
| <p>The project site is located at a highly visible and prominent location within Carmel Valley and proposed buildings would, despite project design strategies to minimize apparent height and mass, contrast with existing surrounding development.</p> | <p>There is no feasible mitigation to reduce community character impacts to below a level of significance.</p> | <p>Significant</p> |
| NOISE | | |
| <p>There is potential for on-site stationary sources to exceed the noise limits of the Noise Ordinance between proposed uses.</p> | <p>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 planning and 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:</p> <ul style="list-style-type: none"> ▪ 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. | <p>Less than significant</p> |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|---|--|--|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| NOISE (cont.) | | |
| | 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. | |
| Proposed residences and offices could be exposed to interior noise levels above those allowed by the General Plan Noise Element Land Use – Noise Compatibility Guidelines. | <p>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:</p> <ul style="list-style-type: none"> ▪ 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. <p>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.</p> | Less than significant |
| Proposed on-site uses could generate noise exposing proposed residences or hotel uses to levels above the General Plan Noise Element Land Use – Noise Compatibility Guidelines. | <p>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:</p> <ul style="list-style-type: none"> ▪ 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; | Less than significant |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|---|---|--|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| NOISE (cont.) | | |
| | <ul style="list-style-type: none"> ▪ 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 residences¹; and ▪ Commercial lease agreements shall include strict enforceable measures to control interior and exterior noise to limit impacts to residential areas. <p>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.</p> | |
| Construction of Phase 3 may generate noise levels above the allowable 12-hour average of 75 dBA at the adjacent on-site residences that would be constructed in earlier phases. | 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. | Less than significant |

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

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
|--|---|--|
| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| PALEONTOLOGICAL RESOURCES | | |
| <p>Project grading could potentially impact paleontological resources.</p> | <p><i>Mitigation Measure 5.8-1:</i> The following shall be implemented:</p> <p>I. Prior to Permit Issuance</p> <p>A. Entitlements Plan Check</p> <ol style="list-style-type: none"> 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. <p>B. Letters of Qualification have been submitted to ADD</p> <ol style="list-style-type: none"> 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. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 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. | <p>Project grading could potentially impact paleontological resources.</p> |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| PALEONTOLOGICAL RESOURCES (cont.) | | |
| | <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Identify Areas to be Monitored Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation). 3. When Monitoring Will Occur <ol style="list-style-type: none"> 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. 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| PALEONTOLOGICAL RESOURCES (cont.) | | |
| | <p>III. During Construction</p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the PME. 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. 3. The monitor shall document field activity via the Consultant Site Visit Record (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. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| PALEONTOLOGICAL RESOURCES (cont.) | | |
| | <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> 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. <p>IV. Night and/or Weekend Work</p> <ol style="list-style-type: none"> A. If night and/or weekend work is included in the contract <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| PALEONTOLOGICAL RESOURCES (cont.) | | |
| | <ul style="list-style-type: none"> 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. 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 <ul style="list-style-type: none"> 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. <p>V. Post Construction</p> <ul style="list-style-type: none"> A. Preparation and Submittal of Draft Monitoring Report <ul style="list-style-type: none"> 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, <ul style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| PALEONTOLOGICAL RESOURCES (cont.) | | |
| | <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued. <ul style="list-style-type: none"> a. 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 <ul style="list-style-type: none"> 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) <ul style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| BIOLOGICAL RESOURCES | | |
| <p>The removal of trees and construction activities could potentially impact nesting raptors and migratory birds.</p> | <p>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:</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 nesting birds are confirmed per “A” above, mitigation under “A” is not required. | <p>Less than significant (direct and cumulative)</p> |
| HEALTH AND PUBLIC SAFETY | | |
| <p>Potentially significant impacts could occur during project construction activities, including accidental releases of hazardous materials.</p> | <p>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.</p> <p>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.</p> | <p>Less than significant</p> |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES | | |
| <p>The project could potentially impact unknown subsurface prehistoric, ethnohistoric, or historical cultural resources during grading and excavation.</p> | <p>Mitigation Measure 5.14-1: The following measures shall be implemented:</p> <p>I. Prior to Permit Issuance</p> <p>A. Entitlements Plan Check</p> <ol style="list-style-type: none"> 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. <p>B. Letters of Qualification have been submitted to ADD</p> <ol style="list-style-type: none"> 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. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South 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 1/4 mile radius. | <p>Less than significant</p> |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 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. <p>III. During Construction</p> <p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <ol style="list-style-type: none"> 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence. 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present. 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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. <p>IV. Discovery of Human Remains If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> 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. <p>C. If Human Remains ARE determined to be Native American</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <p>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.</p> <p>D. If Human Remains are NOT Native American</p> <ol style="list-style-type: none"> 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. <p>V. Night and/or Weekend Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <p>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.</p> <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> 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. <p>C. All other procedures described above shall apply, as appropriate.</p> <p>VI. Post Construction</p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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. | |

| Table ES-3 (cont.) PROJECT IMPACTS AND PROPOSED MITIGATION | | |
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| IMPACT | MITIGATION MEASURES | ANALYSIS OF SIGNIFICANCE AFTER MITIGATION |
| HISTORICAL RESOURCES (cont.) | | |
| | <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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) <ul style="list-style-type: none"> 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. | |

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