



THE CITY OF SAN DIEGO

## SUBSEQUENT MITIGATED NEGATIVE DECLARATION

Project No. 697307  
SCH No. 2019060003

**SUBJECT:** **Clairemont Village:** A NEIGHBORHOOD DEVELOPMENT PERMIT (NDP), SITE DEVELOPMENT PERMIT (SDP), and EASEMENT VACATION to allow for the construction of 224 multi-family residential units within five floors over two levels of parking. The residential component of the building would be 262,624 square feet (SF) and the parking component would be 124,449 SF. The project would include demolition of approximately 3,770 SF of retail commercial space, for the provision of a fire access lane around the proposed building, leaving 120,313 SF of existing community retail. The project would also include a club area, two lounges, and a fitness center. Additionally, two outdoor courtyards would be provided, one of which would include a lap pool, on the third level of the building. Of the 224 total residential units, 23 would be affordable units. The parking component, occupying levels one (partially below grade) and two (at grade), would provide 342 parking spaces. In addition, there are 43 retail parking spaces that would be shared with residents and their guests between the hours of 6:00 p.m. and 9:00 a.m. The project would also provide 23 motorcycle parking spaces and ~~102~~110 bicycle parking spaces. As part of the NDP, the project is requesting a deviation to San Diego Municipal Code (SDMC) Section 131.0531 to the 45-foot height limit for the CC-1-3 zone and a deviation from SDMC Chapter 14 Article 02 Division 04 Landscape Regulations for 2.67 acres to comply with the Landscape Regulations when 12.96 acres would be required. Under the SDP, the project is requesting an exception to the 30-foot height limit per the Clairemont Mesa Height Limit Overlay Zone. The easement vacation would entail a partial easement vacation of a 10-foot public utility easement that runs east-west within the 2.67-acre project area I. The project is located within a 2.67-acre portion of the 12.96-acre Clairemont Village Shopping Center at 3001 through 3089 Clairemont Drive (Assessor's Parcel Numbers [APNs] 425-680-09 and 425-680-10) in the Clairemont Mesa community of the City of San Diego. The project site has a General Plan land use designation of Commercial Employment, Retail, and Services and a Clairemont Mesa Community Plan land use designation of Commercial and zoned CC-1-3. Additionally, the site is within the Airport Land Use Compatibility Overlay Zone (Montgomery Field), Airport Influence Area - Review Area 2 (Montgomery Field), Federal Aviation Administration (FAA) Part 77 Noticing Area, Clairemont Mesa Height Limitation Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ) - Type B, and Very High Fire Hazard Severity Zone. (LEGAL DESCRIPTION: Parcel 1 of Map No. 13891 in the City of San Diego). APPLICANT: Clairemont Village Quad, LLC.

**UPDATE: August 22, 2024. Revisions have been made to this document when compared to the draft Subsequent Mitigated Negative Declaration (MND). More specifically, clarifications have been made to include the landscape deviation and modification to MM-TRA-1 due to the misidentification of the project in Mobility Zone 4 instead of Mobility Zone 2. These clarifications have been included in the Project Scope, Mitigation Monitoring and Reporting Program (MMRP), Land Use, and Transportation Section. In accordance with the California Environmental Quality Act (CEQA), Section 15073.5(c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is the identification of new significant environmental impacts or the addition of a new mitigation measure required to avoid a significant environmental impact. The text modifications within the final environmental document do not affect the environmental analysis or conclusions of the MND. Revisions to the MND are reflected in a ~~strikeout~~/underline format.**

**I. PROJECT DESCRIPTION:**

See attached Subsequent Initial Study.

**II. ENVIRONMENTAL SETTING:**

See attached Subsequent Initial Study.

**III. DOCUMENTATION:**

The attached Subsequent Initial Study documents the reasons to support the Determination.

**IV. MITIGATION, MONITORING AND REPORTING PROGRAM:**

**A. GENERAL REQUIREMENTS - PART I**

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

1. Prior to the issuance of a Notice To Proceed (NTP) for 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 Construction Documents (CD) (plans, specification, details, etc.) to ensure the applicable MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

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

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

**B. GENERAL REQUIREMENTS – PART II**

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

1. **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 Archaeologist**

**Qualified 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 Tracking System (PTS) No. 697307 and /or Environmental Document No. 697307, 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.**

**5. OTHER SUBMITTALS AND INSPECTIONS:**

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

<b>Document Submittal/Inspection Checklist</b>		
<b>Issue Area</b>	<b>Document Submittal</b>	<b>Associated Inspection/Approvals/Notes</b>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Tribal Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

**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 Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
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 (1/4-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 Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an 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 Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any**

**construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSRs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.

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

#### IV. Discovery of Human Remains

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

##### A. Notification

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

##### B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.



3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being 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 distribution THEN,
  - c. In order to protect these sites, the Landowner shall do one or more of the following:
    - (1) Record the site with the NAHC;
    - (2) Record an open space or conservation easement on the site;
    - (3) Record a document with the County. 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.

- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

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

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

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

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
  - a. **No Discoveries:** In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
  - b. **Discoveries:** All discoveries shall be processed and documented using the existing procedures detailed in Sections I-I - 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 I-I - During Construction and IV-Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report
    - b. Recording Sites with State of California Department of Parks and Recreation: The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

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

D. Final Monitoring Report(s)

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

**TRANSPORTATION/CIRCULATION**

**MM-TRA-1** Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures totaling at least 5 points required by the Mobility Choices Ordinance, as shown on Exhibit 'A', satisfactory to the City Engineer. Implementation of these measures would mitigate VMT impacts to the extent feasible.

