



THE CITY OF SAN DIEGO

## ADDENDUM

Project Number: PRJ-1056469  
Addendum to EIR No. 561630/  
SCH Number 2018011022

**SUBJECT: 4620 Pacific Highway (a.k.a. Viewpoint Old Town): A NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) AND EASEMENT VACATION (EV)** for partial demolition of the west and south walls of the existing Perry's Café building, which would allow for construction of a seven-story above grade building with mezzanine. The structure would be comprised of five stories of residential units in addition to a top-floor mezzanine level, situated over two stories of above grade podium parking, and one level of below grade parking. The project would construct a residential development of approximately 239,887-square-feet (SF) in gross floor area with 223 multi-family dwelling units, amenity space, a mezzanine, outdoor space, and 98,341 SF of parking garage space. The parking garage would include spaces for motorcycle parking, EV capable stalls, van spaces, and accessible parking in addition to utility and storage space. The project would increase the overall allowable density from 73 dwelling units per acre to 128 dwelling units per acre in accordance with the City's Affordable Housing Regulations. The project would include 223 dwelling units (including 33 affordable units for very low-income and moderate-income households). The project includes density bonus incentives and/or waivers pertaining to building height, the maximum number of stories in OTMCR-1-3 base zone, the maximum structure footprint allowed in the OTMCR-1-3 base zone, the 20 percent minimum transparency of the street wall area, the required 20 percent common open space, and the encroachments above the public right-of-way with private residential balconies. The 1.75-acre project site is located at 4620 Pacific Highway. The Old Town Community Plan designates the site as Mixed Commercial Residential, the site is zoned OTMCR1-3, and is designated Multiple Use in the General Plan. The project site is also within Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, Parking Standards Transit Priority Area/Transit Priority Area, Airport Influence Area (San Diego International Airport (SDIA) and Naval Air Station (NAS) North Island, Review Area 2), Airport Land Use Compatibility Overlay Zone, and the Federal Aviation Administration Part 77 Notification (SDIA and NAS North Island) Area. (LEGAL DESCRIPTION: Refer to Title Sheet of the Civil Plans; APN 442-740-03-00, 442-740-06-00, and 442-740-07-00). Applicant: Viewpoint Development



## I. SUMMARY OF PROPOSED PROJECT

The proposed Viewpoint Old Town Project (project) requires a Neighborhood Development Permit (NDP) for new construction of a building or primary structure within the Old Town Planned District, per Table 1516-01, in addition to quitclaims/vacations for existing public utility easements and the proposal of a new easement for a sewer main. The project proposes the construction of a seven-story building with a mezzanine level, five stories of residential units, over a two-story podium (one level of above grade parking and one level of at grade parking) and one level of below grade parking. The project would construct a residential development of approximately 239,887 square feet (SF) in gross floor area with 223 multi-family dwelling units, amenity space, a mezzanine, outdoor space, and 98,341 SF of parking garage space. The three levels of parking would include 5,144 SF of space for bicycle parking, storage, and utilities (Figures 1 through 3).

Pursuant to State Density Bonus law and San Diego Municipal Code (SDMC), the project proposes 33 affordable units (15% very low and 10% moderate income). By providing 33 affordable units, the project would meet the requirements of SDMC Section 143.0720(l)(2) to receive a 75% density bonus for up to 223 units which would be a mix of studios, junior one-bedrooms, one-bedrooms, and two-bedroom units. The project would construct approximately 188,572 SF of net residential building space. One level of subgrade parking, one level of at-grade parking, and one level of above-grade parking would accommodate up to 240 standard vehicles including a total of 24 electric vehicle (EV) capable parking spaces with 12 spaces readily equipped with charging infrastructure, 23 motorcycle parking spaces, 6 Americans with Disabilities Act (ADA) accessible spaces, 2 van spaces, 2 long-term bicycle parking spaces, 32 short-term bicycle parking spaces, and an on-site bicycle repair station. The project proposes a common open space area that would include a gym, jacuzzi, pool and an amenity deck (Figure 4).

The project would retain a portion of the existing Perry's Café building including "Googie-style" roof lines, architectural roof features, and slot windows. An approximate 1,000 SF portion of the west and south walls of the existing building would be demolished. The design of the project would incorporate materials and textures reminiscent of the surrounding Old Town community.

The development is proposed entirely within currently paved/developed areas of the approximately 1.75 acres (76,154 SF) project site located at the northwest intersection of Taylor Street/Rosecrans Street. Grading is estimated to require 7,800 cubic yards (CY) of cut and 200 CY of fill for a total export quantity of 7,600 CY. The maximum depth of cut would be 11 feet under the building footprint and 2.2 feet outside of the building footprint. Maximum fill would be approximately 1.5 feet in both instances. An existing California Department of Transportation (Caltrans) retaining wall located along the length of the western edge of the property (within a 10-foot-wide Caltrans easement) would be retained. If needed, repairs to the retaining wall within its existing footprint may be implemented.

A maximum of 127 dwelling units is allowed on the 1.75-acre project site based on the Old Town Community Plan Update (CPU) land use designations of Old Town Mixed Commercial Residential (OTMCR-1-3) base zone (0 to 73 dwelling units per acre [du/ac]). The project proposes on-site affordable housing equivalent to 25 percent total affordable (15 percent very-low income, plus 10 percent moderate income). Pursuant to the City's Affordable Housing Regulations, the inclusion of the 20 very low-income affordable units and 13 moderate income units allows for a housing



density bonus of 75 percent. The density bonus results in 96 additional units for a total of 223 residential units (including the affordable units) on the project site, yielding residential density of 128 du/ac on, and an overall total of 223 residential units on the 1.75-acre site.

The Land Development Code (LDC), Section 143.0740, allows incentives and an unlimited number of waivers for Affordable Housing Density Bonus projects. The project would be requesting incentives and/or waivers, as follows:

1. Maximum Structure Height – A deviation from the SDMC 1516.0119, Table 1516-01e to allow structure heights up to 85 feet where a 45 foot maximum structure height per the OTMCR-1-3 base zone would be required;
2. Number of Stories – A deviation from SDMC 1516.0119 Table 1516-01e to allow up to 7 stories where the OTMCR-1-3 base zone allows a maximum of 4 stories;
3. Maximum Structure Footprint – A deviation from SDMC 1516.0119 Table 1516-01e to allow a 56,304 SF project footprint where the OTMCR-1-3 base zone would allow a maximum structure footprint of 12,000 SF;
4. Street Wall Transparency – A deviation from SDMC 1516.1027(b)(1) to allow for 12 percent transparency of the street wall area where a 20% minimum transparency of the street wall area would be required.
5. Common Open Space - A deviation from SDMC 1516.0127(c)(3) Table 1516-01g to provide 13,076 sf (17.7%) of common open space where 15,231 sf (20%) common open space for lot areas greater than 30,000 SF would be required.,
6. Encroachment Maintenance and Removal Agreement - A deviation from the ~20'-0" restriction on private resident balcony encroachments above the public right-of-way (SDMC 1516.0128(b)(4)) through an Encroachment Maintenance and Removal Agreement to allow private balconies within 20 feet of the public right-of way.

The project would provide 8,498 SF of on-site landscaping and 5,033 SF of landscaping within the public right-of-way along the sidewalks. Seven trees within the existing right of way would be removed and replaced with 19 new trees along the project frontage, to complement four existing trees that would be retained. Plants to be included on-site would be composed of a variety of native species that would provide shade, vertical interest, and establish transitional areas from building interiors to common outdoor areas.

The site is currently accessible by six concrete driveways off Pacific Highway and one concrete driveway off Rosecrans Street. Site access would be modified to remove five of the existing curb cuts on Pacific Highway and limiting ingress/egress to one main driveway along Pacific Highway. Site access to on-site parking would be provided by one driveway along Pacific Highway. A one-way ingress only driveway along Rosecrans Street and one-way egress only along Pacific Highway is also proposed for loading activities only. The project would include auto, pedestrian, and bicycle facility improvements along the project's frontage with Pacific Highway and Rosecrans Street. Improvements include extending the striping for the southbound right-turn lane on Pacific Highway by an additional 50 feet (from 60 feet to 110 feet) at the intersection with Rosecrans Street. The project would provide bicycle facility improvements along its frontage including replacing the existing Class II bicycle lane with a one-way 6-foot Class IV Cycle Track with two-foot shoulders and flexible posts along the Pacific Highway frontage. Bicycle facility improvements on Rosecrans Street



include the reduction in width of a travel lane and existing walkway to accommodate a new 5-foot Class II bike lane, landscape buffer, and sidewalk.

Gas and electrical service would be provided by San Diego Gas & Electric (SDG&E). All on-site drainage facilities would be constructed per City standards. The project would install an on-site piped stormwater conveyance network to capture, treat, and discharge on-site stormwater into the public storm drain network within the right-of-way along project frontage. Several existing on-site easements would be quitclaimed or vacated, and a new sewer main easement would be dedicated.

Off-site water and sewer main replacement and extensions are required to serve the project. Along the western edge of the project site a new 12-inch water main within Pacific Highway is proposed that would tie into the existing 24-inch facilities within Rosecrans Street. A sewer lateral would be installed connecting the project site to the proposed 8-inch sewer main in Rosecrans Street. The existing 6-inch sewer main within Rosecrans Street and Jefferson Street would be upsized to 8 inches for an approximate 620-foot length.

## **II. ENVIRONMENTAL SETTING**

The 1.75-acre project site is located at 4620 Pacific Highway (APNs 442-740-03-00, 442-740-06-00, and 442-740-07-00) in the Old Town community, within the city of San Diego, San Diego County, California. The project is located at the northwest intersection of Taylor Street/Rosecrans Street and Pacific Highway within the Old Town Community Plan (see Figures 1–4). The project site is directly east of Interstate 5 (I-5) and south of Interstate 8 (I-8) (see Figure 1). The project is located within Township 16 South and Range 3 West on the La Jolla U.S. Geological Survey (USGS) topographic quadrangle. Currently, there is one, single-story building at the site that is occupied by Perry's Café. The rest of the site is composed of asphalt paved parking areas and the topography of the site is relatively flat. An existing Caltrans retaining wall extends along the length of the western edge of the property within a 10-foot Caltrans easement. The retaining wall is approximately 4½ feet on the south end of the site, rising to approximately 6½ feet on the north end of the property. Elevations vary from approximately 10 feet mean sea level (MSL) on the north side of the site to 11 feet MSL on the southern portion of the site.

The Old Town community is bordered by several other community planning areas: Linda Vista and Mission Bay Park to the north, Mission Valley and Uptown to the east, and the Midway-Pacific Highway community to the west and south.

The site is designated OTMCR-1-3 (Mixed Commercial Residential, 0 to 73 du/ac). Parcels surrounding the project site are zoned Community Commercial (CC-3-8 -high intensity development, 1 du for each 600 SF of lot area), Old Town Community Commercial – Residential Prohibited (OTCC-1-1), Old Town Parks (OTOP-2-1), and Old Town Community Commercial – Residential Permitted (OTCC-2-2, 0 to 25 du/ac). Surrounding land uses include commercial businesses and light industrial uses to the west of the site past the I-5; the I-5/I-8 interchange, motels, and storage facilities to the north of the site; the Old Town Transit Center, Caltrans District 11 office space, commercial businesses, and light industrial to the east of the site; and medical facilities, commercial businesses, light industrial, car rental facilities and motels to the south of the site. The site is bounded by the I-5/I-8 interchange to the north, the I-5 overhead freeway to the west, and Pacific Highway runs



adjacent to the site on the east. The project site is within the Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, Parking Standards Transit Priority Area/Transit Priority Area, Airport Influence Area (San Diego International Airport (SDIA) and Naval Air Station (NAS) North Island, Review Area 2), Airport Land Use Compatibility Overlay Zone, and the Federal Aviation Administration Part 77 Notification (SDIA and NAS North Island) Area. The project site is in a developed urban area and is currently served by existing public services and utilities.

### **III. SUMMARY OF ORIGINAL PROJECT**

The Old Town CPU, approved on July 18, 2018, was an update to the Old Town Community Plan that guides development of the entire Old Town community. The Old Town CPU and the implementing rezonings were evaluated through preparation of a Program Environmental Impact Report (PEIR) (Project No. 561630/SCH No. 2018011022; City of San Diego 2018a) which analyzed impacts of buildout of the Community Plan. The approved CPU describes the community's vision and identifies strategies for guiding future growth and development within Old Town. It includes goals, policies, and implementing actions to guide local decision-making and public investments for the CPU area in the future. Development in Old Town is guided and regulated through the CPU, the SDMC, the General Plan, and other applicable City plans. The Old Town CPU designates the project site as Mixed Use Commercial Residential. The Old Town CPU PEIR is hereby incorporated by reference.

### **IV. ENVIRONMENTAL DETERMINATION**

The City prepared and certified the Old Town CPU PEIR (Project No. 561630/SCH No. 2018011022) (City of San Diego 2018a). Based on all available information in light of the entire record, the analysis in this Addendum, and pursuant to Sections 15162, 15164, and 15168 of the State California Environmental Quality Act (CEQA) Guidelines, the City has determined the following:

- There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, which shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous environmental document;



- b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Sections 15162 and 15164 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, this Addendum has been prepared in accordance with Section 15164 of the CEQA State Guidelines. Further, use of the Addendum for the project complies with CEQA Guidelines Section 15168(c). Appropriate mitigation measures have been incorporated, as applicable. Public review of this Addendum is not required per CEQA.

## **V. IMPACT ANALYSIS**

This Addendum includes the following subsequent impact analysis that demonstrates that environmental impacts associated with the project are consistent with the previously certified PEIR. The following includes the environmental issues analyzed in detail in the PEIR as well as the project-specific analysis pursuant to CEQA. The analysis in this document evaluates the adequacy of the PEIR relative to the project, whether the project would have effects that were not examined in the PEIR, whether the project is within the scope of the PEIR and whether a subsequent environmental document is required under Guidelines Section 15162. The following analysis documents that the proposed project-related modifications and/or refinements would not cause new or more severe significant impacts than those identified in the 2018 Old Town CPU PEIR, that the project is within the scope of the projects covered by the PEIR and that the project does not otherwise trigger the need for a subsequent or supplemental EIR.

The Old Town CPU PEIR identified significant and unmitigable impacts relative to Transportation and Circulation (Traffic Circulation), Historical and Tribal Cultural Resources (Historical, Tribal Cultural, and Archaeological Resources), Noise (Vehicular Noise and Construction-Related Vibration), and Paleontological Resources (Ministerial Projects). All other impacts were less than significant.

This Addendum presents an analysis of whether Guidelines Section 15162 requires a subsequent EIR, whether the project is within the scope of the projects covered by the PEIR and whether the impacts of the project were not examined in the PEIR. This comparative analysis has been undertaken, pursuant to the provisions of CEQA, to provide City decision makers with the factual basis for determining whether any changes in the project, any changes in circumstances, or any new



information since the PEIR was certified require additional environmental review. The basis for each of the findings is explained in the analysis that follows.

The current project is implementing the Mixed Commercial Residential designation for this property as identified in the approved Old Town CPU PEIR. The site is in the Taylor sub-district, which envisions Taylor as a mix of residential, hotel, commercial, and institutional uses in proximity to the transit center, as well as the visitor-oriented parking supporting the Historic Core and Core Sub-Districts. Relative to the Old Town CPU PEIR, the analysis provided below demonstrates that, under the CEQA Guidelines, including Sections 15162, 15164 and 15168, an Addendum to the PEIR is the appropriate CEQA document for the project as there would be no new significant impacts that would result from the project and there is no information in the record or otherwise available that indicates that there are substantial changes in circumstances that would require major changes to the PEIR or otherwise trigger the need for a subsequent or supplemental EIR. A summary of project impacts in relation to the Old Town CPU PEIR is provided in Table 2.

Table 2 Impact Assessment Summary				
Environmental Issue	2018 PEIR Finding	Proposed Project	New Mitigation?	Project Resultant Impact
Land Use	Less than Significant	No new impacts	No	Less than Significant
Transportation and Circulation	Significant and Unavoidable	No new impacts	No	Less than Significant
Historical and Tribal Cultural Resources	Significant and Unavoidable	No new impacts	No	Less than Significant with Mitigation
Geologic Conditions	Less than Significant	No new impacts	No	Less than Significant
Noise	Significant and Unavoidable	No new impacts	No	Less than Significant
Health and Safety	Less than Significant	No new impacts	No	Less than Significant
Hydrology/ Water Quality	Less than Significant	No new impacts	No	Less than Significant
Visual Effects and Neighborhood Character	Less than Significant	No new impacts	No	Less than Significant
Air Quality	Less than Significant	No new impacts	No	Less than Significant
Greenhouse Gas Emissions	Less than Significant	No new impacts	No	Less than Significant
Public Services and Facilities	Less than Significant	No new impacts	No	Less than Significant
Public Utilities	Less than Significant	No new impacts	No	Less than Significant
Biological Resources	Less than Significant	No new impacts	No	Less than Significant
Paleontological Resources	Discretionary Projects: Less than Significant with Mitigation	No new impacts	No	Less than Significant

The issues listed in Table 2 reflect those issues evaluated within the Old Town CPU PEIR. Since certification of the Old Town CPU PEIR, the CEQA Guidelines were amended to clarify the approach for analyzing or addressing in a separate section the CEQA topic areas of energy and wildfire impacts. In addition, the metric used to evaluate transportation impacts changed from level of service (LOS) to vehicle miles traveled (VMT). As the following demonstrates, these changes to the CEQA guidelines do not represent effects that were not examined in the PEIR nor changes to the



project or new information that could result in new impacts that were not previously evaluated in the PEIR. The issue of VMT is addressed in the Transportation and Circulation section, while impacts related to wildfire are adequately addressed in the context of wildland fire risk, under the Health and Safety section. The PEIR considered energy impacts in the PEIR Chapter 7.0 Other Mandatory Discussion Areas under Section 7.2, Effects Found to be Less than Significant.

## **Land Use**

### ***Old Town CPU PEIR***

#### Conflicts with Applicable Plans

The Old Town CPU PEIR determined land use designations and policies associated with the CPU are consistent with the San Diego Association of Governments (SANDAG) 2015 Regional Plan goals to develop compact, walkable communities close to transit connections and consistent with smart growth principles. The CPU would also be consistent with and implement the General Plan's City of Villages Strategy and would retain adopted CPU policies that align closely with General Plan goals for mobility, urban design, public facilities and services, recreation, conservation, and historic preservation. Therefore, implementation of the Old Town CPU would result in less than significant impacts.

#### Conversion of Open Space or Farmland

The PEIR determined that there is no prime farmland within the Old Town community; designated open space within the Old Town CPU area is within the Old Town San Diego State Historic Park and San Diego County's Heritage Park and designated park space within the community is Presidio Park. Therefore, it was determined that there would be a less than significant impact related to the conversion of designated open space or prime farmland.

#### Conflicts with MSCP Subarea Plan

The PEIR determined CPU policies and actions do not conflict with the provisions of the City's MSCP Subarea Plan (City of San Diego 1997) or other habitat conservation plans and would support the implementation of applicable requirements of the Environmentally Sensitive Lands (ESL) Regulations, Biology Guidelines, and the MSCP Subarea Plan for the preservation, mitigation, acquisition, restoration, management, and monitoring of biological resources. It was determined that impacts would be less than significant.

#### Airport Land Use Compatibility Plan (ALUCP)

The PEIR determined development within the CPU area would be subject to the requirements of the adopted ALUCP for SDIA, the SDMC, and associated Federal Aviation Administration (FAA) requirements. In a letter dated February 16, 2018, the San Diego County Regional Airport Authority determined that the Old Town CPU is conditionally consistent with the ALUCP and reiterated that the City must refer future projects under the proposed CPU to the Airport Land Use Commission (ALUC) when required by the ALUCP. Therefore, and with compliance with FAA regulations, it was determined that impacts related to conflicts with an adopted ALUCP would be less than significant.



## **Project**

### Conflicts with Applicable Plans

Like the Old Town CPU, the project would not conflict with the environmental goals, objectives, or guidelines of the General Plan, Old Town CPU, or other applicable land use plan or regulation. As a result, the project would not cause an indirect or secondary environmental impact, as further detailed below. The Old Town CPU identified the proposed project site land use as Mixed Commercial Residential (0-73 du/ac) with a base zone of OTMCR-1-2. The OTMCR 1-2 zone allows a mix of pedestrian-oriented community and visitor-serving commercial uses and residential uses, or stand-alone residential uses. Consistent with the base zone, the project would provide a residential only use designed with a pedestrian orientation and pedestrian connections to the surrounding community.