1. Provide long-term bicycle parking spaces at least 10 percent beyond minimum requirements.
  - Long-term bicycle parking required = 100 spaces
  - Long-term bicycle parking provided = 110 spaces (2 points)
2. Provide an on-site bicycle repair station.
  - Two on-site bicycle repair stations will be provided (3 points)

~~Prior to issuance of building permits for any new on-site buildings, the project shall demonstrate the payment of the required Active Transportation In Lieu Fee for the market rate units in accordance with Mobility Choices Regulations (San Diego Municipal Code Chapter 14, Article 3, Division 11), Appendix T Mobility Choices Regulations: Implementation Guidelines. Implementation of this fee would minimize VMT impacts to the extent feasible.~~

**V. PUBLIC REVIEW DISTRIBUTION:**

Draft copies or notice of this Subsequent Mitigated Negative Declaration were distributed to:

State

Department of Toxic Substance Control (39)  
 State Clearinghouse (46)  
 California Native American Heritage Commission (56)

City

Mayor's Office (91)  
 Councilmember Kent Lee, District 6 (MS10A)  
 Mitigation, Monitoring, and Coordination (MS 1102B (77A))  
 City Attorney's Office  
 Development Services:  
     Development Project Manager  
     LDR Engineering  
     LDR Environmental  
     LDR Geology  
     LDR Landscaping  
     LDR Planning Review  
     LDR Transportation  
 Environmental Services Department  
 PUD Water and Sewer  
 Planning Department:  
     Plan-Long Range  
 Fire-Rescue Department  
 San Diego Police Department  
 Transportation Development - DSD (78)

Development Coordination (78A)  
Fire and Life Safety Services (79)  
San Diego Fire – Rescue Department Logistics (80)  
Clairemont Branch Library (81H)  
Public Notice Journal (144)

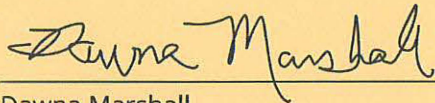
Other Interested Organizations, Groups, and Individuals

Historical Resources Board (87)  
Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego Archaeological Center (212)  
Save Our Heritage Organization (214)  
Ron Christman (215)  
Clint Linton (215B)  
Frank Brown – Inter-Tribal Cultural Resources Council (216)  
Campo Band of Mission Indians (217)  
San Diego County Archaeological Society, Inc. (218)  
Kumeyaay Cultural Heritage Preservation (223)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution (225 A-S)  
San Diego Unified School District (132)  
Balboa Avenue Citizens Advisory Committee (246)  
Clairemont Mesa Planning Committee (248)  
San Diego Mesa College (250)  
University of San Diego (251)  
Clairemont Senior Citizens Club (252)  
Deron Bear Chairperson (253)  
Tecolote Canyon Citizens Advisory Committee (254)  
Friends of Tecolote Canyon (255)  
Joe Marciano (256)  
Clairemont Town Council (257)  
Clint Linton, Iipay Nation of Santa Ysabel  
Lisa Cumper, Jamul Indian Village  
Angelina Gutierrez, San Pasqual Band of Mission Indians  
John Stump  
Richard Drury, Lozeau Drury LLP  
Molly Greene, Lozeau Drury LLP  
Kevin Johnston  
Lozeau Drury LLP  
David Hansen  
Dr. Jefferson Tucker Edmonds  
Gayle J Kayne  
Kimberly Dodson  
Bruce Seamont  
David Hoppe  
Jeff Smyser

**VI. RESULTS OF PUBLIC REVIEW:**

- No comments were received during the public input period.
- Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary, and the letters are incorporated herein.
- Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Copies of the subsequent environmental document and associated project-specific technical appendices, if any, may be accessed on the City of San Diego's California Environmental Quality Act (CEQA) webpage at <https://www.sandiego.gov/ceqa>.



Dawna Marshall  
Senior Planner  
Development Services Department

April 19, 2024  
Date of Draft Report

August 22, 2024  
Date of Final Report

Analyst: M. Dresser

**Attachments:**

- Initial Study
- List of Acronyms
- Figure 1: Regional Location
- Figure 2: Project Vicinity
- Figure 3: Site Plan
- Figure 4: Modeled Noise Receiver Locations
- Figure 5: Visual Simulations



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**City staff response(s) to the Lozeau Drury LLP comment(s) letter  
 for the Clairemont Village project, Project No. 697307**

May 20, 2024

***Via Email***

Morgan Dresser, Associate Planner  
 Development Services Department  
 City of San Diego  
 1222 First Avenue, MS-501  
 San Diego, CA 92101  
[mdresser@sandiego.gov](mailto:mdresser@sandiego.gov)

**Re: Comment on the Subsequent Mitigated Negative Declaration prepared for the Clairemont Village Project**

Dear Planner Dresser:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) and its members living and working in and around the City of San Diego regarding the Subsequent Mitigated Negative Declaration (“MND”) prepared for the Clairemont Village Project (“Project”).

SAFER’s review of the MND was assisted by Baseline Environmental Consulting (“Baseline”) and indoor air quality expert Francis Offermann, CIH, whose written comments and CVs are attached as Exhibits A and B, respectively.

As discussed below, there is substantial evidence supporting a fair argument that the Project may have significant and unmitigated impacts on VMT, human health, and air quality, necessitating the preparation of an EIR.

**PROJECT DESCRIPTION**

The proposed Project requires a Neighborhood Development Permit (NDP), Site Development Permit (SDP), and Easement Vacation to allow for the construction of 224 multi-family residential units within five floors over two levels of parking. The residential component of the building would be 262,624 square feet (SF) and the parking component would be 124,449 SF. The project would include demolition of approximately 3,770 SF of retail commercial space, for the provision of a fire access lane around the proposed building, leaving 120,313 SF of existing community retail. The project applicant is requesting an exception to the 30-foot height limit per the Clairemont Mesa Height Limit Overlay Zone. The Project is located in a Very High Fire Hazard Severity Zone.

**A-1** Comment noted. This comment is introductory and does not address the adequacy of the Draft Initial Study (IS)/Mitigated Negative Declaration (MND). As detailed in responses A-4 and A-5, the preparation of an environmental impact report (EIR) is not necessary for the project.