The project is a later activity within the scope of the projects covered by the PEIR as it proposes residential and other compatible uses in a location consistent with the adopted community plan land use designation and zoning designation. When compared to the land use impacts identified in the PEIR, the project, with its density bonus units, affordable housing and density bonus incentives and waivers, would not conflict with the applicable development regulations and would be consistent with the goals and policies of the Community Plan. The project proposes a compact residential community near transit connections and is designed to be consistent with smart growth principles. In addition, implementation of the project is consistent with the Old Town CPU's vision of "maintaining the City's birthplace as a living neighborhood, contributing a sense of vitality and complementing and supporting visitor-oriented and commercial uses."

While the project is consistent with the applicable land use and zoning for the site as analyzed in the Old Town CPU, the project incorporates additional height and density pursuant to the City's Density Bonus program, allowing building heights up to 85 feet. Due to the greater height and intensity of the project in relation to base zoning, the project was evaluated for consistency with applicable plans to ensure no conflicts would result.

The project site is located within the Taylor Sub-District, which serves as the northern gateway to the community and primarily contains institutional uses including the Old Town Transit Center and the Caltrans District 11 headquarters. Proposed CPU policies related to land use as detailed in the Old Town CPU Table 5.1-1 include Policy LU-8.1 which encourages transit-oriented residential and mixed-commercial residential uses within the area along Pacific Highway, north of Taylor Street. Consistent with Policy LU-8.1, the project would provide transit-oriented residential development by providing increased residential density within walking distance to the Old Town transit station. Furthermore, the project's proposed density, with the corresponding building footprint, height and other design features required to achieve the same, supports implementation of the General Plan City of Villages Strategy and the Climate Action Plan (City of San Diego 2022a) by providing transit supportive densities within walking distance to transit.

In addition to consistency with the City's General Plan and Old Town Community Plan, the project would implement both the 2015 and the 2021 SANDAG Regional Plan: San Diego Forward (SANDAG 2021) by providing high density housing with affordable units within proximity to existing transit infrastructure. The project's intensity of development is within the growth targets identified in both the 2015 and 2021 Regional Plans, and it furthers those plans' goals and policies intended to



generate more housing and specifically affordable housing within locations proximate to transit. The PEIR analyzed the addition of 1,405 residential units and 399,400 square feet of commercial development arising from the adoption of the CPU (see Old Town CPU PEIR Table 3-4 and 3-5). As there has been limited to no residential growth within the Old Town Community since the adoption of the Old Town CPU; the proposed residential project is well within the growth analyzed under the PEIR and is consistent with SANDAG growth assumptions. Therefore, the project would be consistent with both the 2015 and 2021 Regional Plans.

Regarding General Plan noise compatibility policies and Old Town CPU Policy NE-1.3 which requires residential and other noise-sensitive land uses adjacent to I-5 and I-8 to adequately attenuate freeway noise, the project has been designed to attenuate freeway noise to the extent feasible. A site-specific evaluation of exterior noise levels was completed for the project site (Attachment 1).

As detailed in Attachment 1, in the existing condition the project site is subject to an hourly average noise level of 73 dBA in addition to short-duration noise levels during train events up to 88 dBA at the center of the site. Considering all noise sources, the site is subject to 76 A-weighted decibels community noise equivalent level (dBA CNEL). As stated in the City's Noise Element, although not generally considered compatible, the City conditionally allows multi-family and mixed-use residential uses in areas experiencing up to 75 dBA CNEL from motor vehicle traffic noise with existing residential uses. Any future residential use exposed to noise levels up to 75 dBA CNEL must include attenuation measures to ensure an interior noise level of 45 dBA CNEL and be located in an area where a community plan allows multi-family and mixed-use residential uses. Consistent with the General Plan Noise Element, the project site is designated for multi-family use and the project has incorporated noise attenuation measures to the extent feasible. After construction of site buildings, portions of the outdoor use areas would be subject to noise in the 66 to 68 CNEL range, while other portions would be subject to 71 to 75 CNEL, in addition to higher level short duration train noise. As further detailed in the analysis of noise, the project has incorporated building features to ensure interior noise levels of 45 CNEL would be achieved.

Regarding, site design, the Old Town CPU identifies the following key site design policies:

- UD-4.1 Incorporate plazas, courtyards, patios, porches, and/or paseos within new development where appropriate.
- UD-4.2 Link plazas, courtyards, patios, porches, and paseos to public pedestrian areas visually and physically.
- UD-4.19 Design and locate parking areas in relation to buildings in a manner that the exposure of parked vehicles to the public view and the street is minimized, for example at the rear of buildings, behind architectural features, or by taking advantage of the site's topography.

Consistent with these site design policies, the project incorporates common open spaces in the form of plazas, paseos, or courtyards (including decks). These areas would include landscaped planting areas that are linked through pedestrian pathways both interior to the project site and connecting to the public right of way. Additionally, the design of the structured car parking is such that the areas would not be visible from street level. Therefore, project impacts would be less than significant consistent with the PEIR as the project would not conflict with the environmental goals, objectives, or guidelines of the General Plan, Old Town CPU, or other applicable land use plan or regulation.



### Conversion of Open Space

The project site is not designated as open space or prime farmland within the General Plan or Old Town CPU. The project site is not designated as open space/park space in the Old Town CPU area. Consistent with the Old Town CPU PEIR, the project would not result in the conversion of agricultural lands or open space/recreational lands as the project site is currently an asphalt paved lot with a commercial structure. Therefore, project impacts would be less than significant consistent with the PEIR as the project would not convert designated open space or prime farmland.

### Conflicts with MSCP Subarea Plan

As discussed above under the MSCP consistency analysis under the Biological Resources discussion, the project would not conflict with the provisions of the City's MSCP Subarea Plan (City of San Diego 1997) or other habitat conservation plans due to the project lacking any sensitive habitats or species. The project site does not contain any Multi-Habitat Planning Areas (MHPA) and is not adjacent to any MHPA lands. The project would be consistent with the applicable requirements of the ESL Regulations, Biology Guidelines, and the MSCP Subarea Plan. As the project is consistent with the City's MSCP Subarea Plan, no conflicts would occur. Therefore, project impacts would be less than significant consistent with the PEIR as the project would not conflict with the provisions of the City's MSCP Subarea Plan (City of San Diego 1997) or other habitat conservation plans due to the project lacking any sensitive habitats or species.

### ALUCP

As noted above under the Hazards and Hazardous Materials Section below, impacts related to conflicts with an adopted ALUCP would be less than significant. The project is in the AIA Review Area 2 for SDIA as depicted in the AIA figure and Overflight Area Boundary area of the adopted 2014 ALUCP (San County Regional Airport Authority, Airport Land Use Commission 2014). The project is also located in AIA 2 for NAS North Island (San Diego County Regional Airport Authority 2020). The project is not located in an area subject to ALUCP noise policies. In addition, the project site is not located in a Safety Zone as depicted in the 2014 ALUCP for the SDIA or the 2020 ALUCP for NAS North Island; therefore, the proposed height and density is not limited by the ALUCP. Since the project is within AIA Review Area 2 and not subject to airport land use limitations, the City was not required to obtain a consistency determination from the ALUC. The City reviewed the project and determined the proposed use and would be consistent with the ALUCP for the San Diego International Airport and Naval Air Station North Island.

As disclosed in the PEIR, the project site is located within the notification area for FAA Part 77. The required FAA evaluation under Part 77 does not occur until application for a building permit. However, due to the proposed building height at 85 feet above ground level, an aviation study was completed to evaluate the project's consistency with FAA regulations (Attachment 2). As detailed in the aviation study, the proposed structure at 85 feet above ground level (or approximately 105 feet above mean sea level depending on site elevation) would require an FAA filing as it exceeds FAR Part 77 criteria. However, the structure is expected to receive routine approval because it would not exceed the Visual Flight Rule Conical Surface. The report notes other nearby structures taller than the proposed structure exist where the FAA found that "no physical or electromagnetic effects on the operation of air navigation and communication facilities". Therefore, the aviation study concluded that a FAA determination of no hazard to air navigation is anticipated at the time of submittal of the FAA Part 77 notification. FAA Part 77 determination is required prior to issuance of



a building permit which ensures the building height would be ultimately constructed consistent with FAA allowances and safety regulations. During construction, cranes are proposed to construct the building, the FAA has reviewed the proposed height of temporary cranes and has issued a determination of no hazard to air navigation for a temporary structure (see Attachment 2).

As required for residential use within an overflight area, the project would also need to record the standard overflight notification agreement. Therefore, project impacts would be less than significant consistent with the PEIR as the project would not conflict with the ALUCP.

#### Land Use Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Transportation and Circulation**

#### ***Old Town CPU PEIR***

##### Traffic Circulation

The Old Town CPU PEIR determined that implementation of the CPU would have less than significant direct impacts as a result of increases in projected traffic. The PEIR also disclosed that the CPU would result in cumulatively significant impacts to roadway segments, intersections, freeway segments, and metered freeway on-ramps.

Implementation of the mitigation measures identified in the PEIR would reduce impacts to less than significant at all of the roadway segments and intersections. However, the City Council determined that not all the mitigation measures were feasible and adopted a Statement of Overriding Considerations for various reasons including inconsistency with the mobility goals of the CPU because the measures would impede implementation of planned pedestrian and bicycle improvements and realization of the proposed CPU's goals regarding walkability and bicycling. The City Council also found that some mitigation measures would be inconsistent with the Old Town CPU objective to maintain and enhance the pre-1872 community character of Old Town through land use and urban design policies and development regulations.

The PEIR analysis disclosed that future, implementing development projects' transportation studies would build upon the PEIR's analysis and provide the mechanism to address project specific mitigation including, but not limited to, physical improvements, fair share contribution, implementation of transportation demand management measures, or a combination of these measures. Nonetheless, the PEIR concluded that impacts to roadway segments and intersections would remain significant and unavoidable. As assessed in the Old Town CPU PEIR, traffic generated by the land use changes associated with the Old Town CPU area would have a cumulative impact along seven freeway segments and at one ramp meter within the study area. Likewise, the PEIR concluded that impacts to Caltrans facilities (freeway segments and ramps) were determined to be significant and unavoidable because the City cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance would be implemented prior to occurrence of the impact.



### Alternative Transportation

The Old Town CPU PEIR determined that the Old Town CPU would be consistent with adopted policies, plans, or programs supporting alternative transportation. Planned transit routes within the Old Town CPU area were identified in SANDAG's 2015 Regional Plan and were discussed in the Old Town and Midway-Pacific Highway Communities Mobility Study, which included Rapid Bus, LRT (Trolley), and transit facilities. The Old Town CPU PEIR noted that policies in the Old Town CPU support coordination with SANDAG on the planning and implementation of regional bicycle facilities, and support increased bicycle comfort and safety, repurposing rights-of-way for bicycle facilities, and bike sharing. Therefore, it was determined that impacts would be less than significant.

### **Project**

#### Traffic Circulation

At the time of the adoption of the Old Town CPU PEIR, CEQA required a transportation analysis to evaluate impacts based on traffic load and capacity of the street system using a Level of Service (LOS) standard. Subsequently, CEQA was revised to prohibit use of LOS as the measure of the significance of transportation/circulation impacts. CEQA now requires the evaluation of transportation/circulation impacts using the metric of vehicle miles traveled (VMT), with the intent to better align CEQA practices with statewide sustainability goals related to efficient land use, greater multi-modal choices, and GHG reductions and updated how transportation impacts are evaluated under CEQA. Currently, the City's CEQA Guidelines require examination of whether a project would result in VMT exceeding thresholds identified in the City's Transportation Study Manual (TSM; City of San Diego 2022b).

In order to implement Senate Bill (SB) 743, the City adopted the Mobility Choices Program. The Mobility Choices program was evaluated as part of the City's Complete Communities: Housing Solutions and Mobility Choices PEIR (City of San Diego 2020). The purpose of the Mobility Choices Program is to implement SB 743 by ensuring that new development mitigates transportation VMT impacts to the extent feasible, while incentivizing development within the City's TPAs and urban areas. The Mobility Choices regulations included amendments to the City's SDMC and Land Development Manual to support implementation of the program in addition to adoption of a new CEQA significance threshold for transportation that implements SB 743.

The project was evaluated under the City's TSM VMT Screening Criteria for land use development projects and LOS Engineering, Inc. prepared a VMT Assessment Memo to assess potential transportation VMT impacts consistent with the TSM (2022). The City's CEQA Significance Determination Thresholds (2022c) for transportation impacts is based on the VMT metric and not on prior LOS metric used in the PEIR. The project-specific transportation review addresses the project's VMT impacts using the SANDAG Series 14 (ABM 2+, Base Year 2016) screening map for residential projects as well as screening criteria based on the expected trip generation per the current TSM. Specifically, the screening criteria for determining if a project would result in a significant VMT impact require residential projects to be located in a census tract that has a VMT/capita of below 85% of the regional average VMT/capita.

The project is expected to generate approximately 1,338 average daily traffic (ADT), with 107 AM peak hour trips (21 inbound and 86 outbound) and 120 PM peak hour trips (84 inbound and



36 outbound). As detailed in the VMT Assessment Memo (Attachment 3), the residential project is located in a Census Tract 65 and would be expected to generate 15.7 VMT/capita which is 82.9 percent of the regional average VMT per capita. Thus, the project would be screened out from having to conduct a detailed VMT analysis and would have a less than significant transportation impact related to VMT based on City thresholds.

A Local Mobility Analysis Report (LMA; Attachment 4) was prepared to evaluate the effects of the development project on mobility, access, circulation, and related safety elements in the proximate areas of the project consistent with the City's TSM. Under Opening Year 2026 Plus Project scenario, at the intersection of Pacific Highway/Rosecrans Street/Taylor Street, the southbound right-turn lane is anticipated to exceed the right-turn storage lane by 23 feet in the AM peak hour and 47 feet in the PM peak hour based on the 95th percentile forecast. Therefore, the project would extend the striping for the southbound right-turn lane by an additional 50 feet to accommodate the forecasted queue. Completion of the LMA and associated improvements ensures project consistency with City operational standards for surrounding roadways and implements roadway and intersection improvements as required by the TSM (City of San Diego 2022b).

Although not specifically addressed in the Old Town CPU PEIR, the project was evaluated to ensure consistency with the City CEQA Thresholds for transportation including whether the project substantially increase hazards due to a design feature or result in inadequate emergency access. As detailed in the project LMA (see Attachment 4), the project access and surrounding roadways were analyzed to ensure safety for all users. Project access to the site would be improved by removing several existing curb cuts and limiting ingress/egress to one main driveway off Pacific Highway. There are no design features proposed that could increase hazards in the vicinity of the project site. Additionally, the project would not result in inadequate emergency access as the project has been designed to be consistent with fire and emergency access requirements and the project is served by existing major roadways that have access to major freeways.

#### Alternative Transportation

The project would be consistent with Old Town CPU mobility policies that encourage the use of transit, ridesharing, and other transportation alternatives by constructing up to 223 units in proximity to transit and bicycle facilities. Pedestrian facilities exist along the project frontage and provide access to the south and east of the project site. The project will dedicate frontage along the project site and reconstruct existing sidewalks along Pacific Highway and Rosecrans Street to create noncontiguous sidewalks with landscaping along the project frontages. The project would also replace the existing Class II bicycle facility with a one-way Class IV Cycle Track along its Pacific Highway frontage, and would provide striping for a 5-foot-wide Class II Bicycle Lane along the project's frontage with Rosecrans Street consistent with the Old Town CPU planned bicycle facilities depicted in the CPU Figure 4-2. To further support bicycle use, the project would provide a combination of short-term bicycle parking, long-term bicycle parking, and bicycle storage rooms for its residents per the SDMC and CAP Consistency Checklist requirements (see the GHG discussion below). The project would place residents within walking distance of transit and ensure sidewalks are accessible and provide connections to the community. The project site is located within a 0.3-mile walk from the Old Town Transit center, which provides access to the Amtrak Pacific Surfliner, NCTD Coaster, Blue Line (San Ysidro – UTC) and Green Line (Santee – 12<sup>th</sup> and Imperial) trolleys, Greyhound, and multiple bus lines, including routes 8, 28, 30, 35, 44, 83, 84, 88, 105. Therefore, impacts would be less than significant consistent with the PEIR as the project would not



conflict with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle, and pedestrian facilities.

#### Transportation and Circulation Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Historical and Tribal Cultural Resources**

#### ***Old Town CPU PEIR***

##### Historic Structures, Objects, or Sites

The Old Town CPU PEIR determined that implementation of the CPU could result in potentially significant impacts for implementing projects involving the alteration of a historic building, structure, object, or site.

Development implemented in accordance with the CPU that would potentially result in impacts to significant historical resources would be required to incorporate mitigation measure HIST 5.3-1, to be adopted in conjunction with the certification of the PEIR and consistent with existing requirements of the Historic Resources Regulations and Historic Resources Guidelines. As detailed in the Old Town CPU PEIR Historic Context and Survey Report (PEIR Appendix D), the project site was identified as containing a potential individual resource that could be eligible for local listing under the City's designation criteria due to it being an example of a Googie-style restaurant in the Automobile, Early Tourism, and Preservation context.

The PEIR's mitigation framework combined with the CPU policies promoting the identification and preservation of historical resources was determined to reduce impacts related to historical resources of the built environment to a less than significant level. However, even with implementation of the mitigation framework, the Old Town CPU PEIR found that the degree of future impacts and applicability, feasibility, and success of future mitigation measures could not be adequately known for each specific future project. Therefore, the Old Town CPU PEIR determined that potential impacts to historical resources, including historic structures, objects, or sites, would be significant and unavoidable.

##### Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains

The Prehistoric Cultural Resources Study for the Old Town Community Plan Update (City of San Diego 2015) describes the pre-history of the Old Town area; identifies known significant archaeological resources; provides guidance on the identification of possible new significant archaeological resources; and includes recommendations for the treatment of significant archaeological resources. The CPU area was mapped as an area of high cultural sensitivity.

The Old Town CPU PEIR determined that implementation of the CPU could adversely impact prehistoric or historic archaeological resources, including religious or sacred use sites and human remains. These impacts would be significant. Potential direct impacts included substantial alteration or demolition of archaeological sites from grading, excavation, or other ground-disturbing activities.



Potential indirect impacts included the potential for vandalism or destruction of an archaeological resource or traditional cultural property.

The PEIR disclosed that avoiding impacts on religious or sacred places or human remains may be unavoidable in certain circumstances when resources are discovered during construction. Although there are no known religious or sacred uses within the Old Town CPU area, the PEIR disclosed that the potential exists for these to be encountered during future construction activities associated with the implementation of the CPU. Additionally, although several historic period cemeteries containing Native American and Old Town descendent burials are well documented in the CPU area, the potential for encountering additional human remains anywhere in the Old Town CPU area is high, during both archaeological investigations and grading activities.

The Old Town CPU PEIR determined that implementation of mitigation measure HIST 5.3-2, which addresses measures to minimize impacts to archaeological resources, combined with the policies of the General Plan and CPU policies promoting the identification, protection, and preservation of archaeological resources, in addition to compliance with CEQA and Public Resources Code Section 21080.3.1 requiring tribal consultation early in the development review process, and the City's Historic Resources Regulations (SDMC Section 143.0212), which requires review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the CPU impacts related to prehistoric or historical archaeological resources. The PEIR concluded potential impacts to prehistoric and historic archaeological resources, sacred sites, and human remains would be minimized but would remain significant and unavoidable.

#### Tribal Cultural Resources

The PEIR outlined that, in 2011, a Sacred Lands File Check of the Native American Heritage Commission (NAHC) was requested and the NAHC response indicated that no sacred lands have been identified within the vicinity of the CPU area. Several key areas were identified that may be of high level of interest to local Native American communities. Many of these sites were already listed on the City's Historical Resources Register (HRR), the California Register of Historic Resources (CRHR), and the National Register of Historic Places (NRHP). For any subsequent projects implemented in accordance with the CPU where a recorded archaeological site or Tribal Cultural Resource (as defined in the Public Resources Code) is identified, the City would be required to initiate consultation with identified California Native American tribes pursuant to the provisions in Public Resources Code Sections 21080.3.1 and 21080.3.2, in accordance with Assembly Bill (AB) 52.