**A-2** Comment noted. This comment provides a summary description of the proposed project and does not address the adequacy of the Draft IS/MND. The information presented in this comment is consistent with the information presented in the Draft IS/MND. No further response is required.

A-1

A-2



## LEGAL STANDARD

As the California Supreme Court held, “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” (*Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-20.) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code [“PRC”] § 21068; see also 14 CCR § 15382.) An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens, supra*, 124 Cal.App.4th at 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process “protects not only the environment but also informed self-government.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.)

An EIR is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” (PRC § 21080(d); see also *Pocket Protectors, supra*, 124 Cal.App.4th at 927.) An MND instead of an EIR is proper only if project revisions would avoid or mitigate the potentially significant effects identified in the initial study “to a point where clearly no significant effect on the environment would occur, and . . . there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.” (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331 [quoting PRC §§ 21064.5, 21080(c)(2)].) In that context, “may” means a reasonable possibility of a significant effect on the environment. (PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors, supra*, 124 Cal.App.4th at 927; *League for Protection of Oakland’s etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05.)

An EIR must be prepared rather than an MND “whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Under this “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an

A-3 Comment noted. This comment provides discussion on legal background as to when an EIR should be prepared for a proposed project. The comment does not address the adequacy of the Draft IS/MND and does not present information specific to the proposed project or Draft IS/MND that requires a response.

A-3

adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors, supra*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors, supra*, 124 Cal.App.4th at 928.)

The “fair argument” standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

A-3  
(cont.)

This ‘fair argument’ standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency’s decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

(Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-74.) The Courts have explained that “it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is de novo, with a preference for resolving doubts in favor of environmental review.” (*Pocket Protectors, supra*, 124 Cal.App.4th at 928.)

## DISCUSSION

### I. An EIR is Required Because there is a Fair Argument that the Project May Have a Significant VMT Impact.

Baseline reviewed the MND and supporting documents and concluded that the Project has significant VMT impacts that have not been mitigated.

The MND’s VMT Assessment found that the project would generate 17.7 VMT per resident, which is 93% of the regional average of 18.9 VMT per resident. This exceeds the City’s adopted significance threshold of 85% of the regional average (16.065 VMT per resident), rendering this impact significant. As a result, mitigation is required to reduce the Project’s VMT by 9.2%. (Ex. A., p. 2.)

A-4

The MND includes mitigation measure TR-1 (payment of the City’s Active Transportation In Lieu Fee) to reduce VMT. However, as Baseline explains, this is not sufficient to reduce impacts below significance. Ex. A, p. 1-2.) would reduce VMT below significance.

Payment of the In Lieu Fee is required by the Mobility Choices Regulations (San Diego

A-4 As presented in Section 1.2 of the Draft IS/MND, the project’s environmental analysis is tiered from the *Complete Communities: Housing Solutions and Mobility Choices Program EIR* (Complete Communities Program EIR) in accordance with Sections 15152 and 15168 of the California Environmental Quality Act (CEQA) Guidelines and Public Resources Code Section 21094. The Complete Communities Program EIR was prepared pursuant to Section 15168 of the CEQA Guidelines. Refer to Section 1.2 of the Draft IS/MND. The Complete Communities Mobility Choices Program (Mobility Choices Program) amended the San Diego Municipal Code (SDMC; Chapter 14, Article 3, Division 11) and Land Development Manual to adopt a new CEQA significance threshold for transportation that implements Senate Bill (SB) 743, and a program to mitigate vehicle miles traveled (VMT) impacts from new development. The Mobility Choices Program ensures that new development mitigates transportation impacts to the extent feasible.

The CEQA concept of “tiering” refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects that implement the program. This Draft IS/MND incorporates by reference the discussions in the Complete Communities Program EIR and concentrates on project-specific issues.

Municipal Code, Chapter 14, Article 3, Division 11) and Complete Communities Program EIR. But the Complete Communities Program EIR from which the MND is tiered concluded that potentially significant VMT impacts would nonetheless remain significant, even after the adoption and payment of the Active Transportation In Lieu Fee, because it could not be determined with certainty whether the improvements from the fee program would be implemented at the time a future development project's VMT impacts would occur and whether those impacts would be mitigated to a less-than-significant level. (Ex. A., p. 2.) As such, impacts were determined to be significant and unavoidable at the programmatic level in the Complete Communities Program EIR. (*Id.*)

The same is true here. There is no certainty that payment of the in-lieu fee will reduce the Project's VMT by 9.3%, below the significance threshold. Baseline suggested numerous feasible mitigation measures to further reduce VMT. Without additional mitigation, there is substantial evidence that the Project may have a significant and unmitigated VMT impact, necessitating an EIR.

## II. An EIR is Required Because there is a Fair Argument that the Project May Have a Significant Impact on Human Health.

The MND fails to discuss, disclose, analyze, and mitigate the significant health risks posed by the Project from Formaldehyde, a toxic air contaminant ("TAC"). Certified Industrial Hygienist, Francis Offermann, PE, CIH conducted a review of the Project and relevant documents regarding the Project's indoor air emissions. Mr. Offermann is one of the world's leading experts on indoor air quality and has published extensively on the topic. As discussed below and in Mr. Offermann's comments, the Project's emissions of formaldehyde to the air will result in very significant cancer risks to future residents of the Project's residential units. Mr. Offermann's comments and CV is attached as Exhibit B.

Formaldehyde is a known human carcinogen and is listed by the State as a TAC. The San Diego County Air Pollution Control District ("SDAPCD") has established a significance threshold of health risks for carcinogenic TACs of 10 in one million. (Ex. B, p. 2.) The MND fails to acknowledge the significant indoor air emissions that will result from the Project. Specifically, there is no discussion of impacts or health risks, no analysis, and no identification of mitigations for significant emissions of formaldehyde to air from the Project.

Mr. Offermann explains that many composite wood products typically used in home and apartment building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. B, pp. 2-3)

Mr. Offermann found that future residents of the Project's residential units will be

As discussed in Section 6.14, *Transportation*, of the Draft IS/MND, the project is required to comply with the Mobility Choices Program and would rely upon the Findings and Statement of Overriding Considerations (SOC) for the Complete Communities Program EIR as mitigation to the extent feasible for its significant VMT impact. The Mobility Choices Program regulations are intended to serve as mitigation to the extent feasible to ensure an overall reduction of Citywide VMT. As identified in the Findings and SOCs, compliance with these regulations is mitigation for future development projects.

The Draft IS/MND included mitigation for the project in the form of an Active Transportation In-Lieu Fee (ATILF), consistent with the requirements of the Mobility Choices Program and Complete Communities Program EIR and associated Findings and SOCs for projects located in Mobility Zone 4; however, as a result of an amendment to the City's Mobility Choices Regulations as adopted by O-21618 effective May 6, 2023 (following preparation of the project's original VMT Assessment [Urban Systems Associates, Inc. 2023b]), the project site is now within Mobility Zone 2. As such, a VMT Assessment Supplemental Memo (Urban Systems Associates, Inc. 2024) was prepared, which supplements and updates the previous VMT Assessment. As documented in the VMT Assessment Supplemental Memo, since the project is now located in Mobility Zone 2, under the Complete Communities: Mobility Choices ordinance, the project is required to provide VMT reduction measures totaling at least 5 points. The project's mitigation in the Draft IS/MND has thus been revised to include site-specific VMT reduction measures in the forms of providing long-term bicycle parking spaces at least 10 percent beyond minimum requirements and providing two bicycle repair stations to achieve VMT reduction measures totaling 5 points. The proposed VMT reduction measures are consistent with the requirements of the Mobility Choices Program and the Complete Communities Program EIR and associated Findings and SOCs. The site-specific VMT mitigation mentioned in this comment would be the above-mentioned site-specific VMT reduction measures, which are consistent with the Mobility Choices Program. The Project will rely upon the Findings and SOCs for the Complete Communities Program EIR as mitigation to the extent feasible for its significant VMT impact.

Further, CEQA Guidelines Section 15152(f) explains that a later EIR is only required when the Initial Study finds that the project may have a significant effect on the environment that was not adequately addressed in the prior EIR and a negative declaration shall be required when the provisions of Section 15070 are met. Based on a city-wide analysis of land use and transportation networks, the Complete Communities Program EIR identified significant VMT impacts. The project is consistent with the land use and zoning for the site and was captured by the City-wide Complete Communities Program EIR VMT analysis. As indicated in this comment's statement that "the same is true here" in comparison of the project impact conclusion to the conclusions of the Complete Communities Program EIR, the project's significant VMT impact was adequately addressed in the Complete Communities Program EIR. As this previous EIR adequately addressed this impact and the project is tiering, the preparation of an EIR for the project is not required per CEQA Guidelines Section 15152(f) and the preparation in accordance with Section 15070 is appropriate.

A-4  
(cont.)

A-5

exposed to a cancer risk of 120 per million, even assuming all materials are compliant with the California Air Resources Board's ("CARB") formaldehyde airborne toxics control measure. (Ex. B, pp. 3-5) This is more than 12 times SDAPCD's CEQA significance threshold of 10 per million.

Mr. Offermann also found that there is a fair argument that future employees of the commercial spaces will be exposed to a cancer risk from formaldehyde of approximately 17.7 per million, even assuming all materials are compliant with CARB's formaldehyde airborne toxics control measure. (*Id.*, pp. 3-5.) This exceeds the SDAPCD CEQA significance threshold for airborne cancer risk of 10 per million. (*Id.*)

Mr. Offermann concludes that these significant environmental impacts must be analyzed in an EIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. (Ex. B, pp. 5, 12-14.) He prescribes a methodology for estimating the Project's formaldehyde emissions in order to do a more project-specific health risk assessment. (*Id.*, pp. 6-10.) Mr. Offermann also suggests several feasible mitigation measures, such as requiring the use of no-added-formaldehyde composite wood products, which are readily available. (*Id.*, pp. 12-14.) Mr. Offermann also suggests requiring air ventilation systems which would reduce formaldehyde levels. (*Id.*) Since the MND does not analyze this impact at all, none of these or other mitigation measures have been considered.

When a Project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes substantial evidence that the project will have a significant adverse environmental impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. (See, e.g. *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 [County applies Air District's "published CEQA quantitative criteria" and "threshold level of cumulative significance"]; see also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 ["A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant"].)

The California Supreme Court made clear the substantial importance that an air district significance threshold plays in providing substantial evidence of a significant adverse impact. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 ["As the District's established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact."].) Since expert evidence demonstrates that the Project will exceed the SCAQMD's CEQA significance threshold, there is substantial evidence that an "unstudied, **potentially significant environmental effect**]" exists. (See *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 958 [emphasis added].)

The failure of the MND to address the Project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("*CBLA*"). In that case, the Supreme Court

project's building materials. The formaldehyde emissions from future project building materials are not an existing hazard that would be exacerbated by the project. In addition, formaldehyde emissions are addressed through regulations that have been adopted by state and federal agencies. Such regulations include the U.S. Environmental Protection Agency's (USEPA's) Toxic Substances Control Act (TSCA) Title VI (Formaldehyde Standards for Composite Wood Products Act), California Air Resource Board's (CARB's) Airborne Toxics Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products, and Section 4.504 (Pollutant Control) the California Green Building Standards Code (CALGreen; Title 24, Part 11).