The Old Town CPU PEIR determined that development implemented in accordance with the CPU would potentially result in impacts to tribal cultural resources, and therefore, would be required to implement mitigation measure HIST 5.3-2, which addresses measures to minimize impacts to tribal cultural resources. This mitigation, combined with the policies of the General Plan and proposed CPU policies promoting the identification, protection, and preservation of archaeological resources, in addition to compliance with CEQA and Public Resources Code Section 21080.3.1 requiring tribal consultation early in the development review process, and the City's Historical Resources Regulations (SDMC Section 143.0212), which requires review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps would reduce the program-level significant impact related to tribal cultural resources. However, even with application of the existing regulatory framework and mitigation framework which would avoid



future project-level impacts, the PEIR determined that the feasibility and efficacy of mitigation measures could not be determined. Thus, the PEIR concluded that potential impacts to tribal cultural resources would be minimized but would remain significant and unavoidable.

## ***Project***

### Historic Structures, Objects, or Sites

As detailed in the project description, the project proposes to construct a seven-story above grade residential structure on the site of the existing Perry's Café at a density of 128 du/ac in accordance with the City's Affordable Housing Regulations. The project includes the retention of the primary architectural components of the existing Perry's Café structure including "Googie-style" roof lines, architectural roof features, and slot windows. The project would demolish the remainder of the existing structure and the surface parking lot.

The Old Town Community Plan Area Historic Resources Survey Report identified Perry's Café as a potential individual resource that appears eligible for local listing under City of San Diego HRB Criterion C as a "Rare surviving example of a Googie-style restaurant in the Automobile, Early Tourism, and Preservation context." A Historical Resource Research Report (HRRR) (Attachment 5) was completed for the project site to evaluate the potential historical significance of the Perry's Café structure. The report states,

While not a valuable example of the use of indigenous materials or craftsmanship, the 4620 Pacific Highway building retains integrity of location, design, materials, workmanship, setting, and feeling and features a majority of the Primary character-defining features of the Googie style. Therefore, the building is considered a representative example of a Googie-style restaurant constructed during the Automobile, Early Tourism, and Preservation context as identified in the Old Town Community Plan Area Historic Resources Survey Report and is eligible for designation under City of San Diego HRB Criterion C with a period of significance of 1966.

The building features an abstract, angular, folded roof, large fixed-pane windows along the east façade, and stucco exterior with a fieldstone veneer near at the entrance which is characteristic of the Googie-style. While the site could potentially qualify for historic designation, the site has not been designated historic and neither the City nor ownership has proposed the site for historic designation. Rather, the project incorporates the primary character defining features of the Perry's Café building into the design through retention and preservation of Googie-style exterior architectural features.

As part of the project review and consistent with the requirements of the Old Town CPU FEIR Mitigation Measure HIST 5.3-1, the building has been evaluated for historical significance (see Attachment 5). SDMC Section 143.0212 requires City staff to review all projects impacting a parcel that contains a structure 45 years old or older to determine whether a potentially significant historical resource exists on-site prior to issuance of a permit. The City's Historic Resources section staff reviewed the project and found the site would be eligible for designation as a historic resource under Historic Resource Board Criterion C, but a determination was made to not designate the site. With the project's incorporation of the primary architectural components elements of the Perry's Café structure, the project would be consistent with the United States Secretary of the Interior's



Standards for preservation of historic structures and the project would not result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a historic building (including an architecturally significant building), structure, object, or site. Therefore, project impacts would be less than significant, as compared to the significant and unavoidable impacts of the Old Town PEIR.

#### Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains

The site is in an area of high cultural sensitivity as mapped on the Cultural Resource Sensitivity Maps and as noted in the Cultural Resource Testing Program (CRTP) for the project (Attachment 6). As addressed in the Old Town CPU PEIR, and consistent with mitigation framework HIST 5.3-2 of the Old Town CPU PEIR, as there is evidence of a historical resource, preparation of a historic evaluation is required which would generally include background research, field survey, archaeological testing and analysis. This background research was performed and summarized in the Archaeological Testing Plan (confidential) for the project and summarized in the CRTP. The CRTP was conducted in conformance with City of San Diego Historical Resources Guidelines, Section 21083.2 of the California Public Resources Code, CEQA, and Step 1 of Old Town CPU PEIR mitigation framework HIST 5.3-2. As detailed in the CRTP, a site investigation was undertaken on December 27 and 28, 2022 by Archaeological Field Supervisor James Shrieve and field archaeologist Erik Johanson to identify the potential for archaeological resources to be present on the site. A Native American observer from Red Tail Environmental was present during all subsurface excavations pursuant to the provisions in Public Resources Code Sections 21080.3.1 and 21080.3.2., in accordance with AB 52 and per Step 2 of Old Town CPU PEIR mitigation framework HIST 5.3-2. Consistent with established investigation protocols, a total of nine augers were drilled into the site in a random pattern to identify the potential for archaeological resources to be present within the property. The augers excavated a 12-inch diameter hole approximately 1.5 to 5 feet in depth. The material from these auger locations was excavated and any artifacts recovered. No significant historic or prehistoric artifacts or features were recovered from the excavations. The auger data and other evidence demonstrates that the property has been extensively disturbed in the past, and that it is unlikely any historic or prehistoric archaeological resources would be disturbed by development of the project site. All information gathered from the fieldwork and archival research has been incorporated into the CRTP (see Attachment 6) following City of San Diego guidelines and requirements. As no recorded archaeological site or Tribal Cultural Resource was encountered during the site investigation, no additional archaeological evaluation or changes to the project are necessitated. However, consistent with Step 3 of the Old Town CPU mitigation framework HIST 5.3-2 and the requests of tribes during consultation, archaeological and Native American monitoring would continue to be implemented during ground disturbance during construction as some potential exists for an inadvertent discovery of historic or prehistoric archaeological features or deposits during grading. As detailed in Section VI, and consistent with the Old Town CPU mitigation framework HIST 5.3-2 Steps 4 and 5, in the event that inadvertent discovery of historic or prehistoric archaeological features or deposits occurs, evaluation of resources, preparation of Archaeological Resource Management reports, and curation of resources would be implemented to ensure impacts would be reduced to less than significant. The Old Town CPU PEIR determined that although several historic period cemeteries containing Native American and Old Town descendent burials are well documented in the Old Town CPU area, the potential for encountering additional human remains anywhere in the Old Town CPU area is possible during development. Although there are no known cemeteries or burial sites on the project site, the potential to encounter unanticipated human remains on the site during ground disturbing activities does exist. Unearthing of unknown human



remains would be considered a significant impact without implementation of mitigation. However, monitoring on-site during ground disturbance by qualified Native American monitors and archaeologists per mitigation framework HIST 5.3-2 and the requests of tribes during consultation would ensure reduction of potential significant impacts. As detailed in the City's Old Town CPU mitigation framework HIST 5.3-2 Step 3 and required by law, if human remains are encountered during the construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county medical examiner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. Under the law, the medical examiner must be notified of the find immediately and, if the remains are determined to be prehistoric, the medical examiner would notify the NAHC, who would determine and notify a Most Likely Descendant (MLD). Adherence to State Health and Safety Code Section 7050.5 in the event human remains are encountered, in addition to imposition of the inadvertent discovery mitigation requiring archaeological and Native American monitoring during grading consistent with the Old Town CPU PEIR, as detailed in Section VI of this Addendum, would reduce potential impacts to less than significant in the event that an unanticipated resource is encountered during ground disturbance. Therefore, the project would not result in a substantial adverse change in the significance of a prehistoric or historic archaeological resource, a religious or sacred use site, or the disturbance of any human remains, including those interred outside of formal cemeteries even in the event of inadvertent discovery. Project impacts would be less than significant with mitigation incorporated, as compared to the significant and unavoidable impacts of the Old Town PEIR.

#### Tribal Cultural Resources

A search of the Sacred Lands File (SLF) held by the California Native American Heritage Commission (NAHC) was requested in 2011 as part of the Old Town CPU PEIR. A response from the NAHC indicated that there was no record of Native American cultural resources in the project area with an accompanying list of groups and individuals to contact. The Old Town CPU PEIR noted that for any subsequent projects implemented in accordance with the CPU where a recorded archaeological site or Tribal Cultural Resource (as defined in the Public Resources Code) is identified, the City would be required to initiate consultation with identified California Native American tribes pursuant to the provisions in Public Resources Code Sections 21080.3.1 and 21080.3.2, in accordance with AB 52. In accordance with AB 52, the City sent notification to local tribes to consult government-to-government on the proposed project. Tribal consultation letters were sent by on March 8, 2023 to tribes listed on the list provided by the NAHC. The Jamul Indian Village responded on March 13, 2023 and concurred with staff determination that tribal monitoring be required during ground disturbing activities during construction.

The site is located in an area of high cultural resource sensitivity but is not located on Sacred Lands as noted by the Sacred Lands File Search completed for the Old Town CPU PEIR. As the site is situated on deep layers of artificial fill, the likelihood for the discovery of tribal cultural resources on the property is minimal. However, development of the project would have the potential to result in impacts to unanticipated tribal cultural resources as the Old Town CPU area has been identified as an area that may be of high level of interest to local Native American communities. Therefore, the project would be required to implement archaeological monitoring consistent with the requirements of the Old Town CPU PEIR mitigation measure HIST 5.3-2. As detailed in Section VI, the City's standard mitigation measure for archaeological and Native American monitoring would be imposed as required by the PEIR, which includes a requirement for a Native American monitor to be present, consistent with the results of tribal consultation. Implementation of the mitigation measure would



ensure that all appropriate identification, consultation, treatment, and disposition of resources would occur. Therefore, with implementation of the requirement for archaeological and Native American monitoring as detailed in Section VI, the project would not result in a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. Project impacts would be less than significant with mitigation incorporated, as compared to the significant and unavoidable impacts of the Old Town PEIR.

#### Historical and Tribal Cultural Resources Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Geologic Conditions**

#### ***Old Town CPU PEIR***

##### Seismic Hazards

The Old Town CPU PEIR concluded that future projects located within the Old Town CPU area would not have direct or indirect significant environmental impacts with respect to geologic hazards including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides. This conclusion was based on the requirement for future development to construct future buildings in accordance with the SDMC and California Building Code (CBC) which would reduce potential seismic hazards to an acceptable level of risk. This regulatory framework includes a requirement for site-specific geotechnical investigations to identify potential geologic hazards or geotechnical concerns that would need to be addressed during grading and/or construction of a specific development project. Thus, impacts were determined to be less than significant.

##### Erosion or Loss of Topsoil

The Old Town CPU PEIR indicated that SDMC Section 142.0146 requires grading work to incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual. Conformance to such mandated City grading requirements would ensure that grading and construction operations for future projects located within the Old Town CPU area would avoid significant soil erosion impacts. Furthermore, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres, or any project involving less than one acre that is part of a larger development plan, is subject to National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit provisions. Additionally, any development of significant size within the City would be required to prepare and comply with an approved Storm Water Pollution Prevention Plan that would consider the full range of erosion control BMPs, including any additional site-specific and seasonal conditions. Thus, impacts were determined to be less than significant.

##### Geologic Instability

The Old Town CPU PEIR found that risk associated with project in the CPU area being located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and



potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse would be low. Further, any potential hazards of that nature would be addressed by future site-specific recommendations contained within geotechnical investigations as required by the SDMC or other laws/regulations. Thus, impacts were determined to be less than significant.

#### Expansive Soils

As stated in the Old Town CPU PEIR, a site-specific geotechnical investigation would be required for future projects within the Old Town CPU area pursuant to the SDMC and other standards to identify the presence of expansive soils and provide recommendations to be implemented during grading and construction. This would ensure that potential hazards associated with expansive soils are minimized. Thus, impacts were determined to be less than significant.

### ***Project***

#### Seismic Hazards/Geologic Instability

Consistent with the Old Town CPU PEIR and the SDMC a site-specific Geotechnical Engineering Investigation Report (Attachment 7) was prepared for the project to evaluate whether potential geological hazards are present on the project site and to identify any site-specific recommendations during grading and construction.

As detailed in the geotechnical report, the project site is not mapped within the Alquist-Priolo Earthquake Fault zone. The nearest active fault is located about 1.5 miles south of the site within the Silver Strand section of the Newport-Inglewood-Rose Canyon Fault Zone (NIRC). There are no known active faults underlying the site. However, like most of southern California, the project site would be subject to ground shaking as a result of movement along an active fault zone in the vicinity of the site.

The site is located within a zone designated as having a high liquefaction potential, as geologic mapping in the area indicates that the site is underlain by undocumented artificial fill. 'Liquefaction' refers to the loss of soil strength during a seismic event. The site could experience liquefaction related settlement on the order of four inches in the event of a major earthquake. The project's Geotechnical Engineering Investigation Report analyzed those conditions and identified the site improvements that the SDMC and CBC require to be integrated into site design including either a structural slab underlying each structure or stabilization of the soils through deep soil mixing and the installation of reinforced foundations. With implementation of those measures the Geotechnical Engineer Investigation Report concludes the project would not expose people or structures to potential substantial adverse effects due to liquefaction.

The project's Geotechnical Engineer Investigation Report also discloses that the potential for landslides, lateral spreading, subsidence, or slope instabilities or collapse at the site would be considered negligible given the flat topography. Additionally, the site is not located in an area adjacent to a large body of water that would induce hazards associated with seiche or tsunami.

Based on the project's Geotechnical Engineering Investigation Report, and for the reasons summarized in the foregoing, the planned construction would be feasible from a geotechnical standpoint. That report's geotechnical recommendations would be implemented as required by the SDMC during project construction. Additionally, the project must comply with the CBC and that



compliance would reduce the potential to expose people or structures to substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure or landslides. Compliance with the applicable engineering design and utilization of standards required by the SDMC, CBC, and other regulatory requirements that the City must confirm as a matter of law at the construction permitting stage, would ensure that the potential for impacts from geologic hazards, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides or unstable soils, would remain less than significant, consistent with the PEIR.

#### *Erosion or Loss of Topsoil*

No topsoil exists at the developed, urban, project site. The project would involve demolition of the existing parking area and portions of the existing building and ground disturbance, including grading for single partially below-grade parking level. As required by SDMC Section 142.0146 and other laws, including storm water regulations, final surface grades around structures would collect and direct surface water away from structures, including retaining walls, and toward appropriate drainage facilities in a manner that would not result in excessive erosion. A Storm Water Quality Management Plan (SWQMP; Attachment 8) has been prepared for the project which includes erosion control BMPs to reduce significant erosion and any potential loss of any topsoil from the site during ground disturbance.

During operations, as required by applicable law and consistent with the project plans, stormwater runoff would be captured by structural BMPs, including raised planters, landscaped areas, and other softscape associated with the project. These features would reduce potential erosion associated with storm water runoff and landscape irrigation. Therefore, impacts associated with the potential for erosion or loss of topsoil would be less than significant, consistent with the PEIR.

#### *Expansive Soils*

The Geotechnical Investigation Report prepared for the project (see Attachment 7), noted that the site is not underlain by expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. The on-site soils are anticipated to have a very low to low expansion potential. Therefore, project impacts would be less than significant consistent with the PEIR as the project would not create substantial risks to life or property due to the existence of expansive soils and no new mitigation measures are required.

#### Geologic Conditions Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

#### **Noise**

#### ***Old Town CPU PEIR***



### Ambient Noise

The Old Town CPU PEIR noted that existing stationary noise sources identified within the CPU area were typical of a developed mixed-use neighborhood, including heating, ventilation, and air conditioning (HVAC) units in operation. Although the CPU proposes the development of land uses that may ultimately generate noise during operations, operational noise levels would be required to comply with the SDMC and General Plan guidelines. The Old Town CPU PEIR determined that an increase in ambient vehicular traffic noise in the Old Town CPU area would result from the future development projections of the project and increases in traffic due to regional growth. The Old Town CPU PEIR predicted that no roadway segments generating existing noise levels greater than 65 dBA CNEL are predicted to generate an increase in noise levels greater than 3 dBA in the future condition. Therefore, no significant increases in ambient noise levels were predicted to occur throughout the Old Town CPU area; thus, it was determined that ambient noise level increases as a result of the CPU would be less than significant.

### Vehicular Noise

The Old Town CPU PEIR determined that in the Old Town CPU area, noise levels for all land uses would typically be incompatible (i.e., greater than 75 dBA CNEL) closest to the freeways and specific segments of Pacific Highway. While land uses in the CPU area would be exposed to transportation noise levels that exceed General Plan standards, consistent with Section B of the General Plan Noise Element, the SDMC and the CBC, projects must incorporate design elements, including HVAC units and noise attenuating windows and materials, to ensure interior levels of 45 dBA CNEL for multi-family and mixed-use residential uses. Based on the existing regulatory framework and review process for new development, that requires projects to demonstrate that exterior and interior noise levels would be compatible with City standards, the PEIR determined that the CPU would not cause exposure of people to current or future transportation noise levels which exceed standards established in the Noise Element of the General Plan.

The Old Town CPU PEIR determined that all sensitive receptors located within the 60 dBA day-night average sound level ( $L_{dn}$ ) distance buffer from the railroad tracks experience predicted existing and future vehicle traffic noise levels in excess of 70 dBA CNEL, which would exceed the 60 dBA noise level impact from rail. Therefore, vehicle traffic noise far-exceeds the contribution of noise from railroad operations. Thus, it was determined that impacts specifically from rail noise would be less than significant.

### Airport Compatibility

The Old Town CPU PEIR determined that based on the projected airport noise contours for SDIA, no portions of the Old Town CPU area were forecasted to experience noise levels due to aircraft operations that exceed 60 dBA CNEL; therefore, impacts related to airport noise would be less than significant.

### Noise Ordinance Compliance

The Old Town CPU PEIR determined that City policies and regulations would control noise and reduce noise impacts between various land uses. In addition, enforcement of the state noise regulations in Title 24 of the California Code of Regulations would control impacts. With implementation of these laws and regulations and enforcement of the Noise Abatement and Control Ordinance of the SDMC, it was determined that impacts would be less than significant.



### Temporary Construction Noise

The Old Town CPU PEIR determined that due to the developed nature of the Old Town CPU area with sensitive receivers potentially located in close proximity to any given construction site, there is a potential for construction of projects within Old Town CPU area to expose existing sensitive land uses to significant noise levels. While future development projects would be required to incorporate feasible mitigation measures, due to the proximity of sensitive receivers to potential construction sites, it was determined that the program-level impact related to temporary construction noise would be less than significant with mitigation.

Due to the developed nature of the Old Town CPU area with existing structures occupying the majority of parcels, the PEIR discloses that pile driving within distance of some existing structures have the potential to exceed damage thresholds and would be potentially significant. Table 5.5-7 of the Old Town PEIR describes distance thresholds for the type of structure in the vicinity that would result in potential structural damage or a strongly perceptible human response. The PEIR concluded that the CPU impacts related to construction vibrations would be significant and unavoidable even with mitigation.

The Old Town CPU PEIR determined that post-construction operational vibration impacts could occur as a result of commercial operations that are implemented in accordance with the CPU. The PEIR concluded that operation of residential uses do not typically generate vibration. Nonetheless, operational vibration impacts associated with the CPU would be less than significant.

## ***Project***

### Ambient Noise

The Old Town CPU concluded that ambient noise impacts to existing noise sensitive land uses would be less than significant because no roadway segments generating existing noise levels greater than 65 CNEL dBA would generate an increase in noise levels greater than 3 dBA. The project proposes density on the project site that is greater than what was analyzed in the Old Town CPU PEIR, however, the project's units are far less than the more than 1,000 additional units contemplated by the Old Town CPU and total development within the CPU area since adoption remains well below the growth anticipated by the CPU. Therefore, even with the addition of project traffic to the CPU area, it is anticipated that overall traffic would be less than what was analyzed in the PEIR. Thus, the project would not result in increases in noise levels greater than 3 dBA. The project would not expose existing and future sensitive receptors to impacts beyond those already addressed in the PEIR. Impacts related to the increase in ambient noise would be less than significant.

According to the Old Town CPU PEIR, an existing regulatory framework and review process exists for new development in areas exposed to high levels of ambient noise. According to the Exterior Noise and Exterior Façade Acoustical Analysis prepared for the project (see Attachment 1), traffic on San Diego Freeway, Pacific Highway, Taylor Street and the Coaster/Pacific Surfliner Train Lines are the primary source of noise affecting the site. Considering all noise sources, the site is subject to an ambient noise environment of 76 CNEL dBA. Consistent with that determination, as mapped in the Old Town CPU PEIR (see Figure 5.5-3 Future Traffic Noise Contours), the project site falls within the >75 dBA noise contour for future project conditions. Like the Old Town CPU PEIR, the vehicular noise because of the project would not increase ambient noise levels in the surrounding community 3 dBA over existing ambient noise levels. A Traffic Noise Model was run to predict vehicular noise levels



(see Attachment 1) after implementation of the project; the results noted that ambient noise on the project site would range from 66 to 75 CNEL. In addition, policies in the Old Town CPU and General Plan related to decibel levels, procedures in the SDMC, and regulations (Title 24) would reduce traffic noise exposure, because they set standards for the siting of sensitive land uses.