The purpose of the USEPA's TSCA Title VI is to reduce formaldehyde emissions from composite wood products, thus reducing exposures to formaldehyde and resulting in the avoidance of adverse health effects. This final rule includes formaldehyde emission standards applicable to hardwood plywood, medium-density fiberboard, and particleboard, and finished goods containing these products that are sold, supplied, offered for sale, or manufactured (including imported) in the United States. Similarly, CARB's ATCM to Reduce Formaldehyde Emissions from Composite Wood Products, which is codified in California Code of Regulations (CCR) Title 17 Sections 93120 through 93120.12, regulates formaldehyde emissions from composite wood products that are sold, supplied, used, or manufactured for sale in California. The regulation requires that hardwood plywood, particleboard, medium-density fiberboard, and new finished goods that contain these composite wood products meet stringent formaldehyde emission standards and be labeled as such. CALGreen's Residential Mandatory Measures incorporate CARB's numerical formaldehyde emission limits for new residential construction. In addition, Chapter 12, Section 1202 of the California Building Code (Title 24, Part 2) includes specific ventilation requirements for residential developments to maintain acceptable indoor air quality levels. As noted on page 33 of the Draft IS/MND and shown on Figure 5a, the project includes heating, ventilation, and air conditioning systems for each unit, and would already include the ventilation suggested as mitigation in this comment. The project would comply with the most up-to-date versions of the regulations that are applicable at the time the project's working drawings are developed and the project is constructed.

The comment bases the argument that residents would be exposed to cancer risk exceeding the threshold of health risks for carcinogenic toxic air contaminants based on a study of indoor air quality (Singer et al. 2020). The cited study, however, does not represent current conditions considering it included single-family homes and not multi-family (square feet affects emission calculations); was located in other areas of California with various humidity and temperature conditions that affect formaldehyde emissions; assumed various indoor activities emissions not related to construction materials such as candle burning, cooking, cleaning, vehicular use in garages, and gas-burning fireplaces; included residential units that did not meet California Building Code at that time; and does not address homes that are to current regulatory requirements (the 2009 report assumes 2001 California Building Code prior to requirements for mechanical air ventilation systems and also does not assume the current formaldehyde USEPA regulations via the Formaldehyde Standards for Composite Wood Products Act effective March 2019 and the three subsequent associated Rule

A-5  
(cont.)

expressly holds that potential adverse impacts to future users and residents from pollution generated by a proposed project **must be addressed** under CEQA. At issue in *CBLA* was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment’s effects on a project. (*CBLA*, 62 Cal.4th at 800-01.) However, to the extent a project may exacerbate existing environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. (*Id.* at 801.) In so holding, the Court expressly held that CEQA’s statutory language required lead agencies to disclose and analyze “impacts on **a project’s users or residents that arise from the project’s effects** on the environment.” (*Id.* at 800 [emphasis added].)

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(cont.)

The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. People will be residing in the Project’s buildings once built and emitting formaldehyde. Once built, the Project will begin to emit formaldehyde at levels that pose significant direct and cumulative health risks. The Supreme Court in *CBLA* expressly finds that this type of air emission and health impact by the project on the environment and a “project’s users and residents” must be addressed in the CEQA process. The existing TAC sources near the Project site would have to be considered in evaluating the cumulative effect on future residents of both the Project’s TAC emissions as well as those existing off-site emissions.

The Supreme Court’s reasoning is well-grounded in CEQA’s statutory language. CEQA expressly includes a project’s effects on human beings as an effect on the environment that must be addressed in an environmental review. “Section 21083(b)(3)’s express language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects *on human beings*, either directly or indirectly.’” (*CBLA*, 62 Cal.4th at 800.) Likewise, “the Legislature has made clear—in declarations accompanying CEQA’s enactment—that public health and safety are of great importance in the statutory scheme.” (*Id.* [citing e.g., PRC §§ 21000, 21001].) It goes without saying that the future residents of the Project are human beings and their health and safety must be subject to CEQA’s safeguards.

The City has a duty to investigate issues relating to a project’s potential environmental impacts. (*See County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. [“[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts.”]) The proposed buildings will have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that will expose future residents to cancer risks potentially in excess of SCAQMD’s threshold of significance for cancer health risks of 10 in a million. Currently, outside of Mr. Offermann’s comments, the City does not have any idea what risks will be posed by formaldehyde emissions from the Project. As a result, the City must include an analysis and discussion in an EIR which discloses and analyzes the health risks that the Project’s formaldehyde emissions may have on future residents and identifies appropriate mitigation measures.

updates). The intent of the 2009 study was to assess residents’ behavior, as well as provide information for preparing regulations. The conclusion of that 2009 study was that mechanical ventilation systems are needed as well as recommendations for regulation updates, which the project already includes ventilation and compliance with the updated regulations. Overall, the 2009 study is not representative of the current project conditions. The 2020 Final Project Report, Ventilation and Air Quality in New California Homes with Gas Appliances and Mechanical Ventilation report states (Singer et al. 2020) states “the 70 homes built to meet the 2008 Title 24 mechanical ventilation requirements found acceptable indoor air quality in the homes when the mechanical systems were operating and windows were generally closed.” The study did not attempt to quantify the formaldehyde emissions resulting from building materials alone. The comment does not present evidence that indicates that the project would result in health risks exceeding applicable thresholds. Ultimately, compliance with current regulations would preclude project impacts related to indoor formaldehyde emission levels, and no further analysis is warranted. Similarly, the data presented that is based on the CARB 2004 documents are similarly outdated and not representative of the project considering the change in regulations as well as the lack of representation of the actual proposed residential units.

The comment also indicates that future employees of the commercial spaces would be exposed to cancer risk. The project includes demolition, not construction, of commercial uses. Therefore, the project would not result in the potential for new or additional health risks due to the building materials of commercial spaces.

Based on the current adopted federal and State standards regarding indoor formaldehyde emissions, which the project would be required to adhere to, the project would not result in a significant impact related to air quality to future project residents. The preparation of an EIR for the project is therefore, not required.

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(cont.)

Mr. Offermann's comments are substantial evidence that the Project may have a significant impact on human health, necessitating preparation of an EIR.

**CONCLUSION**

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As discussed above, the expert comments of Mr. Offermann and Baseline are substantial evidence of a fair argument that the Project may have significant impacts on VMT, human health, and air quality. For those reasons, an EIR must be prepared for the Project.

Sincerely,



Victoria Yundt  
Lozeau | Drury LLP

**A-6** This comment is conclusory. As detailed in responses A-4 and A-5, the preparation of an EIR is not necessary for the project.

# EXHIBIT A

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May 17, 2024

Ms. Victoria Yundt  
LOZEAU DRURY LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612

**Subject: Peer Review of Clairemont Village Apartments Vehicle Miles Traveled (VMT) Analysis, City of San Diego**

Dear Ms. Yundt:

**Introduction**

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this peer review of the *Clairemont Village Subsequent Mitigated Negative Declaration, City of San Diego (MND)* and the *Clairemont Village Apartments - Vehicle Miles Traveled (VMT) Assessment, prepared by Urban Systems Associates, Inc., January 13, 2023 (VMT Assessment)*. RK has reviewed the MND and VMT Assessment from a transportation impact standpoint and provides the following comments to help ensure that all potential impacts from the Clairemont Village Apartments Project (project) are adequately identified and mitigated to the extent feasible.

**VMT Comments**

The following comments pertain to the evaluation of VMT impacts within the MND and VMT Assessment.

1. Page 12 of the MND (MM TR-1) inaccurately states that payment of the City's Active Transportation In Lieu Fee would minimize the project's VMT impact to the extent feasible. Payment of the Active Transportation In Lieu Fee is required per the Mobility Choices Regulations (San Diego Municipal Code, Chapter 14, Article 3, Division 11), but it does not mitigate the project's impact to a level of less than significant.

- A-7** As detailed in response A-4, above, the Draft IS/MND has been revised to incorporate mitigation in the form of VMT reduction measures instead of an ATILF. The IS/MND page 12 accurately summarizes the Complete Communities Program EIR and associated Findings that implementation of VMT reduction measures would minimize the project's VMT impact to the extent feasible. The IS/MND does not state that VMT impact would be mitigated to below a level of significance as implied in this comment. Consistent with the conclusions of the Complete Communities Program EIR, the IS/MND identifies that the project VMT impacts would be significant. Refer to response A-4, above regarding this IS/MND tiering from the Complete Communities Program EIR, Findings and SOCs. As directly stated in the Findings, the "Mobility Choices Program regulations are intended to serve as mitigation to ensure an overall reduction in Citywide VMT. Compliance with these regulations is mitigation for future development projects." The proposed project would comply with the Mobility Choices Program regulations that require the implementation of VMT reduction measures considering the site location in Mobility Zone 2 and would rely on the Findings and SOCs of the Complete Communities Program EIR to mitigate to the extent feasible.

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(cont.)

The Complete Communities Program EIR found that potentially significant VMT impacts would nonetheless remain significant (even after the adoption and payment of the Active Transportation In Lieu Fee) because it could not be determined with certainty whether the improvements (from the fee program) would be implemented at the time a future development project's VMT impacts would occur and whether those impacts would be mitigated to a less-than-significant level. As such, impacts were determined to be significant and unavoidable at the programmatic level in the Complete Communities Program EIR.

Yet, the same finding of significant and unavoidable impacts at the project-level cannot be made without providing additional analysis and consideration of site-specific impacts and mitigation. The MND must provide a more detailed project-level assessment before it can tier off the Program EIR's Findings and Statement of Overriding Consideration.

It is a fundamental mandate of CEQA that public agencies should not approve projects if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of a project (California Public Resources Code § 21002). Furthermore, if any suggested mitigation is found to be infeasible, the lead agency must explain why and support that determination with substantial evidence.

The VMT Assessment found that the project would generate 17.7 VMT per resident, which is 93% of the regional average of 18.9 VMT per resident. In order to achieve the City's adopted significance threshold of 85% of the regional average (i.e., 16.065 VMT per resident) the project needs to reduce its VMT per resident by an additional 9.2%. To do this, the project is responsible for implementing site-specific mitigation measures.

The City of San Diego Transportation Study Manual (TSM) has been adopted to ensure transportation studies conform to the latest CEQA regulations for VMT analysis. The TSM specifies that if a project is found to have a significant VMT impact, the impact must be mitigated by reducing the project's VMT per resident through the implementation of Transportation Demand Management (TDM) strategies. Nowhere in the TSM does it mention that payment of the Active Transportation In Lieu Fee would constitute acceptable and sufficient mitigation.

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The TSM provides detailed guidelines and methodology requirements for selecting and quantifying VMT mitigation measures. The VMT Assessment should follow the requirements of the TSM and an updated MND should be provided incorporating all feasible mitigation measures available for reducing the project's significant VMT impact.

**Attachment A** provides a list of the potentially feasible TDM strategies that should be considered as additional project mitigation.

**Conclusions**

Based upon this review, the MND and VMT Assessment for the Clairemont Village Apartments Project have not adequately analyzed the potential VMT impacts of the project, and not all feasible mitigation measures have been implemented.

RK Engineering Group, Inc appreciates this opportunity to assist LOZEAU DRURY LLP with this review.

Respectfully submitted,  
RK ENGINEERING GROUP, INC.