The main operational noise sources associated with the project that may contribute to the ambient noise environment would include parking activities, deliveries, trash-hauling activities, and HVAC equipment. However, these operations would be subject to policies in the Old Town CPU and General Plan related to decibel levels and procedures in the SDMC to limit the noise levels.

As assessed, project impacts would be less than significant consistent with the PEIR as the project would not result in a significant increase in the existing ambient noise levels.

#### Vehicular Noise

As detailed in the Old Town CPU PEIR, a significant impact would occur if implementation of the project would result in an exposure of sensitive receivers to current or future motor vehicle traffic noise levels that exceed standards established in the Noise Element of the General Plan. As shown in Figures 5.5-2 and 5.5-3 of the PEIR, the site is already subject to noise levels greater than 75 CNEL dBA.

A site-specific Exterior Noise and Exterior Façade Acoustical Analysis (see Attachment 1) has also been prepared that calculates future predicted noise levels. The project has been designed to attenuate noise at outdoor use areas to the extent feasible; however, portions of the site would continue to be subject to noise levels between 71 to 75 CNEL at the building façade and 66 to 68 CNEL at the exterior use area (pool and spa deck). Although not generally considered compatible, the City's General Plan Noise Element specifies that multi-family and mixed-use residential uses in areas experiencing up to 75 dBA CNEL from motor vehicle traffic noise are conditionally compatible for existing residential uses. Additionally, required compliance with Title 24 interior noise requirements during the building permit phase would ensure interior noise levels of 45 dBA CNEL can be achieved. As discussed under the Land Use section, the project would be consistent with the General Plan Noise Element land use compatibility criteria for noise. Regarding interior noise compatibility, the CBC (Section 1207, "Sound Transmission") and the City of San Diego Noise Element state that interior CNEL values for residential land uses are not to exceed 45 CNEL in any habitable room. To ensure interior noise levels required by law are achieved for both average noise levels and short-duration single-event noise sources such as trains and heavy truck pass-bys, the Exterior Noise and Exterior Façade Acoustical Analysis (see Attachment 1) identifies project-specific acoustical specifications for exterior windows and doors to reduce noise in the interior environment for both the residential and non-residential uses. As a condition to issuance of project building permits, the project would incorporate attenuation measures, including but not limited to sound-rated windows (extra thick or multi-paned), doors and wall construction materials and insulation, that ensure an interior noise level of 45 dBA CNEL. As interior noise levels would be compatible with City's interior noise standard, the project would not expose sensitive receptors to increased ambient noise.

As detailed in the Old Town CPU PEIR, rail noise generated from trolley, Amtrak, Coaster and freight train operations affects the CPU area. Based on Table 5.5-6 from the CPU PEIR, year 2021 railway noise would attenuate to 60 dBA ( $L_{dn}$ ) at approximately 308 feet from the center of the rail alignment



when considering the aggregate noise from all rail sources. The Coaster and Pacific Surfliner Train Lines are located 340 feet to the east of the project site. Based on the project distances, noise levels due to railroad operations would be less than 60 dBA  $L_{dn}$ , and impacts would be less than significant. It should also be noted that vehicle traffic noise far-exceeds the contribution of noise from railroad operations as vehicle traffic from Pacific Highway and the I-5 highway is a more constant noise source located adjacent to the project site compared to the intermittent rail noise located at a further distance. While periodic train pass-bys may be audible at the project site, railroad operations would not increase the overall CNEL due to the distance from the project site and the fact that vehicle traffic noise dominates the noise environment.

Therefore, there would be less than significant impacts consistent with the PEIR regarding the project exposing people to current or future transportation noise levels which exceed standards established in the Noise Element of the General Plan.

Airport Compatibility

The project is not located in an area subject to ALUCP noise policies or limitations. Thus, as noted in the Old Town CPU PEIR, no portions of the proposed Old Town CPU area are forecasted to experience incompatible noise levels (above 60 dBA CNEL) as defined by the ALUCP due to aircraft operations; therefore, impacts related to compatibility with airport noise levels for the project would be less than significant.

Noise Ordinance Compliance

A significant impact would occur if implementation of the project results in the exposure of people to noise levels that exceed property line limits established in the Noise Abatement and Control Ordinance of the SDMC. Regarding stationary source noise, the main operational noise sources associated with the project would include parking activities, deliveries, trash-hauling activities, and heating, ventilation, and air conditioning (HVAC) equipment. Stationary sources of noise generated on a project site are regulated by the City's Noise Abatement and Control Ordinance. Section 59.5.0401 of the City's Noise Abatement and Control Ordinance states that:

- A. It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit.
- B. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

The applicable noise limits of the City's Noise Abatement and Control Ordinance are summarized in Table 3.

Land Use	Time of Day	One-Hour Average Sound Level [dBA $L_{eq}$ ]
Multi-family Residential (up to a maximum density of 1 unit/2,000 square feet)	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
All other Residential	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55



	10:00 p.m. to 7:00 a.m.	50
Industrial or Agricultural	Anytime	75
SOURCE: City of San Diego Noise Abatement and Control Ordinance Section 59.5.0401. dB(A) $L_{eq}$ = A-weighted decibels equivalent noise level.		

The land uses surrounding the site include two highways, a motel approximately 680 feet to the north, and a light industrial use and a rail line approximately 340 feet to the east. The applicable standards between the project site and the adjacent commercial uses would be the arithmetic mean of the "all other residential" and "commercial" limits which would be 62.5, 57.5, and 55 dBA  $L_{eq}$  during the daytime, evening, and nighttime hours, respectively. The applicable standards between the project site and the adjacent industrial uses would be the arithmetic mean of the "all other residential" and "industrial" limits which would be 67.5, 65, and 62.5 dBA  $L_{eq}$  during the daytime, evening, and nighttime hours, respectively.

Anticipated noise sources associated with the project would include HVAC equipment, vehicles arriving and leaving, and landscape equipment. These noise sources are similar to those non-transportation noise sources in the vicinity of the project site are not anticipated to generate noise levels that would exceed the property line noise level limits. Typical HVAC units generate a sound power level of 72 dBA. The nearest adjacent property line is located approximately 120 feet from the project boundary. A sound power level of 72 dBA would be equivalent to an average hourly sound pressure level of 33 dB(A)  $L_{eq}$  at 120 feet. Noise levels due to vehicles arriving and leaving and landscaping equipment would be less than mechanical equipment noise and are not anticipated to exceed property line noise level limits. Therefore, the project would not result in the exposure of people to noise levels which exceed property line limits established in the Noise Abatement and Control Ordinance of the Municipal Code, and impacts would be less than significant, consistent with the PEIR.

#### Temporary Construction Noise

As detailed in the Old Town CPU PEIR, a significant noise impact due to construction noise would occur if noise-sensitive receptors are exposed to 12-hour  $L_{eq}$  levels of 75 dBA or higher between the hours of 7:00 a.m. to 7:00 p.m., or noise generated from construction activity during nighttime hours (7:00 p.m. to 7:00 a.m.), legal holidays, or Sundays.

Construction noise is regulated by the City's Noise Abatement and Control Ordinance. Section 59.5.0404 of the City's Noise Abatement and Control Ordinance states that:

- A. It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise. . . .
- B. . . . it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.



As required by the SDMC, project construction would be restricted to between the hours of 7:00 a.m. and 7:00 p.m. Construction noise levels during daytime hours were assessed in relation to any surrounding sensitive receptors. The nearest residential properties are located approximately 0.3 mile or 1,584 feet south of the project site and a motel is located approximately 680 feet to the north of the site. The surrounding properties are zoned OTCC-1-1, which does not allow residential uses.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g., demolition; land clearing, grading, and excavation; erection). As detailed in the Old Town CPU PEIR, construction noise for the project in any one particular area would be short term and would include noise from activities such as site preparation, truck hauling of material, pouring of concrete, and the use of power tools. Noise would also be generated by construction equipment, including but not limited to, earthmovers, material handlers, and portable generators, and could reach high levels for brief periods. Data on typical construction equipment noise levels was obtained from the Old Town CPU PEIR, Appendix G. As detailed in the PEIR, construction equipment could generate maximum noise levels ( $L_{max}$ ) between 85 and 90 dBA at 50 feet from the source when operating. Hourly average noise levels would vary depending on the duration of equipment operation, type of equipment, relative location of the construction equipment to the noise sensitive receptor. During excavation, grading, and paving operations, equipment moves to different locations and goes through varying load cycles, and there are breaks for the operators and for non-equipment tasks, such as measurement. As detailed in the PEIR and based on Federal Transit Administration (FTA) guidance including the FTA Highway Construction Noise Handbook (FTA 2006) and the Transit Noise and Vibration Impact Assessment manual (FTA, 2018), hourly average noise levels would be approximately 83.7 dB(A)  $L_{eq}$  at 50 feet from the center of construction activity. The PEIR found that construction noise would typically attenuate to 75 dBA hourly  $L_{eq}$  at approximately 177 feet. Based on the nearest sensitive receptors to the site (a motel at 680 feet), the project would not expose any sensitive receptors to construction noise more than municipal code requirements (i.e., property line noise limitations).

The Old Town CPU PEIR included mitigation framework (mitigation measure NOISE 5.5-2) to minimize short-term noise levels caused by construction activities for projects that would exceed noise level limits defined in the municipal code. However, as detailed in the preceding paragraph, the project would have less than significant impacts, as compared to the PEIR conclusion of less than significant with mitigation, as the project would not expose sensitive receptors to noise level limits more than City standards and would not exceed property line noise limitations at sensitive receptors.

#### Vibration

As detailed in the PEIR, construction operations have the potential to result in varying degrees of temporary ground vibration, depending on the specific construction equipment used and operations involved. The PEIR found that impacts related to pile driving activities could exceed threshold levels for structural damage and human annoyance depending on the distance from the construction activity to the structure and the type of structure involved. The Old Town CPU PEIR included an evaluation of potential impacts due to vibration generating activities during construction and identified pile driving as having the potential to generate the highest groundborne vibration levels and being the primary concern for vibratory structural damage when it occurs within critical distances of structures of varying age and/or construction. The specific construction methods



proposed are not determined at this time; however, there is a potential for pile driving to be required. The Old Town CPU PEIR identified -specific distances listed in Table 5.5-7 of the Old Town CPU PEIR that if pile driving were to occur within those distances, could have the potential to exceed damage and annoyance thresholds, resulting in a potentially significant impact. The nearest structures are modern industrial and commercial structures more than 150 feet away from the site, across Pacific Highway, which is outside of the threshold distance for potential structural damage as detailed in the Old Town PEIR Table 5.5-7. Although these structures are within the 300-foot threshold distance for a "Strongly Perceptible" human response to vibration. As detailed in the Old Town CPU PEIR, the 300-foot perception distance is not a discrete impact threshold but highlights potential for annoyance to occur by persons within this distance. Based on the temporary nature of any pile driving activities (if required), and the existing noise and vibration conditions at the site due to the adjacent freeway and rail operations, strongly perceptible vibration annoyance is not anticipated. Additionally, the industrial and commercial structures located within the 300-foot distance are located across Pacific Highway, a heavily traveled roadway which would further reduce the potential for substantial human annoyance to occur in the event of pile driving activities.

Therefore, the project would have less than significant vibration impacts during construction, as compared to the Old Town PEIR which concluded that impacts related to construction vibrations would be significant and unavoidable even with mitigation.

#### Noise Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Health and Safety**

#### ***Old Town CPU PEIR***

#### Wildland Fire Risk

The Old Town CPU PEIR determined that future development within the Old Town CPU area would be subject to conditions of approval that require adherence to the City's Brush Management Regulations and requirements of the California Fire Code. As such, impacts relative to wildland fire hazard would be less than significant.

#### Hazardous Emissions and Materials

The Old Town CPU PEIR determined that the project would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of any existing or proposed school. Impacts to schools would be less than significant.

#### Emergency Plan Consistency

The Old Town CPU PEIR determined that the CPU would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Therefore, the impacts would be less than significant.



#### Hazardous Materials Site

The Old Town CPU PEIR determined that the CPU would be consistent with federal, state, and local regulations and programs in place that minimize the risk to sensitive receptors on or adjacent to hazardous materials sites and for hazardous materials release sites that may be encountered in the future. Therefore, it was determined that there would be less than significant impacts relative to hazardous materials sites.

#### Aircraft Hazards

The Old Town CPU PEIR determined that impacts from safety hazards related to location within an airport influence area (AIA) would be less than significant as future development within the Old Town CPU area would be subject to the requirements of the ALUCP and associated FAA and City requirements.

### **Project**

#### Wildland Fire Risk

As disclosed in the Old Town CPU PEIR, the project site is in a Very High Fire Hazard Severity Zone. Implementation of policies and regulations within the San Diego Fire Code, San Diego Building Regulations, and Brush Management Regulations, as well as policies within the CPU have been applied to the site to ensure the structure is designed for fire safety and would provide adequate fire access to the site. The project site would be completely developed which would limit the availability of fuels that could support the spread of potential wildfires. As the project site is located in a highly developed area with very little vegetation fuel, consistency with the City's brush management regulations would reduce to a less than significant level the potential impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires, including when wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. This is consistent with the Old Town PEIR. Compliance with fire access requirements combined with building code and brush management regulations ensures the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The project would be accessed from existing streets including Pacific Highway and would not substantially impair an adopted emergency response plan or emergency evacuation plan. The project would provide adequate ingress/egress points (including eliminating some curb cuts to Pacific Highway) and roadway improvements would be designed in accordance with the City Streets Design Manual. As required by the SDMC and applicable construction codes, the project would install all fire-protection related infrastructure on-site, which would ensure adequate emergency access and access for fire response.

#### Hazardous Emissions and Materials

The project site is located approximately 800 feet to the west of a school, within the quarter mile buffer established by the threshold. However, the project is a residential use which is not associated with hazardous emissions or substantial use of hazardous materials. The residential project would include the use of common household hazardous substances that would be managed in accordance with applicable regulations.

The project site has a long history or prior use including a gas station. To identify the potential for soil contamination or other hazards to exist on-site, a Phase I Environmental Site Assessment (ESA) and Limited Phase II ESA was conducted (Attachments 9 and 10). As detailed therein, special



handling procedures were recommended during construction to ensure any petroleum contaminated soil from a historic leaking underground storage tank (LUST) is safely handled and treated in accordance with applicable regulations. A project-specific Community Health and Safety Plan (HASP; Attachment 11) was prepared and approved by the County in accordance with the requirements specified by the California Division of Occupational Safety and Health Hazardous Waste Operations Standards (Title 29 Code of Federal Regulations, Section 1910.120 and Title 8 California Code of Regulations Section 5192). The HASP identifies procedures for safe handling and transport of hazardous materials and waste which would avoid adverse impacts associated with handling hazardous materials in proximity to a school.

The project applicant is engaged with the County of San Diego Department of Environmental Health and Quality (DEHQ) Voluntary Assistance Program (VAP) to provide oversight for the treatment of contaminated soils during grading and construction. The DEHQ VAP reviews all applications in accordance with the DEHQ Site Assessment and Mitigation Manual with the goal of ensuring the protection of human health, water resources and the environment. As part of this review, the DEHQ noted that approval of the Soils Management Plan (SMP) under the condition that a minimum of one additional soil vapor sampling event be conducted at one of the locations specified in their VAP case concurrence letter (Attachment 12). The project applicant would complete all remediation and hazardous material removal consistent with DEHQ VAP requirement. Once remediation is complete, the DEHQ VAP would issue a closure letter indicating that all hazardous conditions have been appropriately remediated in accordance with applicable regulations. The City would require evidence of the closure letter as a project condition of approval.

The requirement for the DEHQ VAP closure letter is consistent with the analysis and discussion in the Old Town CPU FEIR which stated that any new development that involves contaminated property would necessitate the clean-up and/or remediation of the property in accordance with applicable requirements and regulations and no construction would be permitted at such locations until a clearance letter from the applicable regulating agency is provided. Therefore, with project implementation of the HASP, Soils Management Plan (Attachment 13), along with regulatory oversight and the issuance of a closure letter from the DEHQ VAP, impacts related to hazardous materials during grading would be less than significant.

Project operations would be conducted in compliance with hazardous materials regulations, including the proper use, transport, and disposal of hazardous materials associated with residential uses. Compliance with laws, including hazardous materials regulations, would ensure the project would not increase the severity of a potential impact related to the use, handling, transport of hazardous waste and hazardous materials within a quarter mile of an existing school. Project impacts would be less than significant, consistent with the Old Town CPU PEIR.

#### Emergency Plan Consistency

The project would not conflict with the implementation of the policies and procedures of the San Diego County Operational Area Emergency Operations Plan Annex Q Evacuation (County of San Diego 2022). The plan identifies major interstates and highways within the County as primary transportation routes for evacuation.

The project site would include two access driveways to Pacific Highway to provide access to the I-5 and I-8. The project would not propose any use, design hazards or roadway network improvements



that would conflict with adopted emergency response plan or emergency evacuation plans. The project would have a less than significant impact associated with implementation of, or physically interfering with, an adopted emergency response plan or emergency evacuation plan, consistent with the Old Town PEIR.

#### Hazardous Materials Site

The "Cortese List" contains information about contaminated properties compiled pursuant to Government Code Section 65962.5. Applicable databases making up the Cortese list were reviewed to determine if the site meets the criteria for the Cortese List. The site does not appear on any regulatory lists compiled pursuant to Government Code Section 65962.5. Therefore, impacts related to being located on a hazardous site compiled pursuant to Government Code Section 65962.5 would be less than significant, consistent with the Old Town PEIR.

#### Aircraft Hazards

The project is located in the AIA Review Area 2 for SDIA as depicted in the AIA figure and Overflight Area Boundary area of the adopted 2014 ALUCP (San County Regional Airport Authority, Airport Land Use Commission 2014). The project is also located in AIA 2 for NAS North Island. The project is not located in an area subject to either ALUCP's noise policies. In addition, the project site is not located in a Safety Zone as depicted in the 2014 ALUCP for the SDIA or NAS North Island; therefore, the proposed height and density is not limited by the ALUCP. Since the project is within AIA Review Area 2 and not subject to airport land use limitations, the City was not required to obtain a consistency determination from the Airport Land Use Commission (ALUC).

Under the SDIA ALUC, like all projects within the AIA, the project must obtain a determination of no hazard to air navigation and record an overflight notification agreement with the Office of the County Recorder as the project includes new dwelling units. The City has included the FAA Part 77 airspace noticing and overflight noticing as requirements of the Airport Land Use Compatibility Overlay Zone in Chapter 13 of the LDC. The maximum height of the proposed structure is approximately 85 feet above MSL. The FAA Part 77 requires FAA notifications for any project that includes buildings 80 feet or more above MSL. Based on the aviation study included as Attachment 2, the structure is expected to receive routine FAA approval and determination of no hazard because it would not exceed the Visual Flight Rule Conical Surface. The FAA Part 77 notification surface for NAS North Island is at 191 feet above MSL; therefore, no notification is triggered by the project for the NAS North Island ALUC.

Based on the project's location outside of the safety zones for any airport and the required notification to the FAA, along with the overflight notification agreement that would be recorded for any new dwelling unit, impacts related to aircraft hazards would be less than significant consistent with the Old Town CPU.

#### Health and Safety Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.



## **Hydrology/Water Quality**

### ***Old Town CPU PEIR***

#### Flooding and Drainage Patterns

The Old Town CPU PEIR determined that all development within the Old Town CPU area is subject to drainage and floodplain regulations in the SDMC and would be required to adhere to the City's Drainage Design Manual and Storm Water Standards Manual. Therefore, with future development, the volume and rate of overall surface runoff within the CPU area would be reduced when compared to the existing condition. It was determined that impacts would be less than significant.

#### Water Quality

The Old Town CPU PEIR determined that new development under the project would be required to implement low impact development (LID) and storm water BMPs into project design to address the potential for transport of pollutants of concern through either retention or filtration. The implementation of LID design and storm water BMPs would reduce the amount of pollutants transported from the proposed Old Town CPU area to receiving waters. It was determined that impacts would be less than significant.

Future development within the CPU area would adhere to the requirements of the municipal separate storm sewer systems (MS4) permit for the San Diego region and the City's Storm Water Standards Manual; therefore, no substantial pollutant discharges would occur and there would be no substantial adverse effect on water quality would result.

#### Groundwater

The Old Town CPU PEIR determined that groundwater within the San Diego mesa is exempt from municipal and domestic supply beneficial use and does not support municipal and domestic supply. Groundwater within the Mission San Diego subarea of the Lower San Diego area of the San Diego Hydrologic Unit has a potential beneficial use for municipal and domestic supply. Storm water regulations that encourage infiltration of storm water runoff and protection of water quality would also protect the quality of groundwater resources and support infiltration where appropriate. Thus, it was determined that implementation of the CPU would result in a less than significant impact on groundwater supply and quality.

### ***Project***

#### Flooding and Drainage Patterns

A site-specific drainage study and SWQMP was prepared for the project site (see Attachment 8). The results of the study and plan demonstrate that the project would not result in flooding due to an increase in impervious surfaces, changes in absorption rates, drainage patterns, or the rate of surface runoff.

Under existing, pre-project conditions, all but a very small portion of the project site is impervious because of asphalt parking lot and the existing on-site structure that conveys roof drainage via downspouts that release at grade. The site receives no off-site drainage due to the existing retaining wall that channels stormwater into an inlet within Pacific Highway, north of the project site. Public stormwater infrastructure exists within the adjacent right-of-way which captures the stormwater



from the gutter and routes it to a public stormwater lift station approximately 300 feet east of the project site. The station releases stormwater into a 66-inch culvert which discharges into the San Diego River, which flows into the Pacific Ocean. The project would install an on-site piped stormwater conveyance network to capture, treat, and discharge on-site stormwater into the public storm drain network within the right-of-way along project frontage. The project proposes new connections into this public storm drain system but would not alter the ultimate drainage basin area captured and routed to the downstream infrastructure. All drainage facilities would be constructed per City standards and easements would be provided as required. In addition, the project would not affect the capacity of existing off-site drainage facilities as the existing site is fully impervious and the proposed conditions would install BMPs throughout the site. Prior to building occupancy, the owner/permittee shall enter into a maintenance agreement for the ongoing permanent BMP maintenance as required by the SDMC and applicable law. Additionally, the project site is within an area on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map designated as an area of minimal flood hazard (Zone X). All on-site private storm drain systems and post construction BMPs have been sized to convey the 100-year, 6-hour storm event to existing conditions.

Consistent with the Old Town CPU PEIR, the project has been designed for consistency with the City's Drainage Design Manual, Storm Water Standards Manual and the NPDES permit which ensures stormwater and drainage facilities would not increase runoff rates or create downstream erosion conditions. Impacts related to flooding due to an increase in impervious surfaces, changes in absorption rates, drainage patterns, or the rate of surface runoff would be less than significant, consistent with the Old Town PEIR.

#### Water Quality

The project would install structural BMPs (modular wetlands) on-site that would treat runoff captured from on-site drainage prior to being discharged to the stormwater infrastructure that would ultimately be discharged into the San Diego River, which flows into the Pacific Ocean. The project BMPs would treat water in compliance with NPDES permit requirements, the City regulations under the Storm Water Standards Manual and grading regulations of the SDMC governing water quality protection during construction as well as operations and the project-specific SWQMP. Compared to the existing conditions, the water quality of stormwater discharges from the site would be expected to improve considering the site does not currently have any BMPs in place to treat water quality. Therefore, there would be a less than significant impact on water quality from an increase in pollutant discharge to receiving waters and increase discharge of identified pollutants to an already impaired water body, consistent with the Old Town CPU PEIR.

#### Groundwater

The pre-project, existing condition of the site currently is 100% impervious and does not involve infiltration into the groundwater table. As demonstrated by the SWQMP and the Infiltration Feasibility Condition Letter (Attachment 14) prepared for the project, the project would not change those conditions as the project would not allow for the infiltration of runoff captured by the proposed BMPs due to the depth of artificial fill underlying the site. The BMP manual states that full and partial infiltration BMPs should not be placed within existing fill soils greater than 5 feet thick. Temporary dewatering would potentially be required on-site during construction due to the shallow depth of the groundwater table. Dewatering would be required to draw the existing groundwater table at least 5 feet below the bottom of the deepest planned excavation to reduce the possibility of



wet, unstable soils during excavation. However, dewatering is temporary and would not be at a scale significant enough to reduce groundwater supplies. An NPDES permit from the Regional Water Quality Control Board would be required to be obtained by the Contractor for discharge of the dewatering effluent to ensure no impacts to ground water quality. Therefore, the project would not deplete groundwater supplies, degrade groundwater quality, or interfere with ground water recharge such that project impacts are less than significant impacts consistent with the Old Town CPU PEIR.

#### Hydrology/Water Quality Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Visual Effects and Neighborhood Character**

#### ***Old Town CPU PEIR***

##### Scenic Vistas or Views

The Old Town CPU does not identify any specific existing scenic views or vistas from a public viewing area within the Old Town community. The Land Use Element of the CPU does, however, describe a vision for enhancements to the Presidio Park area, which includes scenic overlooks or viewpoints to San Diego Bay, Mission Bay, and the San Diego River. Implementation of the CPU would not result in substantial alteration or blockage of public views from critical view corridors, designated open space areas, public roads, or public parks; new development within the community would take place within the constraints of the existing urban framework and development pattern, thereby not impacting public view corridors and viewsheds along public rights-of-way. Due to the urbanized nature of the CPU area, future projects would blend with the existing urban framework through proposed design elements stated within the Urban Design Element of the CPU and would not result in new obstructions to view corridors along public streets where view opportunities largely exist. Therefore, public view impacts would be less than significant.

##### Neighborhood Character

Old Town is a developed, urbanized community with some open and park space and a designated State Historic Park. The guiding principles of the proposed CPU aim to maintain Old Town with its existing character as a residential community, as well as a visitor attraction, with buildings that replicate, retain, and enhance the distinctive character that existed in Old Town prior to 1871. The PEIR disclosed that residential buildings that complement Old Town's historical small-town character and implement the architectural styles policies in the CPU's Urban Design Element could replace out-of-scale non historic buildings such as those found in the Hortensia Sub-District. The Old Town CPU Urban Design Element includes building design guidelines for architectural criteria, architectural periods, and sustainability that address building height, further protecting public view corridors, and regulating the bulk and scale of development. The Old Town CPU includes policies that would encourage residential, commercial, and mixed-use development that would be consistent with the existing neighborhood character. The architectural and site design policies and guidelines of the Old Town CPU would apply to all development activity in Old Town, however, projects involving designated historic resources or potentially significant historic resources would be



evaluated by the Historical Resources Board to determine consistency with the Secretary of the Interior's Standards for Treatment of Historic Properties.

The CPU Urban Design Element also provides policies relative to streetscape (publicly owned street rights-of-way) and public spaces (publicly accessible open spaces such as parks, squares, plazas, courtyards, and alleys) that would reinforce the area's historic character and function as future development occurs. Urban forestry policies are also proposed that would maximize the benefits of trees, including their contribution to the character, identity, and comfort of the community's streets. Tree and shrub species and herbaceous plant species palettes, which are included in the proposed Old Town CPU and Planned District Ordinance, have been designed to utilize plant and tree species native to San Diego County that would contribute to the visual character of the CPU area. Therefore, the PEIR found that impacts of the CPU on neighborhood character would be less than significant.

#### Distinctive or Landmark Trees

The Old Town CPU Urban Design Element includes a policy to preserve existing mature trees whenever possible, including non-native trees, and the Conservation Element includes a policy to design and construct development to retain significant, mature, and healthy trees as feasible. In addition, street trees present within the Old Town CPU area are subject to City Council Policy 900-19, which provides for protection of street trees, except as required because of tree health or public safety. Implementation of the Old Town CPU would prevent the loss of existing mature trees except as required because of tree health or public safety. The implementation of the Old Town CPU would not result in the loss of any distinctive or landmark trees, or any stand of mature trees; therefore, the PEIR determined that impacts would be less than significant.

#### Landform Alteration

While the proposed Old Town CPU would intensify some uses, the Old Town CPU contains policies to ensure that redevelopment considers existing development as well as the landform. Of particular importance are the Old Town CPU Conservation Element and Urban Design Element policies that would support conservation of existing landforms and open space and would support the design of buildings that respect existing landforms. As future development proposals come forward resulting from the project, they would be reviewed to determine whether grading plans demonstrate compliance with the City's LDC for grading. Implementation of the Old Town CPU would result in less than significant impacts related to landform alteration based on implementation of proposed Old Town CPU policies that require building form to be sensitive to topography and slopes, and existing protections for steep slopes (ESL) and grading regulations within the LDC.

#### Light and Glare

Future development implemented in accordance with the CPU would necessitate the use of additional light fixtures and may contribute to existing conditions of light and glare. New light sources may include residential and non-residential interior and exterior lighting, parking lot lighting, commercial signage lighting, and lamps for streetscape and public recreational areas. Lighting policies within the Old Town CPU Urban Design Element would support pedestrian-oriented street lighting with appropriate shielding and low heights to minimize light spillage. These policies would support existing lighting regulations in the LDC. Outdoor lighting is regulated by Section 142.0740 of the LDC. The purpose of the City's outdoor lighting regulations is to minimize negative impacts from light pollution, including light trespass, glare, and urban sky glow in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination.



outdoor lighting fixtures must minimize light trespass in accordance with the Green Building Regulations, where applicable, or otherwise shall direct, shield, and control light to keep it from falling onto surrounding properties. The regulations prohibit direct-beam illumination from leaving the premises and requires that most outdoor lighting be turned off between 11:00 p.m. and 6:00 a.m. with some exceptions (such as lighting provided for commercial and industrial uses that continue to be fully operational after 11:00 p.m.). Section 142.0730 of the City's LDC regulates glare. Section 142.0730 limits a maximum of 50 percent of the exterior of a building to be composed of reflective material that has a light reflectivity factor greater than 30 percent. Additionally, per Section 142.0730(b), reflective building materials are not permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space. Therefore, impacts relative to lighting and glare would be less than significant through the implementation of existing requirements as well as policies in the Old Town CPU.

### ***Project***

#### Scenic Vistas or Views

The project site is composed of the existing Perry's Café building and an asphalt-paved parking lot. Consistent with the PEIR, the project would not result in a substantial obstruction of a vista or scenic view from a public viewing area as identified in the community plan including, without limitation, critical view corridors, designated open space areas, public roads, or public parks. The project would take place within the context of the existing urban setting and would comply with applicable policies of the Old Town CPU related to protection of scenic vistas or views. Although the proposed buildings would reach a maximum height of 85 feet as allowed by the City's density bonus requirements where a 45-foot height limit would otherwise exist, the project is not located within an area where the project building would result in a substantial obstruction of a vista or scenic view from a public viewing area as identified in the community plan. The Old Town CPU identifies key views occurring from the Presidio towards the San Diego Bay and the San Diego River. Due to the higher elevation location of Presidio Park, it is the main public viewing locations in the CPU area with views toward San Diego Bay and San Diego River. Based on the location of these CPU identified view resources being northerly of the project site and away from the viewshed of Presidio Park; there would be no potential for the project to adversely affect views from this public viewing location. Additionally, within the historic center of Old Town, the project site would not be visible due to the distance, generally flat topography, and intervening trees and buildings. Further, the existing viewshed in the vicinity of the project site is visually dominated by adjacent freeway overpasses and existing commercial and industrial buildings. As detailed in the Old Town CPU, "Protecting the community's open space areas serves as a fundamental component of natural resource conservation efforts by protecting canyon landforms, steep hillsides, sensitive biology, scenic resources and public views."

Important scenic vistas and views exist in the northeastern portion of the CPU area including Presidio Park and canyon areas within the community. The project site is located along the western edge of the community, adjacent to freeways in a highly urbanized setting. The project site is physically separated from scenic vistas and views that exist in the northeastern portions of the community by a material distance, with separation also provided by intervening structures and landscaping. The project would not impact important scenic views in the northeastern portion of the Old Town CPU area. Additionally, the project is consistent with the General Plan, which provides direction on urban design in accordance with a community vision, as further detailed under the



discussion regarding neighborhood character below. Thus, the project would not result in a substantial obstruction of a vista or scenic view from a public viewing area as identified in the community plan and impacts would be less than significant, consistent with the Old Town CPU PEIR.

#### Neighborhood Character

The Old Town CPU Urban Design Element provides policies that encourages the architecture of new buildings and building façade remodels to be designed to be consistent with the typical architecture of one of the following three periods: the Spanish Period (1769-1821), the Mexican Period (1821-1846), and the Early American Period (1846-1872). As the existing site and structure does not fit into any of these time periods and due to the location of the project at the edge of the community, the project architecture has been designed to complement the façade of the Perry's Café structure that is being incorporated into the building design. Additionally, the architectural design of the project would incorporate natural elements and materials characteristic of the Old Town community into the project. Specifically, the project was designed for consistency with the Old Town Community Plan Urban Design Chapter, specifically proposed landscaping, colors, and materials are consistent with the Old Town Community Plan (see Old Town CPU Tables 5-1 through 5-5). The Old Town CPU calls for the use of such materials and associated colors as adobe brick, earthen plaster, wood, terra cotta and glazed tile, and iron. To be consistent with these design guidelines of the Old Town CPU, the project proposes the use of such materials as tan stone tile, brown accent plaster, stucco accent color, and lighter colored plaster base on the exterior of the project structure and metal picket railings at balconies to capture the feeling of the surrounding Old Town character. These proposed colors and materials provide a similar color and visual aesthetic to the Old Town design guidelines while complimenting the more modern architecture of the incorporated Googie-style architecture.

The project's proposed structured parking would be consistent with Old Town CPU parking policies that encourage the use of underground or partially below grade parking. Old Town CPU Urban Design policies related to pedestrian spaces and pedestrian orientation support include policies UD-4.1 which calls for the incorporation of plazas, courtyards, patios, porches, and/or paseos within new development where appropriate; policy UD-4.2 which calls for the linking of plazas, courtyards, patios, porches, and paseos to public pedestrian areas visually and physically, Policy UD-4.4 which calls for the orientation of buildings toward the street and incorporation of architectural features that accentuate pedestrian entrances, and UD-4.7 which recommends the provision of transparency at the street level of buildings with ground-floor active uses. In response to these policies, the project would include centrally located common areas and courtyards with resident amenities that would be connected by a paseo leading through the community that would be accentuated by the landscaping to transition the public realm into the common space and courtyards. The project would also incorporate the Googie-style architecture of the Perry's Café structure into its lobby, which fronts Pacific Highway at the ground level to accentuate pedestrian entrances into the project. The project would provide a visually active street-level, as the lobby, entrances to courtyards, entrances to the parking structure would be located on this ground floor, to be framed by street trees. The incorporation of these elements would implement the policy objectives of the Old Town CPU as it relates to community character.

Consistent with Old Town CPU Policy UD-6.9 regarding incorporating shade-producing canopy street trees, the project would incorporate native and/or drought-tolerant species as recommended in Old Town CPU Table 5-1 Planting Palette A - Herbaceous Plant Species and 5-2 Planting Palette B - Landscape Tree and Shrub Species and incorporates a recommended street tree species from Table



5-3, Corridor Specific Street Tree Species (Brisbane Box). In addition, the project would install native species as part of the proposed landscaping and street trees consistent with the Old Town CPU and Planned District Ordinance to maintain the visual character of the Old Town CPU area. All landscape shall conform to the standards of the City-wide Landscape Regulations and the City of San Diego Land Development Manual Landscape Standards and all other landscape related City and Regional Standards. Per SDMC Section 1516.0129 of the Old Town Planned District Ordinance, landscaping and street trees shall incorporate elements typical of early California natural landscapes and pre-1872 Spanish, Mexican, and early American gardens as specified in Appendix D (City of San Diego 2007).

The project proposes the partial demolition and renovation of the Perry's Café building, which is considered a resource potentially eligible for historic designation under HRB Criterion C as a representative example of a Googie-style roadside restaurant constructed during the Automobile, Early Tourism, and Preservation context with a 1966 period of significance as identified in the Old Town Community Plan Area Historic Resources Survey Report (City of San Diego 2018b) and Historical Resource Research Report for the 4620 Pacific Highway Building (see Attachment 4). As concluded by a review by the City's Historical Resources section, the work proposed is generally consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the project would not adversely impact the potentially historic character of the existing building. Through review of the design by the City, the proposed project structures were designed so as to not overwhelm the architectural elements that would remain and maintain integrity of the character of the site. Project open space and amenities would be constructed behind the incorporated Perry's Café elements and the taller elements of the project building.

The height of the structure at 85 feet, while taller than surrounding structures in Old Town, would not result in an adverse effect to neighborhood character based on its physical separation from the historic center of Old Town and its proximity to the freeway interchanges and industrial areas of the community. While the proposed building would be taller than most buildings in Old Town, its location adjacent to the freeway and near major roads and industrial buildings makes the character of the site very different than the historic center. The proposed residential development would add residents and vibrancy to this portion of the community that currently lacks pedestrian activation. The site would be transformed from largely a paved asphalt parking lot to a developed site with updated landscaping and architectural features, materials and colors recommended by the Old Town CPU.

Therefore, the project as proposed would not result in a substantial alteration (e.g., bulk, scale materials or style) to the existing or planned (adopted) character of the area and impacts would be less than significant, consistent with the Old Town CPU PEIR.

#### Distinctive or Landmark Trees

The Old Town CPU PEIR includes policies to preserve existing distinctive or landmark trees or mature trees in the CPU area. The project does not propose removal of distinctive or landmark trees or mature stands of trees requiring preservation under the CPU or otherwise. Therefore, the project would have a less than significant impact consistent with the Old Town CPU PEIR as the project would not result in the loss of distinctive or landmark trees or mature stands of trees as identified in the CPU.



#### Landform Alteration

The project site is flat and entirely developed with paving and existing buildings. The project would not involve a substantial change to existing landforms considering the site is a paved, developed site. Therefore, the project would have a less than significant impact consistent with the Old Town CPU PEIR.

#### Light and Glare

Consistent with the PEIR, light and glare from the project would be regulated under SDMC Section 142.0740 and Section 142.0730, which regulates outdoor lighting, and which limits the area of reflective material permitted on buildings to ensure public safety, respectively. All lighting from the project would be directed downward or shielded so that light does not fall onto surrounding properties or create glare hazards within the public right-of-way. In addition, the majority of the exterior of the project structure would be composed of plaster, tan stone tile, and stucco, which would reduce the potential for glare from the project. Windows would be glazed per industry standard to reduce glare potential and light seepage on the surrounding environment and on nighttime views. Thus, project impacts would be less than significant consistent with the Old Town CPU PEIR as the project would not create substantial light or glare which would adversely affect daytime or nighttime views in the area. Construction would occur between the hours of 7:00 a.m. and 7:00 p.m., according to SDMC Section 59.5.0404 which would reduce potential light impacts associated with construction lighting on nighttime views.

#### Visual Effects and Neighborhood Character Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Air Quality**

#### ***Old Town CPU PEIR***

#### Conflict with Air Quality Plan

The Old Town CPU PEIR determined that the Old Town CPU would increase residential, commercial, and retail development within the CPU area, which would result in greater density. Buildout of the proposed land uses would result in a slight increase in future emissions. However, the net increase from the adopted CPU would not exceed any of the significance thresholds set by the Air Pollution Control District (APCD) and therefore would not conflict with implementation of the Regional Air Quality Strategy (RAQS) and would not have a potentially significant impact on regional air quality.

Therefore, as the Old Town CPU would be consistent with the General Plan and the land use changes associated with the Old Town CPU would not result in a significant increase in operational emissions, the Old Town CPU would be consistent with assumptions contained in the RAQS, and impacts associated with the Old Town CPU was determined to be less than significant.

#### Air Quality Standards

The proposed land uses in 2035 of the Old Town CPU were compared to the existing land uses to determine the total land use that would be constructed over the life of the plan. As the proposed



Old Town CPU provides a long-range guide for the future physical development of the community through 2035, for purposes of the air quality standards analysis, the PEIR assumed that 25% of total land uses would be constructed in a single year. Using that methodology, the Old Town CPU PEIR determined that the CPU would not exceed the applicable thresholds. Additionally, the regulations at the federal, state, and local levels provide a framework for developing project-level air quality protection measures for future discretionary projects. Thus, construction emissions exceeding screening thresholds from buildout of the Old Town CPU were determined to be less than significant.