Bryan Estrada, AICP  
Principal

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**Attachment A**  
City of San Diego Transportation Study Manual  
TDM Strategies

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TABLE APPENDIX D-1

TDM STRATEGIES AND APPROXIMATE EFFECTIVENESS

TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Global Max Reduction</b> For (Four Categories) Neighborhood/Site Enhancement, Parking Policy/Pricing, Transit System Improvements, and Commute Trip Reduction Programs:						
Urban: 60% Compact Infill: 30% Suburban Center: 15% Suburban: 10%						
<b>Cross-Category Max Reduction</b> For (Three Categories) Neighborhood/Site Enhancement, Parking Policy/Pricing, and Transit System Improvements:						
Urban: 45% Compact Infill: 20% Suburban Center/Suburban: 10%						
<b>Neighborhood/Site Enhancement:</b> <b>Category Max Reduction - Without NEV: 5% With NEV: 15%</b>						
<b>Bicycle TDM</b>						
<b>Bicycle Infrastructure Improvements:</b> Add additional bicycle facilities (Class I, II, or IV) or upgrade existing facilities to Class I, II, or IV.	P	RES, EMP, RET			X	0.6%-2.5%
<b>Bike Share/Micromobility Fleet:</b> A bike share/micromobility fleet provides shared bicycles and can help eliminate trips made by car during the day.	P	RES, EMP	X	X	X	0.2%-0.5%
<b>Bicycle Riders Guide:</b> A guide with bicycle routes, lanes, and paths to the site and bicycle parking facilities on the site make it easier for people to bike and walk to work. Development of individualized bicycle plans.	S	RES, EMP, RET				NA

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Electric Bicycle/Micromobility Charging Station:</b> Charging stations for electric bicycles/micromobility located throughout the project which can be used for longer trips than standard bicycles.	S	RES, EMP, RET		X	X	NA
<b>Subsidized Bicycle Expenses:</b> Provide monthly subsidy to bicyclists to encourage use.	S	RES, EMP	X			NA
<b>Bicycle Parking:</b> Provide dedicated secure parking (enclosed lockers or bicycle cages) and bicycle racks.	S	RES, EMP, RET	X		X	NA
<b>Bicycle Supportive Programs:</b> Participation and promotion of bicycle programs encourage employees/residents to bike and may include participation in Bike-to-Work Day, creating biking groups, developing a bicycle buddies program, gamifying bicycling (i.e. prizes/incentives for number of days biked).	S	RES, EMP				NA
<b>DIY Bicycle Repair Stands:</b> Do-it-yourself bicycle repair stands offer an air pump and basic tools for bicycle maintenance and repair. Typically, they have Phillip's/flat-head screwdrivers, combination wrenches, and Allen wrenches.	S	RES, EMP, RET		X	X	NA
<b>On-Site Showers and Lockers:</b> Shower and changing rooms help promote bicycling (and walking).	S	RES, EMP	X		X	NA
<b>Pedestrian/Walking TDM</b>						
<b>Pedestrian Network Improvements:</b> Designing a site for pedestrian connectivity with attractive and safe connections between buildings and to the surrounding streets can encourage people to walk more.	P	RES, EMP, RET			X	0-2%

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Walking Supportive Programs:</b> Walking programs encourage employees/residents to walk and may include mapping walking routes, creating walking groups or buddies, providing incentives, gamifying walking (i.e. prizes/incentives for number of days walked).	S	RES, EMP				NA
<b>Subsidized Walking Expenses:</b> Provide monthly subsidy to pedestrians to encourage use.	S	RES, EMP				NA
<b>Other</b>						
<b>Traffic Calming:</b> Implement traffic calming features on-site and on nearby roadways to reduce vehicle speeds and provide an enhanced environment for biking and walking.	P	RES, EMP			X	0.25-1%
<b>Neighborhood Electric Vehicle Dedicated Network:</b> Create a path/roadway system that accommodates NEVs and limits conflicts with standard automobiles. Can be used to estimate effectiveness of a network dedicated for an electric powered micromobility fleet, provided that a separate roadway network is available to the micromobility bikes/scooters.	P	RES, EMP				0.5-12.7%
<b>Car Share:</b> SEE COMMUTE TRIP REDUCTION PROGRAMS.	P	RES, EMP	X		X	0.4-0.7%
<b>Passenger Loading Zones:</b> Provide a dedicated passenger loading zone space convenient to main entries to encourage use of carpools, vanpools, and transportation network companies (TNCs) such as Uber and Lyft.	S	RES, EMP, RET			X	NA

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Mobility Hub:</b> Build a multi-modal transportation hub that includes access to transit, car share, bike/scooter share, on-site shuttle, package delivery facility, and other features to facilitate modal transfer and reduce vehicle trips.	S	RES, EMP, RET				NA

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Parking Policy/Pricing</b>						
<b>Category Max Reduction: 20%</b>						
<b>Limit Parking Supply:</b> Provide less parking supply as compared to typical parking supply at similar nearby developments. Limiting supply encourages use of other modes by not offering an abundance of convenient parking. To be effective, on-street parking must be priced and/or managed (through parking meters, residential parking permit districts, etc.). Additionally, the analyst must consider if the reduction in parking supply will result in single occupant TNC (Uber and Lyft) use, which does not reduce VMT.	P	RES, EMP, RET			X	5-12.5%
<b>Unbundled Parking:</b> Parking spaces in residential buildings are not associated with a specific unit and are offered at an additional cost or rented separately on a monthly or annual basis. To be effective, on-street parking must be priced and/or managed (through residential parking permit districts, etc.).	P	RES	X			2.6-13%
<b>Priced Public Parking:</b> Charge (or increase price by more than 25%) for parking on all public streets adjacent to and nearby the project.	P	RES, EMP				2.8-5.5%
<b>Parking Cash-Out Program:</b> Employees or residents receive the cash equivalent of the cost of a parking space if they forgo parking. This provides a financial incentive for either not owning a car or using it for commuting purposes. To be effective, on-street parking must be priced and/or managed (through residential parking permit districts, etc.).	P	RES, EMP	X			0.6-7.7% Commute