Regarding operational emissions, the net increase in emissions under the Old Town CPU would not exceed the applicable thresholds of significance. Therefore, air emissions from buildout of the Old Town CPU would not significantly increase air pollutants in the region, would not further increase the frequency of existing violations of NAAQS or CAAQS, and would not result in new exceedances. Therefore, operational air quality impacts associated with the implementation of the Old Town CPU were determined to be less than significant.

The Old Town CPU PEIR determined that the air emissions from buildout of the Old Town CPU would not cause a significant increase of air pollutants in the region, would not further increase the frequency of existing violations of the National Ambient Air Quality Standards or California Ambient Air Quality Standards (NAAQS or CAAQS), or result in new exceedances. Air quality impacts associated with the adoption of the Old Town CPU were determined to result in less than significant impacts.

#### Substantial Pollutant Concentrations

The Old Town CPU PEIR determined that the Old Town CPU would not exceed the maximum carbon monoxide (CO) concentrations that would result in localized CO hot spots, nor would implementation of the Old Town CPU expose sensitive receptors to substantial construction-or operational pollutant concentrations. The Old Town CPU was found to have an exposure risk of approximately 3 percent of the total exposure period used for typical health risk calculations. Considering this information, the highly dispersive nature of diesel particulate matter (DPM), and the fact that construction activities would occur intermittently and at various locations over approximately 18 years (i.e., 2017 to 2035), it was not anticipated that the implementation of the Old Town CPU would expose sensitive receptors to substantial construction-related toxic air contaminant (TAC) concentrations. The Old Town CPU Conservation Element includes Air Quality policy CE-3.1, which would encourage the incorporation of building features into new residential buildings located within 500 feet of the freeway to reduce effects of air pollution. However, the Old Town CPU PEIR acknowledged that even with implementation of Policy CE-3.1, individual development projects could be located within the siting distances (i.e., 500 feet of a freeway) recommended by the California Air Resources Board's (CARB) Air Quality and Land Use Handbook. However, CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations such as transportation needs, the benefits of urban infill, community economic development priorities, and other quality-of-life issues. Therefore, with careful evaluation of exposure, health risks, and affirmative steps to reduce risk, where necessary, implementation of the Old Town CPU is consistent with the goals of the CARB handbook and would not expose sensitive receptors to substantial pollutant concentrations. Thus, impacts were determined to be less than significant.



### Odors

The Old Town CPU PEIR determined that construction of the Old Town CPU would generate odors associated with diesel fumes, asphalt paving, and architectural coatings that would be temporary and would disperse rapidly with distance from the source. Projects constructed under the Old Town CPU would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Therefore, construction-generated odors would not result in exposure of a substantial number of people to objectionable odor emissions. The planned land uses of the Old Town CPU would not encourage or support uses that would be associated with significant operational odor generation. Therefore, this impact was determined to be less than significant.

### **Project**

#### Conflict with Air Quality Plan

The RAQS is the applicable regional air quality plan that sets forth the San Diego Air Pollution Control Board's (SDAPCD) strategies for achieving the NAAQS and CAAQS. The San Diego Air Basin is designated non-attainment for the state ozone standard. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the state standards for ozone. The two pollutants addressed in the RAQS are reactive organic gases and nitrogen oxides, which are precursors to the formation of ozone. The CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed in general plans and used by SANDAG in the development of the regional transportation plans and sustainable communities' strategy. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the General Plan would be consistent with the RAQS.

The Old Town CPU PEIR found that the net increase in air emissions associated with buildout of the adopted Community Plan would not exceed any of the SDAPCD significance thresholds identified in Table 5.9-1 of the Old Town CPU PEIR. The proposed project construction and operational emissions would be consistent with the growth projections outlined for the CPU in the PEIR. The project's units are far less than the more than 1,000 additional units contemplated by the CPU and total development within the CPU since adoption remains well below the growth anticipated by the CPU. Further, the project as an infill residential development near one of San Diego's main transit stations and that will meet or exceed applicable requirements of Title 24 and the SDMC for energy efficiency and sustainability, the project is consistent with the plans for new development to generate proportionally lower air quality emissions. Therefore, project impacts would be less than significant, consistent with the Old Town CPU PEIR as the project would not conflict with or obstruct implementation of an applicable air quality plan.

#### Air Quality Standards

##### *Construction Emissions*

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related emissions include fugitive dust from grading activities, equipment exhaust, trips, and power consumption. The Old Town CPU PEIR analysis concluded that air emissions associated with buildout of individual projects under the CPU would not exceed any of the screening criteria. As the project proposes the construction of 223 units over a two-and-a-half-year construction schedule, the project would be consistent with the Old Town CPU PEIR's conservative



modelling of emissions which were modelled over a single year period, and therefore, would not exceed the applicable thresholds. For purposes of substantiating this assumption, project-specific construction air emissions were calculated using California Emissions Estimator Model (CalEEMod) (version 2022.1.1.20) to assess impacts associated with air quality emissions to determine project consistency with the Old Town CPU PEIR.

Air emission estimates in CalEEMod are based on the duration of construction phases; construction equipment type, quantity, and usage; grading area; season; and ambient temperature, among other parameters. Construction is anticipated to start in the last quarter of 2025 and last for approximately two and a half years. Emissions were modeled assuming that construction activities would begin in October 2025, which provides a conservative analysis, since statewide regulations result in construction fleets that become cleaner over time. Table 4 shows the total projected construction maximum daily emission levels for each criteria pollutant. The CalEEMod output files for construction emissions for the revised project are contained in Attachment 15. Maximum daily construction emissions would be below significance thresholds for all criteria pollutants.

Table 4 Summary of Maximum Construction Emissions (pounds per day)						
Emissions Sources	Pollutant					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition	2	14	16	<1	1	1
Site Preparation	11	23	12	<1	3	2
Grading	2	15	15	<1	4	2
Building Construction	20	38	<1	<1	5	1
Paving	1	8	14	<1	1	<1
Architectural Coatings	22	1	2	<1	<1	<1
<b>Maximum Daily Emissions</b>	<b>22</b>	<b>38</b>	<b>16</b>	<b>&lt;1</b>	<b>5</b>	<b>2</b>
<i>Significance Threshold</i>	<i>250</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>67</i>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
SOURCE: Attachment 15.						

Standard dust control measures would be implemented during construction of the project in accordance with mandatory SDAPCD rules and regulations. Fugitive dust emissions were calculated using CalEEMod default values and did not consider the required SDAPCD dust control measures. Thus, the emissions shown in Table 4 are conservative.

The project grading would occur on a 1.75-acre site and no concurrent grading operations are known to be planned within the immediate project vicinity that could affect local air quality during construction. Additionally, the project would include standard dust and emission control during grading operations in compliance with San Diego APCD Rule 50 (Visible Emissions), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust Control). Architectural coatings with a VOC limit of 50 grams per liter would be used for residential coatings as required by San Diego APCD, Rule 67 (Architectural Coatings).



The project would implement standard construction measures to comply with mandatory SDAPCD rules and regulations (Rules 50, 51, 52, 54, and 55) for controlling emissions from fugitive dust and fumes:

- Water the grading areas a minimum of twice daily to minimize fugitive dust.
- Provide sufficient erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Periodically sweep up dirt and debris spilled onto paved surfaces to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites of construction-related dirt.

Furthermore, all construction equipment would be subject to the CARB In-Use Off-Road Diesel-Fueled Fleets Regulation. This regulation, which applies to all off-road diesel vehicles 25 horsepower or greater, limits unnecessary idling to 5 minutes, requires all construction fleets to be labeled and report to CARB, bans Tier 0 equipment and phases out Tier 1 and 2 equipment (thereby replacing fleets with cleaner equipment), and requires that fleets comply with Best Available Control Technology requirements. Consequently, construction emissions under the project would be well below these limits, and the project would implement standard construction measures in order to comply with SDAPCD rules and regulations and CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation, and thereby would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations. Therefore, construction of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, and impacts would be less than significant consistent with the Old Town CPU PEIR related to conflicts with the RAQS.

#### *Operational Emissions*

Operations emissions generated by the project would come from mobile sources as well as area and energy sources (consumer products, landscape maintenance, architectural coatings, natural gas use, etc.). As noted in the Old Town CPU PEIR, the San Diego APCD has established trigger levels that determine when a new or modified stationary source would require an air quality analysis. These trigger levels are utilized by the City of San Diego in their Significance Determination Thresholds (City of San Diego 2022c) as one of the considerations when determining the potential significance of air quality impacts for projects within the City. The Old Town CPU PEIR determined that the CPU would not exceed the applicable thresholds of significance through an assessment of the net change in emissions from the previous CPU to the adopted CPU. Because the project would be consistent with the CPU and would provide residential density within a transit priority area, ensuring vehicular operational emissions would be minimized, project operation would not generate regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations. For purposes of substantiating this assumption, project-specific construction and operational air emissions were calculated using California Emissions Estimator Model (CalEEMod) (version 2022.1.1.20) to assess impacts associated with air quality emissions to determine project consistency with the Old Town CPU PEIR.

Mobile emissions for the project were calculated based on the vehicle type and the trip rate for each land use. Based on City of San Diego Trip Generation Manual trip generation rates, as noted in the LMA prepared for the project, the project would generate 6 trips per unit for a total of 223 trips.



Vehicle emission factors and fleet mix were based on regional averages from the CARB Emission Factors 2017 model. Default trip length and vehicle emission factors were used. Area emissions include emissions from the use of landscaping equipment, consumer products (aerosols, cleansers, etc.), and architectural coatings (e.g., paint). Energy emissions are related to the combustion of natural gas. Area and energy sources were calculated based on regional use factors. Table 5 provides a summary of the operational emissions generated by the project. CalEEMod output files for operation of the project are contained in Attachment 15.

<b>Table 5 Summary of Maximum Buildout Operational Emissions (pounds per day)</b>						
Emissions Sources	Pollutant					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Sources	7	<1	17	<1	<1	<1
Energy Sources	<1	<1	<1	<1	<1	<1
Mobile Sources	4	3	25	<1	5	1
<b>Total</b>	<b>7</b>	<b>3</b>	<b>25</b>	<b>&lt;1</b>	<b>5</b>	<b>1</b>
<i>Significance Threshold</i>	250	250	550	250	100	67
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
SOURCE: Attachment 15.						
NOTE: Totals may vary due to independent rounding.						

As shown in Table 5, operation of the project would not exceed the applicable regional emissions thresholds, and thereby would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations. Therefore, operation of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, and impacts would be less than significant.

Construction and operational impacts would be less than significant and would not result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation.

#### Substantial Pollutant Concentrations

For the reasons summarized below and in the project's records, the project would not expose sensitive receptors to substantial pollutant concentrations.

#### *Localized Carbon Monoxide Hot Spots*

The Old Town CPU specified that the busiest four-lane roadway segment in the CPU area was Taylor Street (Pacific Highway/Rosecrans Street to Congress Street) which was projected to have a maximum volume of approximately 30,500 vehicles per day in 2035. The peak hour volume at any point during the day is typically 10 percent of the daily volume. The PEIR discloses that, at that traffic volume, CO emissions would not exceed any of the screening thresholds that define a CO hot spot.

A CO hot spot is an area of localized CO pollution that is caused by severe vehicle congestion on major roadways, typically near intersections. CO hot spots have the potential to violate state and federal CO standards at intersections, even if the broader basin is in attainment for federal and state levels. The California Department of Transportation Project-Level Carbon Monoxide Protocol (CO



Protocol) screening procedures have been utilized to determine if the project could potentially result in a CO hot spot (U.C. Davis Institute of Transportation Studies 1997). As indicated by the CO Protocol, CO hot spots occur nearly exclusively at signalized intersections operating at LOS E or F. Accordingly, the CO Protocol recommends detailed air quality dispersion modeling for projects that may worsen traffic flow at any signalized intersections operating at LOS E or F. Due to increased requirements for cleaner vehicles, equipment, and fuels, CO levels in the state have dropped substantially. All air basins are attainment or maintenance areas for CO. Therefore, more recent screening procedures based on more current methodologies have been developed. The Sacramento Metropolitan Air Quality Management District developed a screening threshold in 2011, which states that any project involving an intersection experiencing 31,600 vehicles per hour or more will require detailed analysis. In addition, the Bay Area Air Quality Management District developed a screening threshold in 2010 which states that any project involving an intersection experiencing 44,000 vehicles per hour would require detailed analysis. This analysis conservatively assesses potential CO hot spots using the South Coast Air Quality Management District screening threshold of 31,600 vehicles per hour.

Based on the LMA prepared for the project (see Attachment 4), opening year plus project peak hour turning volumes at the analyzed intersections would operate at C or better (see LMA Table 13 Opening Year [2026] Plus Project Intersection LOS). Additionally, peak hour turning volumes would be well less than 31,600 vehicles per hour. Additionally, while freeway operations are not generally associated with CO hotspots, the anticipated volumes at nearby Interstate 5 on-ramps were reviewed to verify anticipated vehicles per hour assuming building out of the CPU. As detailed in Table 5.2-9 of the Old Town CPU PEIR, on-ramps at Old Town Avenue to I-5 SB (southbound and northbound) are anticipated to have less than 700 vehicles per hour during peak hour conditions. Therefore, the project is not anticipated to result in a CO hot spot that would expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant, consistent with the findings of the Old Town CPU.

#### *Toxic Air Contaminants*

As detailed in the Old Town CPU PEIR, toxic air contaminants could result from emissions resulting from construction, stationary sources and project operations. As the following demonstrates, the project would not result in the exposure of sensitive receptors to substantial pollutant concentrations of toxic air contaminants.

#### *Construction*

Consistent with the analysis contained in the Old Town CPU PEIR, as the project is within the scope of the project evaluated in the PEIR, the project is not expected to result in substantial air emissions during construction that could expose sensitive receptors to substantial construction related toxic air contaminant. Sensitive receptors include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. The nearest sensitive receptors to the project site is a motel located approximately 680 feet to the north, a preschool and hotel located approximately 800 feet to the east, Old Town San Diego State Park located 680 feet to the southeast, and a medical complex located approximately 500 feet to the south across the I-5 freeway.

For construction, DPM is the primary TAC of concern; for purposes of this discussion, PM<sub>10</sub> in diesel exhaust is considered a proxy for DPM. All construction equipment is subject to the CARB In-Use Off-



Road Diesel-Fueled Fleets Regulation, which limits unnecessary idling to 5 minutes, requires all construction fleets to be labeled and reported to CARB, bans Tier 0 equipment and phases out Tier 1 and 2 equipment (thereby replacing fleets with cleaner equipment), and requires that fleets comply with Best Available Control Technology requirements. The project-specific construction emissions modeled using CalEEMod (see Table 4) to substantiate this assumption determined that PM<sub>2.5</sub> would be less than the threshold of significance.

#### *Stationary Sources*

A residential project is not a source of stationary source emissions that would expose sensitive receptors to substantial pollutant concentrations. Therefore, the project's impacts related to stationary sources would be less than significant.

#### *Operations*

As detailed in the Old Town CPU PEIR, residential land uses do not typically generate substantial toxic air contaminants. However, the project would be placed adjacent to a freeway which represents a source of toxic air emissions in the form of diesel PM. It is acknowledged that the project would not exacerbate environmental hazards caused by vehicles traveling on the I-5 or I-8 freeways. Although this would represent an impact of the environment on the project and not an impact of the project on the environment as required by CEQA, the potential health effects of placing a residential land use adjacent to a freeway was considered to ensure project consistency with the California Air Resources Board (CARB) Air Quality and Land Use Handbook (2005) in addition to Old Town CPU Policy CE-3.1. The CARB handbook recommended that individual development projects not be located within the siting distances (i.e., 500 feet of a freeway) but noted that this recommendation is advisory and local agencies must balance other considerations such as transportation needs, the benefits of urban infill, community economic development priorities, and other quality-of-life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk, where necessary, CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level.

Consistent with Old Town CPU Policy CE-3.1, the project's location within 500 feet of a freeway necessitates the implementation of project features to reduce the effects of air pollution from a freeway. To address the potential air quality effects of the project's location in proximity to the freeway, the project would incorporate MERV 13 filters for residential construction as a project design feature and in accordance with the 2022 Title 24 building code to improve indoor air quality. According to the U.S. EPA, MERV-13 filters have an efficiency rate of 85 to 90% for an average particle size of 1 to 10.0 microns, which would capture PM<sub>10</sub> (i.e., DPM) from the adjacent freeways (U.S. EPA 2023). The Old Town CPU PEIR identified residential as an allowed use on the project site within the 500-foot buffer of the freeway finding that infill development, mixed use, higher density, and transit-oriented development can benefit regional air quality while also being compatible with protecting the health of individuals at the neighborhood level. Therefore, consistent with the findings of the Old Town CPU PEIR, the project would be consistent with the Old Town CPU and CARB Handbook recommendations and would not expose sensitive receptors to substantial pollutant concentrations due to the inclusion of MERV 13 filters. Like the Old Town CPU PEIR, impacts associated with project operations and the exposure of sensitive receptors to substantial pollutant concentrations would be less than significant, consistent with the Old Town CPU PEIR.



### Odors

Residential projects are not associated with the generation of objection odors affecting a substantial number of people. The project does not propose any uses or activities that would result in potentially significant operational-source odor impacts. Consistent with City requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors affecting a substantial number of people due to temporary holding of refuse on-site. The project is not expected to generate significant objectionable odors affecting a substantial number of people. Impacts would be less than significant, consistent with the Old Town CPU PEIR.

### Air Quality Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

## **Greenhouse Gas Emissions**

### ***Old Town CPU PEIR***

The Old Town CPU PEIR determined that the CPU would result in an increase in aggregated greenhouse gas (GHG) emissions, attributable to increased residential densities and employment intensity in Transit Priority Areas (TPA) as outlined in the Climate Action Plan (CAP) and City of Villages strategy. However, the majority of the new multi-family dwelling units are planned within areas within a 0.5-mile radius of the Old Town Transit Center in the Taylor, Core, Jefferson, and Hortensia Sub-Districts. A majority of the CPU is also located within a designated TPA. TPAs and the Sub-Districts would implement CAP and City of Villages strategies by focusing projected future growth into mixed-use and multiple-use activity centers that are pedestrian- and bicycle-friendly and linked to transit which, on a per capita basis, would result in a decrease of GHG emissions. Thus, it was determined that the CPU would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

The Old Town CPU PEIR determined that the CPU would not conflict with the City's CAP or any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHG impacts, and impacts would be less than significant.

### ***Project***

#### Greenhouse Gas Emissions/Conflicts with Plans or Policies

Since certification of the Old Town CPU PEIR, the City adopted an updated CAP (City of San Diego 2022a) and CAP Consistency regulations to facilitate CAP implementation. The updated CAP along with revised GHG CEQA significance thresholds, CAP Consistency Regulations, and associated Climate Resiliency Fund and Urban Tree Canopy fee were approved on August 2, 2022 (effective October 23, 2022). The 2022 CAP update expands the prior CAP approach and identifies six strategies for achieving the goal of net zero emissions including Strategy 1: Decarbonization of the Built Environment, Strategy 2: Access to Clean and Renewable Energy, Strategy 3: Mobility and Land Use, Strategy 4: Circular Economy and Clean Communities, Strategy 5: Resilient Infrastructure and



Healthy Ecosystems, and Strategy 6: Emerging Climate Actions. To facilitate implementation of the City's CAP, Climate Action Plan Consistency Regulations (SDMC Chapter 14, Article 3, Division 14) were adopted. These regulations apply to specified ministerial and discretionary projects to ensure compliance with the goals and objectives of the updated CAP.

The City's updated CEQA thresholds for project-level environmental documents require significance to be determined through (a) land use consistency and (b) project compliance with the regulations set forth in SDMC Chapter 14, Article 3, Division 14. The first step in determining CAP consistency for development projects is to assess the project's consistency with the growth projections used in the development of the CAP. Since the project would be consistent with the existing land use plan and zoning designations and would provide increased development intensity within a TPA, the project would be consistent with the CAP.

The second step in demonstrating CAP consistency is a review to ensure project consistency with the regulations set forth in SDMC Chapter 14, Article 3, Division 14. Projects that are consistent with the CAP as determined through compliance with the CAP Consistency Regulations may rely on the CAP for the cumulative impacts analysis of GHG emissions. Projects that do not comply with the CAP Consistency Regulations set forth in SDMC Sections 143.1410 and 143.1415 must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the CAP Consistency Regulations to the extent feasible.

The project was deemed complete prior to the adoption of the CAP Consistency Regulations. As a result, the project was designed to be consistent with the previously effective CAP and the site-specific CAP Consistency Checklist, included as Attachment 16. The project was also designed to be consistent with the City's 2022 CAP and CAP Consistency Regulations. The project would add density in a TPA and provide bicycle mobility network improvements along the project frontage which would support CAP goals. The project would include short-term and long-term bicycle parking on-site and a bicycle repair station on-site. Street trees along the project frontage would additionally provide shading to enhance the pedestrian experience consistent with the City's CAP Consistency Regulations. Consistent with the City's GHG reduction efforts, 10% of the project's total parking spaces would be capable of supporting future electric vehicle charging per 2022 CalGreen 4.106.4.2 (International Code Council 2022).

Like the CAP, the Old Town CPU encourages development to implement bicycling, walking, transit and land use strategies that promote increased capacity for transit-supportive residential and employment densities and provide more walking and biking opportunities in these areas. The project would directly implement this CPU and CAP strategy by providing transit supportive residential densities near transit.

The Old Town CPU identified growth for the CPU. With the density bonus, the project is within the scope of the intensity of development identified for the CPU and the CAP. Further, as contemplated by both the CPU and the CAP, the project proposes its residential uses in a TPA. With GHG emissions due to transportation being the largest individual source of project emissions, locating projects in proximity to transit to support reductions in VMT per capita, has the greatest potential to decrease Citywide GHG emissions.



The project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable based on the project's consistency with the City's CAP and implementation of the project-specific CAP Consistency Checklist. Thus, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

As noted in the analysis above, the project demonstrates consistency with the City's CAP, CAP Consistency Checklist, and 2022 CAP Consistency Regulations and would not conflict with the other applicable plans, policies, or regulations adopted for the purpose of reducing emissions of greenhouse gases. Therefore, the project would have less than significant impacts consistent with the Old Town CPU PEIR.

#### Greenhouse Gas Emissions Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Public Services and Facilities**

#### ***Old Town CPU PEIR***

##### Public Facilities

###### *Police Protection*

The Old Town CPU PEIR determined that regarding police protection, implementation of the CPU would result in an increase in overall population and therefore, potential increases in response times which could ultimately result in the need for new or expanded police services. Future development proposed within the Old Town CPU area would be subject to applicable Development Impact Fees (DIF) for public facilities financing in accordance with SDMC Section 142.0640. However, no new facilities for the San Diego Police Department have been identified for the area and no planned facilities have been proposed as part of the Old Town CPU. Therefore, it was determined that the Old Town CPU would result in less than significant environmental impacts associated with the construction of new facilities in order to maintain service ratios, response times, or other performance objectives related to police services.

###### *Parks and Recreation*

The Old Town CPU PEIR determined that implementation of the Old Town CPU would provide policy support for expansions and improvements to the community's population-based parks and construction of the proposed shared aquatic complexes in neighboring communities but does not propose design and construction of any new facilities. While the Old Town CPU allows for the development of parks, no specific facilities have been identified in the Old Town CPU. Individual proposals for the development of park projects under the Old Town CPU may require a project-level analysis at the time they are proposed, based on the details of the parks and the existing conditions at the time of proposal. Thus, it was determined that implementation of the Old Town CPU would result in a less than significant impact related to the construction of parks and recreational facilities.



### *Fire/Life Safety Protection*

The increase in population from implementation of the Old Town CPU would not require that the Fire-Rescue Department expand or construct new facilities. The Old Town CPU PEIR notes that Fire Stations 8 and 20 located within Uptown and Midway-Pacific Highway, respectively, have plans for expansion and eventual new replacement facilities to meet current and future operational needs. In addition, Fire Station 15 located in Ocean Beach also has plans for expansion and an eventual new replacement facility. These facilities were determined to be adequate to serve the increase in demand from the project. Therefore, it was determined that environmental impacts related to the expansion/construction of new facilities as a result of implementation of the Old Town CPU would be less than significant.

### *Libraries*

The CPU does not include the construction of library facilities and the increase in population from implementation of the Old Town CPU would not require expanded or new facilities as library facility needs would be met within existing facilities. As noted in the Old Town CPU PEIR, guidelines received from the Library Department in 2015 confirmed that the City does not require the construction of any additional facilities to meet library service requirements of the Old Town CPU. The Old Town CPU PEIR also acknowledged demand from full buildout of the Old Town CPU area would be met by the new Mission Hills Library. Therefore, it was determined that impacts related to the expansion/construction of new facilities would be less than significant.

### *Schools*

The Old Town CPU PEIR assessed the projected number of students that would be generated by full buildout of the Old Town CPU by 2035 and determined that the cumulative potential increase in students from the number of future additional housing units suggested in the project could likely impact district schools to the point of reaching capacity, particularly at Grant K-8 School. However, Government Code Section 65995 and Education Code Section 53080 authorizes school districts to impose facility mitigation fees on new development to address any increased enrollment that may result. The legislation holds that an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit. Once paid, the school impact fees would serve as mitigation for any project-related impacts to school facilities and the school district would be responsible for potential expansion or development of new facilities. Therefore, future residential development that occurs in accordance with the Old Town CPU would be required to pay school fees as outlined in Government Code Section 65995, Education Code Section 53080, and SB 50 to mitigate any potential impact on district schools. Therefore, it was determined that impacts from the expansion or construction of new schools would be less than significant.

## ***Project***

### Public Facilities

#### *Police Protection*

As detailed in the Old Town CPU PEIR, no police facilities are currently planned in the Old Town CPU area. The nearest police station to the project site is located approximately 1-mile to the north. While the project would increase demands on police response, the project would not result in development beyond that anticipated under the Old Town CPU. The project would not require



construction or expansion of existing facilities. As disclosed in the Old Town PEIR, no new facilities for the San Diego Police Department have been identified for the area and no planned facilities were proposed as part of the Old Town CPU. Therefore, since the project is within the growth assumed with buildout of the Old Town CPU PEIR, existing facilities would be adequate to serve the project. Additionally, the project would pay applicable DIF to fund future public facilities, when the need arises, in accordance with SDMC Section 142.0640. Therefore, impacts would be less than significant consistent with the Old Town CPU PEIR related to environmental impacts associated with the construction of new facilities.

#### *Parks and Recreation*

The project would result in development of multi-family residential housing that would be within the growth anticipated by the CPU and analyzed in the PEIR. Consequently, the project is consistent with growth projections that were utilized by the PEIR to determine that demand created by the CPU would not itself require the construction of additional or expanded park and recreation facilities. Per the Old Town PEIR, a total of 6.8 acres of population-based parks would be needed to serve Old Town at full community development, of which only 3.43 acres currently exist. However, the Old Town PEIR noted that no specific facilities have been identified in the Old Town CPU and therefore, future development would be subject to payment of DIF for public facilities financing in accordance with SDMC Section 142.0640, including fees for park funding. However, it was acknowledged that proposed fees are not designed to fully fund and address the existing recreational facility deficit. The project does not include construction of any park facilities. Thus, at the project-level, the project would not result in the need for and/or provision of new or physically altered parks or other recreational facilities, the construction of which could cause significant environmental impacts in order to meet General Plan park and recreation standards. Therefore, impacts would be less than significant consistent with the Old Town CPU PEIR related to environmental impacts associated with the construction of new facilities.

#### *Fire/Life Safety Protection*

The project would result in additional residents to the Old Town CPU area which would increase the demand for fire protection within the service area. The project would be constructed consistent with applicable fire codes and would comply with applicable City regulations regarding fire protection and safety. The project would provide provisions such as the installation of sprinkler systems in all occupied buildings. In addition, the project would result in development of multi-family residential housing that would be within the growth anticipated by the CPU and analyzed in the PEIR. As disclosed in the Old Town CPU PEIR, growth projections from full buildout of the Old Town CPU area would not generate demand that would require the construction of new or additional fire/life safety facilities. Therefore, impacts would be less than significant consistent with the Old Town CPU PEIR related to environmental impacts associated with the construction of new facilities.

#### *Libraries*

The project would result in development of multi-family residential housing that would be within the growth anticipated by the CPU and analyzed in the Old Town CPU PEIR. Consequently, the project is consistent with growth projections that were utilized by the PEIR that determined that demand created by the CPU would not require the construction of additional or expanded library facilities. As noted in the Old Town CPU PEIR, guidelines received from the Library Department in 2015 confirm that the City does not require the construction of any additional facilities to meet library service requirements of the Old Town CPU area. Additionally, demand from full buildout of the Old Town



CPU area would be met from the construction of the new Mission Hills-Hillcrest/Knox Branch Library, which was operational in 2019. The City's 2023 Public Library Master Plan acknowledges that Zone D Downtown/South, which includes Old Town, would require at least ~123,000 - 136,000 square feet of additional library space to accommodate strong projected population growth in this part of San Diego (City of San Diego 2023). However, recommendations from the Master Plan's Vision 2040 include the expansion of the Mission Valley Library, replacement of the North Park Library, renovation of the Ocean Beach Library, replacement of the University Heights Library, and continued maintenance of the newest Point Loma/Hervey Branch Library and the Mission Hills-Hillcrest/Knox Branch Library. The City would continue to use DIF fees to fund these planned improvements over the 2040 planning horizon. Thus, the project would not result in the need for and/or provision of new or physically altered libraries, the construction of which could cause significant environmental impacts to maintain service ratios or other performance objectives. Therefore, impacts would be less than significant as the project would not require modification to existing or the construction of new facilities.

#### *Schools*

As the project is consistent with the conservative growth projections that were utilized by the PEIR to determine if full buildout of the Old Town CPU area would generate enough demand to require the construction of additional or expanded school facilities, the project itself would not result in the need for new or expanded school facilities. The project proposes 223 new residential units, which is significantly less than the assumed 1,002 additional multi-family residential units that were anticipated to be developed by 2035 in the Old Town CPU PEIR and used to calculate the student generation rate. As limited development has occurred in the Old Town CPU area, the project would be consistent with the growth assumptions for schools. Existing school facilities are adequate to serve the project and the project would not result in the need for and/or provision of new or physically altered schools, the construction of which could cause significant environmental impacts to maintain service ratios or other performance objectives. The project would be required to pay school fees as outlined in Government Code Section 65995, Education Code Section 53080, and SB 50 to mitigate any potential impact on district schools. Therefore, impacts would be less than significant consistent with the Old Town CPU PEIR related to environmental impacts associated with the construction of new facilities.

#### Public Services and Facilities Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

#### **Public Utilities**

##### ***Old Town CPU PEIR***

#### Water Supply

A Water Supply Assessment (WSA) was prepared for the Old Town CPU per the City's CEQA Thresholds to assess whether sufficient water supplies are, or will be, available to meet the projected water demands of the Old Town CPU. Because no subdivision of land is proposed as part of the Old Town CPU, the WSA was prepared in compliance with the requirements of SB 610. The



Old Town CPU PEIR determined that based on the findings of the WSA, there is sufficient water supply to serve existing and projected demands of the Old Town CPU, and future water demands within the PUD's service area in normal and dry year forecasts during a 20-year projection. Therefore, it was determined that less than significant impacts to water supply are anticipated with implementation of the Old Town CPU.

### Utilities

#### *Stormwater*

The Old Town CPU PEIR determined that future projects within the Old Town CPU area would comply with existing storm water regulations and conform with General Plan and Old Town CPU policies. Project-specific review under the Municipal Storm Water Permit would ensure significant adverse effects related to the storm water systems would be avoided. In addition, the Old Town CPU does not identify any specific storm water infrastructure improvements that are required to meet the demand generated by the CPU. Thus, it was determined that impacts associated with storm water facilities as a result of the project would be less than significant.

#### *Sewer*

The Old Town CPU PEIR determined that the Old Town CPU does not identify any specific sewer infrastructure improvements that are required or proposed to meet demand generated by the CPU. Thus, it was determined that impacts associated with sewer facilities as a result of the project would be less than significant.

#### *Water Facilities*

The Old Town CPU PEIR determined that the Old Town CPU does not identify any specific water distribution or treatment improvements that are required to meet the demand generated by the CPU. Thus, it was determined that impacts to water distribution and treatment facilities as a result of the project would be less than significant.

#### *Communication Systems*

The Old Town CPU PEIR determined that the Old Town CPU does not identify any specific communications systems infrastructure improvements that are required to satisfy the growth generated by the CPU. Therefore, it was determined that impacts to communications systems would be less than significant.

### Solid Waste and Recycling

The Old Town CPU PEIR determined that to ensure that waste generation and recycling efforts during construction and post-construction future land use occupancy and operation (i.e., residential, commercial, industrial, mixed-use, etc.) are addressed as part of future projects within the Old Town CPU area, a Waste Management Plan (WMP) shall be prepared for any future development of 40,000 square feet or more and projects that may generate 60 tons of waste or more during construction and/or operation. Implementation of these WMPs would ensure that future development project impacts would be less than significant. Therefore, it was determined that impacts would be less than significant.



## **Project**

### Water Supply

Senate Bill 610 requires that the environmental document prepared for each project contain a discussion regarding the availability of water to meet the projected water demands of the project for a 20-year planning horizon, including single and multiple dry years. Senate Bill 221 requires the decisionmaker to make a finding that the project's water demands for the planning horizon will be met before approving a Tentative Map. Per the City's CEQA Thresholds, the project is not subject to the requirements of Senate Bills 610 and 221 as it is below the 500 residential unit threshold, and therefore, is not subject to the preparation of a project specific WSA. As such, the WSA prepared for the Old Town PEIR is adequate to assess water supply for the project. As noted in the Old Town CPU PEIR, there would be sufficient water supplies in normal, single-dry, and multiple-dry water year forecasts to serve the development proposed under the CPU. Water service would be provided by the City of San Diego. The project would not use excessive amounts of potable water through compliance with regulatory water efficiency regulatory standards applied during the construction and operational phases of the project. The project would incorporate water sustainable design features, techniques, and materials that would reduce water consumption including water efficient landscaping and building construction that incorporates high efficiency plumbing fixtures and fittings in all structures consistent with the latest building code. The project would be consistent with the landscape guidance and water efficiency policies of the Old Town CPU. All landscape installation is required to demonstrate consistency with the City's Landscape Standards which assures landscape systems are designed, constructed, and managed to maximize overall irrigation efficiency within the limits established by the maximum applied water allowance. Based on the foregoing, according to the Water System Analysis prepared for the project (Attachment 17), the projected average daily water demand of the project is anticipated to be approximately 59,670 gpd. That number is within the demand for water anticipated by the CPU and the PEIR. Therefore, the project would have a less than significant impact consistent with the Old Town CPU PEIR as the project would not use excessive amounts of water beyond projected available supplies.

### Utilities

#### *Stormwater*

As described under Hydrology and Water Quality above, the existing site does not include on-site storm drainage conveyance network; the existing on-site structure conveys roof drainage via downspouts that release at grade. The site receives no off-site drainage due to the existing retaining wall that channels stormwater into an inlet within Pacific Highway, north of the project site. Public stormwater infrastructure exists within the right-of-way which captures the stormwater from the gutter and routes it to a public stormwater lift station approximately 300 feet east of the project site. The station releases stormwater into a 66-inch culvert which discharges into the San Diego River, which flows into the Pacific Ocean. The project would propose an on-site piped stormwater conveyance network to capture, treat, and discharge on-site stormwater into the public storm drain network within the right-of-way along project frontage. The project proposes new connections into this public storm drain system but does not alter the ultimate drainage basin area captured and routed to the downstream infrastructure. The project proposes one cleanout along Rosecrans Street, connecting into the existing 36-inch storm drain network. The site would maintain existing drainage patterns along Pacific Highway, discharging to the gutter via D-27 sidewalk underdrain.



Consistent with the PEIR's determination, stormwater generated by the project and the CPU does not promote growth patterns or require the construction of other stormwater facilities, the construction of which could cause significant environmental impacts in order to maintain service ratios, or other performance objectives. The project includes updated stormwater infrastructure on-site and within surrounding roadways; however, all physical impacts from stormwater improvements have been addressed as part of this addendum. Therefore, project impacts related to stormwater facilities are less than significant consistent with the Old Town CPU PEIR.

#### *Sewer*

Sewer improvements would be provided both on-site and within surrounding roadways within the development footprint of the site and existing roadways. Impacts of construction of those sewer infrastructure improvements has been assessed throughout this addendum.

A sewer study was prepared for the project to analyze whether off-site (public) sewer system improvements are needed for the development of the project so that the off-site sewer system would be in conformance with the City of San Diego sewer system design standards (Attachment 18). Consistent with that study, the project proposes to upsize the existing 6-inch sewer in Jefferson Street to 8-inch and construct a new 8-inch sewer in Rosecrans Street and Jefferson Street to connect to the existing sewer system to serve the project. Those public sewer system improvements would be designed in accordance with the City Design Guidelines and Standards. Construction would be subject to applicable SDMC regulations and BMPs proposed for the project. No other off-site sewer improvements are required for the project; therefore, consistent with the PEIR's determination regarding sewer facilities, the project would not promote growth patterns resulting in the need for and/or provision of new or physically altered utilities, the construction of which could cause significant environmental impacts in order to maintain service ratios, or other performance objectives. Therefore, impacts would be less than significant, consistent with the Old Town CPU PEIR.

#### *Water Facilities*

The existing water facilities in the vicinity of the project include the western portion of the University Heights 390 Pressure Zone near the 307 Pacific Beach Pressure Zone to the north. The project would receive service solely from the University Heights 390 Pressure Zone. According to the Water Systems Analysis (see Attachment 17), the facilities that will serve the project include two 24-inch diameter pipelines in Rosecrans Street and an 8-inch loop extension that extends one of these mains along the project's frontage within Pacific Highway. An existing 16-inch water main is also located within Rosecrans Street. The project would install a new 12-inch water main line within Pacific Highway, fronting the site, to connect to the City's existing 16-inch water main within Rosecrans Street for domestic service. The potentially adverse environmental effects of those improvements are addressed in this Addendum. No other off-site water improvements are required for the project; therefore, consistent with the PEIR's determination regarding water facilities, the project would not promote growth patterns resulting in the need for and/or provision of new or physically altered utilities, the construction of which could cause significant environmental impacts in order to maintain service ratios, or other performance objectives. Thus, impacts would be less than significant, consistent with the Old Town CPU PEIR.



### *Communication Systems*

Private utility companies (i.e., AT&T, Cox, Spectrum) currently provide communications systems to the project site. The proposed project would provide connections to the existing infrastructure. No specific systems upgrades are proposed or required with this project. Consistent with the PEIR's determination regarding communication system facilities, the project would not promote growth patterns resulting in the need for and/or provision of new or physically altered utilities, the construction of which could cause significant environmental impacts in order to maintain service ratios, or other performance objectives. Therefore, project impacts would be less than significant impacts associated with the construction of new communication systems, consistent with the Old Town CPU PEIR.

As it relates to utility systems, based on the foregoing analysis and information, the project is within the scope of the project covered by the PEIR and the project would not result in a new significant impact, or a substantial increase in the severity of impacts compared to the Old Town CPU PEIR.

### Solid Waste and Recycling

Consistent with the PEIR, a WMP was prepared consistent with applicable federal, state, and local laws, regulations, and standards pertinent to the project to ensure that the project contribution to the overall waste produced within the City would be reduced sufficiently to allow the City to comply with the waste reduction targets established in the Public Resources Code and State statutes (Attachment 19). All construction and demolition generated waste would be subject to compliance with the source separation and diversion requirements contained in the WMP to divert, recycle, and/or re-use these materials to the maximum degree possible in accordance with applicable laws. Approximately 81 tons of solid waste material generated during construction is anticipated to be disposed of as non-recyclable/non-reusable waste at a local landfill, for an overall diversion rate during construction of approximately 75%.

During occupancy, it has been estimated that the project would generate an additional 360 tons of waste per year over existing conditions. Using the 50% diversion rate, based on compliance with SB 1383, 180 tons per year are calculated to be diverted to recycling/reuse facilities. An additional 180 tons per year, or 50% of occupancy material generated, are estimated to be disposed of as non-recyclable/non-reusable waste at a local landfill. The project would also be required to comply with the changes in organic waste diversion pursuant to SB 1383, which requires diversion of a minimum of 50 percent of organic waste generated on-site, and a minimum of 75% of organic waste generated on-site by 2025. Thus, the project is expected to achieve a waste diversion rate of greater than 50% overall.

Through compliance with waste diversion measures included in the WMP and applicable law, plus implementation of sustainability and efficiency features, the project's direct solid waste impact would be less than significant and the project's contribution to a cumulative solid waste generation would be reduced to a level that is less than cumulatively considerable.

The project would result in development of multi-family residential housing that would be within the growth anticipated by the CPU. Consistent with the PEIR, landfills currently serving the project area and City of San Diego have sufficient remaining capacity to handle the increase in solid waste generation resulting from the project. Therefore, the project would have less than significant



impacts on solid waste management and would not require the construction of new facilities, consistent with the Old Town CPU PEIR.

#### Public Utilities Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Biological Resources**

#### ***Old Town CPU PEIR***

##### Sensitive Species

The Old Town CPU PEIR concluded that implementation of the Old Town CPU would result in land use changes that would affect primarily developed areas; therefore, impacts to sensitive species would not be anticipated. Sensitive terrestrial wildlife or sensitive plant species have low or no potential to occur within areas of the Old Town CPU that would experience growth and development. Potentially occurring sensitive species would be protected in accordance with applicable federal, state, and local regulations per the City's Biology Guidelines, and the provisions of the Multiple Species Conservation Program (MSCP) Subarea Plan. In addition, the Migratory Bird Treat Act (MBTA), which is enforced by USFWS, makes it unlawful "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird or attempt such actions, except as permitted by regulation; CDFW also requires compliance with California Fish and Game Code (CFGC) 3503. Thus, there is an existing regulatory framework in place to prevent adverse impacts to native birds.

The Old Town CPU PEIR found that future development would be subject to the regulatory framework in place per local, state and federal law to ensure avoidance of impacts to sensitive species. In addition, under the law, a pre-construction nest survey would be required if construction would occur in potential or known habitat during the typical bird breeding season (February 1 through September 15) to determine the presence or absence of breeding birds and to ensure that no impacts occur to any nesting birds or their eggs, chicks, or nests. The implementation of these would ensure that future development within the Old Town CPU area would be less than significant. The Old Town CPU PEIR found impacts to sensitive species would be less than significant.

##### Sensitive Habitats

The Old Town CPU PEIR concluded that implementation of the Old Town CPU would result in land use changes that would affect primarily developed areas; therefore, impacts to sensitive habitats would not be anticipated. If potential impacts are identified, the regulatory framework in place per local, state and federal law would be evoked as applicable with future project-specific development proposals. The implementation of these local (including City Environmentally Sensitive Lands [ESL]) regulations and MSCP Subarea Plan), state, and federal regulations would ensure that future development within the Old Town CPU area would be less than significant. Impacts to sensitive habitats was determined to be less than significant.



### Wetlands

The Old Town CPU PEIR determined that implementation of the Old Town CPU would not result in impacts to wetlands (riparian scrub), as areas where this habitat occurs are outside of the Old Town CPU area. However, wetlands do exist within the biological study area of the CPU and indirect impacts could occur depending on future project location and would need to be mitigated on a case-by-case basis should impacts not be avoidable. Projects with such potential to cause indirect impacts to wetlands would be subject to additional CEQA review and application of all applicable local, state, and federal regulations. It was determined that impacts to wetlands would be unlikely to result from implementation of the Old Town CPU as no wetland habitats occur within the Old Town CPU area and therefore, impacts would be less than significant.

### Wildlife Corridors and Nurseries

The Old Town CPU PEIR determined that the CPU growth and development areas are primarily developed and do not include native habitat to function as wildlife corridors; and thus, no direct impacts to wildlife corridors would occur to migratory or local native species in these areas. However, remnant areas of native habitat and Eucalyptus woodland within Presidio Park may have roosting and nesting areas for sensitive species such as herons, which utilize the adjacent San Diego River, north of I-8, as a feeding area. The San Diego River itself also functions as a local and regional wildlife corridor; however, remnant habitat within the Old Town CPU area only serves to facilitate local wildlife movement. Direct impacts could occur to nursery sites within the Old Town CPU area; however, indirect impacts to the wildlife corridor and nursery sites within the San Diego River are not expected to occur with Old Town CPU implementation. Therefore, it was determined that impacts would be less than significant.

### Multiple Species Conservation Program

Multiple portions of the City's Multi-Habitat Planning Area (MHPA) are mapped within the Old Town CPU area boundaries, specifically within Presidio Park which is open to public access, and therefore, direct and indirect impacts would likely be limited to rare cases where MSCP covered species or their habitat would be directly or indirectly impacted. The Old Town CPU PEIR development and growth implemented in accordance with the CPU would be located south of I-8. Indirect impacts associated with development and growth in the Old Town CPU area would not extend north of I-8. Future development proposals with the potential to impact MSCP covered species and habitats located in or adjacent to the MHPA would be subject to subsequent CEQA review and appropriate application of applicable local, state, and federal law. The Old Town CPU PEIR determined that compliance with the City's MSCP Subarea Plan and MHPA Land Use Adjacency Guidelines, permit conditions for bird surveys, and adherence to the policies in the Conservation Element of the Old Town CPU would reduce potential impacts of the CPU and future development projects to less than significant.

## **Project**

### Sensitive Species/ Sensitive Habitats

The project site is in a highly developed area and is currently developed as an asphalt-paved parking lot with an existing structure; therefore, no sensitive habitats on-site with the potential to support sensitive species with the exception of trees that may support nesting birds. The project would include the removal of seven trees within the right-of-way. Consistent with the regulatory framework identified in the Old Town CPU PEIR, the project would implement a pre-construction nest survey as a condition of the project if tree removal is proposed during the typical bird breeding season



(February 1 through September 15) to determine the presence or absence of breeding birds and to ensure that no impacts occur to any nesting birds or their eggs, chicks, or nests prior to the removal of existing trees. Therefore, with implementation of the pre-construction survey, impacts would be less than significant consistent with the Old Town CPU PEIR as the project would not result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the CDFW or USFWS.

#### Sensitive Habitats

The project site is in a highly developed area and is currently developed as an asphalt-paved parking lot with an existing structure. No sensitive habitats are present on-site. Therefore, impacts would be less than significant consistent with the Old Town CPU PEIR as the project would not result in a substantial adverse impacts to any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats, as identified in the Biology Guidelines of the Land Development Manual, or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.

#### Wetlands

The project site is currently developed as a paved parking lot with an existing structure, located within an urbanized area adjacent to a freeway and industrial areas. No impacts to wetlands would occur as none are present onsite. The project is located at the edge of the Old Town CPU area adjacent to the freeway and industrial areas, with no adjacent wetland resources present. Therefore, no direct or indirect impacts to wetlands would occur as the project would not result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means.

#### Wildlife Corridors and Nurseries

The project site does not include wildlife corridors or wildlife nursery sites; thus, no impact to wildlife corridors would occur. The project site is located adjacent to highways and the industrial edges of the Old Town CPU area and therefore would not cause potential direct impacts to nursery sites along the San Diego River, consistent with the findings from the Old Town CPU PEIR. The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors due the developed nature of the site. Therefore, impacts are less than significant as the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites.

#### Multiple Species Conservation Program

The project site is located south of I-8 and is not located within or adjacent to any MHPA lands and does not contain any sensitive biological resources. Therefore, there would be no conflict with the City's MSCP Subarea Plan, Environmentally Sensitive Lands (ESL) Regulations, or MHPA Land Use Adjacency Guidelines. Project impacts would be less than significant consistent with the Old Town CPU PEIR as the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan, either within the MSCP plan area or in the surrounding region.



### Biological Resources Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

### **Paleontological Resources**

#### ***Old Town CPU PEIR***

The proposed Old Town CPU area is underlain by the Bay Point, San Diego, and Scripps formations, which are all assigned a high paleontological resource sensitivity, and the Lindavista Formation which is assigned a moderate paleontological resources sensitivity. Because of high sensitivity for paleontological resources within the Bay Point, San Diego, and Scripps formations and moderate sensitivity for paleontological resources within the Lindavista Formation, grading into these formations could potentially destroy fossil resources. The Old Town CPU PEIR determined that all future discretionary projects that proposes subsurface disturbance within a high or moderate sensitivity formation that would occur as a result of the Old Town CPU would have a potentially significant impact.

Projects would be required to comply with PALEO 5.14-1 Paleontological Review and Monitoring. Implementation of mitigation measure PALEO 5.14-1 would reduce paleontological impacts associated with future discretionary development to below a level of significance. If no subsurface disturbance is planned, then paleontological resources would not be impacted, and development of a project-specific paleontological monitoring and discovery treatment plan would not be necessary.

#### ***Project***

The Geotechnical Engineering Investigation Report (see Attachment 7) prepared for the project determined that the site is underlain by approximately 15 feet of Fill/Quaternary young alluvial floodplain deposits (af/Qya), which is underlain by approximately 10 feet of Quaternary Bay sediments (Qmo) and Quaternary Old Paralic Deposits (Qop). Unlike the geologic formations that the PEIR identified in other areas of the CPU, these geologic formations have low paleontological resource potential.

The Old Town CPU PEIR found that grading activities associated with future discretionary projects that require grading more than 1,000 cubic yards, extending to a depth of 10 feet or greater into high sensitivity formations, or that require grading more than 2,000 cubic yards, extending to a depth of 10 feet or greater into moderate sensitivity formations, could result in significant impacts to paleontological resources. The project is not underlain by geologic formations of high or moderate paleontological sensitivity. Based on the low paleontological sensitivity formations underlying the site, project impacts to paleontological resources during grading would be less than significant as the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. Thus, implementation of the CPU PEIR mitigation framework for paleontological monitoring would not be required.



### Paleontological Resources Conclusion

Overall, based on the foregoing analysis and information, the project is within the scope of the analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would there be a substantial increase in the severity of impacts from that described in the PEIR.

## **VI. EFFECTS FOUND NOT TO BE SIGNIFICANT**

CEQA Guidelines, Section 15128, allows environmental issues for which there is no likelihood of a significant impact to not be discussed in detail or analyzed further in the EIR. The certified PEIR determined the Old Town Community Plan Update would have less than significant impacts to Agricultural Resources, Mineral Resources, Population and Housing, and Energy. Like the conclusions of the PEIR, the project site is not zoned for agriculture nor are there existing forestlands, timberlands, or timberland as it is an existing urbanized project site and therefore, there is no likelihood the project would have a significant impact on agricultural and forestry resources. Additionally, consistent with the PEIR analysis and the project's geotechnical report, the project would not result in a loss of availability of a locally important mineral resource recovery site delineated on any local or general plan and therefore, there is no likelihood the project would have a significant impact on mineral resources. Consistent with the PEIR's analysis and conclusions, as the project would implement housing on an infill site that is designated for residential use, but that does include any existing residential uses, there is no likelihood the project would have a significant population and housing impact as the project would not induce substantial unplanned growth, directly or indirectly, nor will it displace people or existing housing. In regards to energy, the PEIR determined that the CPU would not result in inefficient, wasteful, and unnecessary consumption of energy and would be consistency with state or local plans for renewable energy or energy efficiency. Consistent with the PEIR, there is no likelihood the project would have a significant energy impact as there are no known conditions in the project area or with respect to the construction of the project that would require nonstandard equipment or unusual construction practices that would qualify as wasteful, inefficient, or unnecessary consumption of fuel or electricity as part of project construction. Energy efficiency is further ensured by the project's location proximate to transit in a low VMT area. The project would be required to adhere to state regulations enforced to ensure energy efficiency and reduction of potentially wasteful energy consumption, including the California Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6; California Energy Code) and the California Green Building Standards Code. With vehicle energy use being a major source of energy use for residential projects, the projects' location with bicycle, pedestrian and transit accessibility along with proximity to goods and services supports the conclusion that the project would not result in wasteful, inefficient, or unnecessary consumption of energy and that impacts would be less than significant, consistent with the PEIR.

Overall, based on the foregoing analysis and information, the project is within the scope of the project covered by analysis of the PEIR and there is no evidence that the project would require a major change to the PEIR. The project would not result in any new significant impact, nor would it result in there be a substantial increase in the severity of impacts as compared to the CPU PEIR.



## **VII. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT**

The project shall be required to comply with applicable mitigation measures outlined within the MMRP of the previously certified PEIR (Project No. 561630/SCH No. 2018011022) and the project-specific subsequent technical studies. The following MMRP identifies measures that specifically apply to this project.

### **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: [Design Guidelines & Templates | City of San Diego Official Website](#)
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. **PRECONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:



***Qualified archeologist and Native American monitor***

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

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project No. PRJ-1056469 and/or Environmental Document No. PRJ-1056469 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: ***Not Applicable***
4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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



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

**Document Submittal/Inspection Checklist**

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Historical Resources/Tribal Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation
Historical Resources/Tribal Cultural Resources	Consultant Qualification Letters	Prior to Preconstruction Meeting

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

**HISTORICAL RESOURCES AND TRIBAL CULTURAL RESOURCES**

- I. Prior to Permit Issuance
  - A. Entitlements Plan Check
    1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
  - B. Letters of Qualification have been submitted to ADD
    1. The applicant shall submit a letter of verification to the Mitigation Monitoring and Coordination (MMC) office identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
    2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
    3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.
- II. Prior to Start of Construction
  - A. Verification of Records Search
    1. The PI shall provide verification to MMC that a site specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
    2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
    3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.



B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified archaeologist and Native American monitor shall attend any grading/excavation related precon meetings to make comments and/or suggestions concerning the archaeological monitoring program with the CM and/or Grading Contractor.
  - a. If the PI is unable to attend the precon meeting, the applicant shall schedule a focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

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



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

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs shall be faxed or emailed 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 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 15064.3(e), the California Public Resources Code (Section 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 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 not 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 15064.3(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 granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
    - c. 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; or
      - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.
- V. Night and/or Weekend Work
- A. If night and/or weekend work is included in the contract:
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries



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

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

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

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

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

1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

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

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 523A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City of San Diego's HRG, 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 cataloged.
  - 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.

## **VIII. SIGNIFICANT UNMITIGATED IMPACTS**

The Old Town CPU PEIR (Project No. 561630/SCH No. 2018011022) indicated that significant impacts to the following issues would be substantially lessened but remain significant and unavoidable: Transportation and Circulation (Traffic Circulation), Historical and Tribal Cultural Resources (Historical, Tribal Cultural, and Archaeological Resources), Noise (Vehicular Noise and Construction-Related Vibration), and Paleontological Resources (Ministerial Projects). Because there were significant unmitigated impacts associated with the original project approval, the decision maker was required to make specific and substantiated “CEQA Findings” which stated: (a) specific economic, social, or other considerations which make infeasible the mitigation measures or project alternatives identified in the Final PEIR, and (b) the impacts have been found acceptable because of specific overriding considerations. In contrast to the Old Town CPU PEIR findings, the proposed project would not result in any significant and unavoidable impacts. Impacts related to historical and tribal cultural resources would be reduced to less than significant with mitigation. The remaining issue sections found impacts would be less than significant. The proposed project would not result in any new significant impacts, nor would it result in an increase in the severity of impacts from that described in the previously certified PEIR. Given that there are no new or more severe significant



impacts that were not already addressed in the previously certified PEIR, no new CEQA Findings or Statement of Overriding Considerations are required for the project.

## IX. CERTIFICATION

Copies of the addendum, the certified PEIR, the MMRP, and associated project-specific technical appendices, if any, may be accessed on the City's CEQA webpage at <https://www.sandiego.gov/ceqa/final>.



Elizabeth Shearer, Program Manager  
Development Services Department

March 1, 2024

Date of Final Report

Analyst: R. Benally

### Figures:

- Figure 1: Regional Location
- Figure 2: Project Location on City 800' Map
- Figure 3: Project Location on Aerial Photograph
- Figure 4: Project Site Plan

### Technical Reports:

- Attachment 1: Acoustical Analysis
- Attachment 2: Aviation Study
- Attachment 3: Vehicle Miles Traveled Assessment
- Attachment 4: Local Mobility Analysis Report
- Attachment 5: Historical Resource Research Report
- Attachment 6: Cultural Resource Testing Program
- Attachment 7: Geotechnical Investigation Report
- Attachment 8: Storm Water Quality Management Plan
- Attachment 9: Phase I Environmental Site Assessment
- Attachment 10: Limited Phase II Environmental Site Assessment
- Attachment 11: Community Health and Safety Plan
- Attachment 12: VAP Case Concurrence Letter
- Attachment 13: Soils Management Plan
- Attachment 14: Infiltration Feasibility Condition Letter
- Attachment 15: CalEEMod Outputs
- Attachment 16: Climate Action Plan Consistency Checklist
- Attachment 17: Water Systems Analysis
- Attachment 18: Sewer Study
- Attachment 19: Waste Management Plan



## IX. REFERENCES

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 Project Location

FIGURE 1  
Regional Location





 Project Boundary

FIGURE 2  
Project Location on City 800' Map





 Project Boundary



FIGURE 3  
Project Location on Aerial Photograph



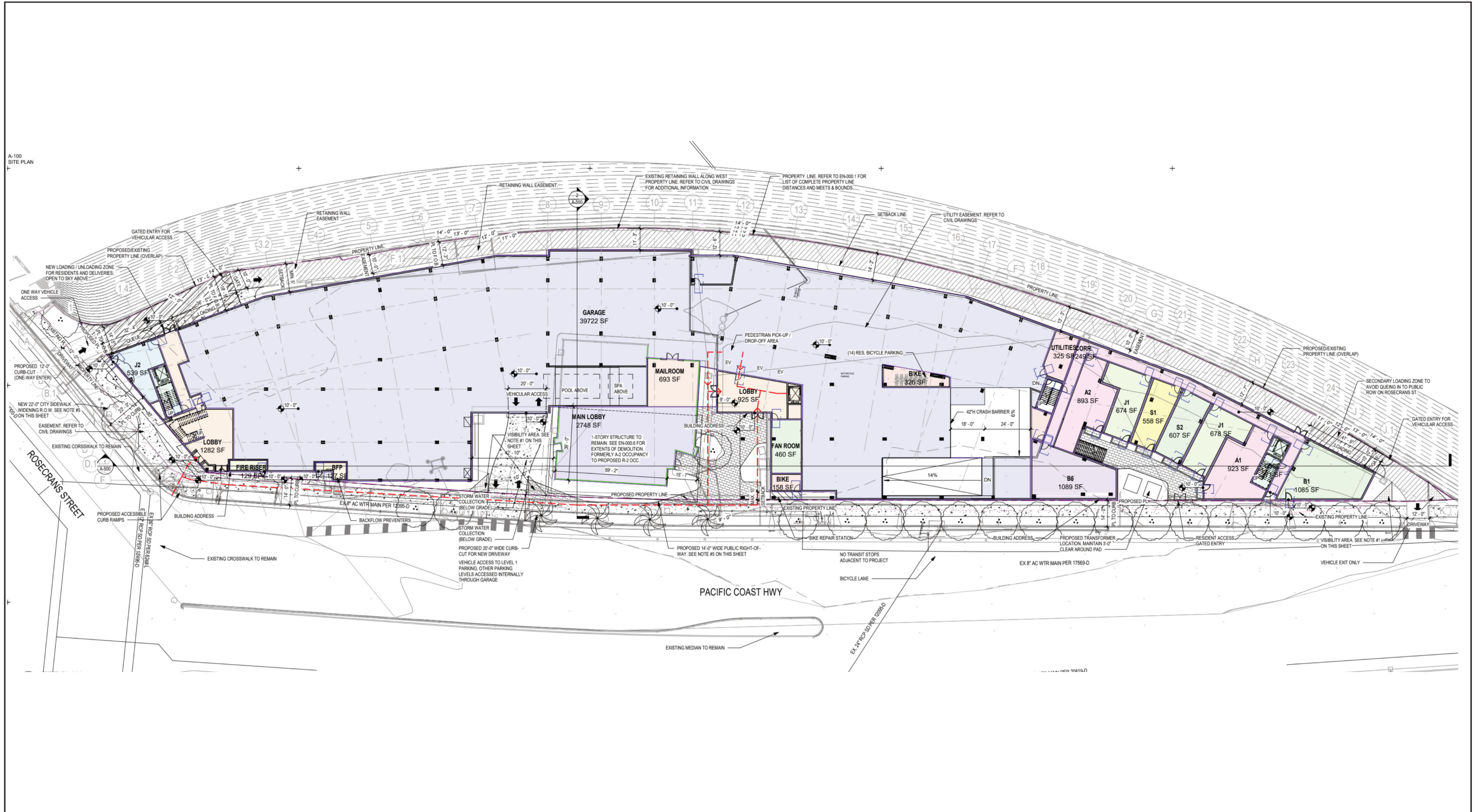


FIGURE 4  
Project Site Plan