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Residential Area Parking Permit Program:</b> Implement permit program for use of on-street parking. This supports the limit on-site parking supply and unbundled parking strategies by discouraging regular and long-term parking on City streets. Permit programs reduce parking spillover from developments that have reduced parking supply or unbundled parking.	S	RES				NA
<b>Time Limited Street Parking:</b> Time limiting on-street parking spaces reduces the potential for vehicles to be stored for extended periods of time, which reduces overall vehicle ownership and encourages use of other modes.	S	RES, EMP				NA
<b>Real-Time Parking Information:</b> Information provided via a mobile app or sign that provides information on number of spaces available and where available spaces are located.	S	RES, EMP, RET				NA
<b>Transit System Improvements</b>						
<b>Category Max Reduction: 10%</b>						
<b>Transit Network Expansion:</b> Expand transit network through coordination with SANDAG or by providing private transit/shuttle service that connects to available public transit.	P	RES, EMP, RET				0.1-8.2%
<b>Increase Transit Service Frequency/Speed:</b> Coordinate with SANDAG or implement supplemental shuttle service to increase transit service headways. Increase transit vehicle speed and reliability by providing transit related improvements such as transit service priority at traffic signals, dedicated bus lanes, etc.	P	RES, EMP				0.02-2.5%

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Transit Pass Subsidy:</b> SEE COMMUTE TRIP REDUCTION PROGRAMS.	P	RES, EMP				0.3-20%
<b>Enhance Transit Amenities:</b> Coordinate with transit agencies to improve facilities at existing bus stops such as benches, shelters, lighting, bicycle parking, etc. in order to make transit a more attractive option.	S	RES, EMP, RET		X	X	NA
<b>Transit Encouragement Programs:</b> Transit programs encourage employees/residents to take transit may include transit route planning assistance/transit riders guide, free trial transit rides, transit field trips, creating transit groups or buddies, providing incentives, gamifying transit use (i.e. prizes/incentives for number of transit trips taken).	S	RES, EMP				NA
<b>Transit App:</b> Downloadable smart phone application providing schedule and stop information for private shuttles and public transit make transit use more convenient.	S	RES, EMP				NA
<b>Onsite Transit Pass Outlet:</b> Providing transit passes for sale onsite as a convenience to encourage use.	S	RES, EMP				NA
<b>Commuter Trip Reduction Programs</b>						
<b>Category Max Reduction: 15% Overall VMT (25% Work VMT)</b>						
<b>Voluntary Commute Trip Reduction Program.</b> A voluntary, multi-strategy program for reducing commute trips. The program must include all	P	RES, EMP	X			1-15% Commute VMT

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<p>strategies listed to the right of this description. Any commute trip reduction strategy that is not listed can be added to the program (i.e. transit subsidies), and its individual strategy effectiveness can be added using the dampening equation. The effectiveness is based on the combined individual strategies (with dampening) up to the max reduction listed below.</p> <p><b>Max Reduction: 6.2% Commute VMT</b> (regardless of individual strategy effectiveness)</p>	<p><b>Alternative Work Schedules:</b> Employees can set/modify their arrival/departure time to provide flexibility for carpooling (or use of other non-private auto modes). Alternative work schedules could be staggered starting times, flexible schedules, or compressed work weeks.</p>	EMP	X			0.07-3.75% Commute VMT
	<p><b>Vanpool Program:</b> Vanpool programs help vanpools to form by matching drivers and passengers and by providing or subsidizing vans. This could be implemented through the SANDAG iCommute Program.</p>	P	EMP	X		

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<p><b>Transportation Coordinator:</b> A voluntary commute trip reduction program should have dedicated staff time to implement the program (at least part-time for a voluntary program). Transportation coordinators are responsible for developing, marketing, implementing, and evaluating TDM programs. Having dedicated personnel on staff helps to make the TDM program more robust, consistent and reliable.</p>	S	RES, EMP				
<p><b>Preferential Carpool Parking:</b> Designated parking spaces for carpools and vanpools near building entrances to encourage carpooling.</p>	S	EMP	X		X	NA
<p><b>Bicycle End Trip Facilities:</b> Provide on-site showers, lockers, and bicycle parking).</p>	S	EMP	X		X	NA

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TDM STRATEGY		PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<p><b>Mandatory Commute Trip Reduction Program (Ordinance):</b> A mandatory, multi-strategy program for reducing commute trips. The program must include all strategies listed to the right of this description. The effectiveness is based on the combined individual strategies (with dampening) up to the max reduction listed below.</p> <p><b>Max Reduction: 21.0% Commute VMT</b> (regardless of individual strategy effectiveness)</p>	<p><b>Carpooling Program and Encouragement:</b> Establish a formal ride-sharing program that matches individuals and encourages carpooling.</p>	P	RES, EMP	X			1-15% Commute VMT
	<p><b>Transit Pass Subsidy:</b> Provide subsidized transit passes through programs such as Commuter Check or by purchasing passes to provide a financial incentive for employees or tenants to use transit.</p>	P	RES, EMP	X	X		0.3-20% Commute VMT
	<p><b>Alternative Work Schedules:</b> Employees can set/modify their arrival/departure time to provide flexibility for carpooling (or use of other non-private auto modes). Alternative work schedules could be staggered starting times, flexible schedules, or compressed work weeks.</p>	P	EMP	X			0.07-3.75% Commute VMT

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<p><b>Vanpool Program:</b> Vanpool programs help vanpools to form by matching drivers and passengers and by providing or subsidizing vans. This could be implemented through the SANDAG iCommute Program.</p>	P	EMP	X			0.3-13.5% Commute VMT
<p><b>Commuter Trip Reduction Marketing:</b> The commuter trip reduction program will be marketed through use of kiosks, flyers, posters, and emails. New employees/tenants are provided information on their travel options and program incentives.</p>	P	RES, EMP	X	X	X	0.8-4.0% Commute VMT
<p><b>Car Share:</b> Provide on-site car share (with dedicated car share parking spaces) to provide an option for use of a car to residents or employees that choose to not own a car.</p>	P	RES, EMP	X		X	0.4-0.7% Commute VMT

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<p><b>Transportation Coordinator:</b> A commute trip reduction program should have dedicated staff time to implement the program. Transportation coordinators are responsible for developing, marketing, implementing, and monitoring/evaluating TDM programs.</p>	S	RES, EMP				
<p><b>Preferential Carpool Parking:</b> Designated parking spaces for carpools and vanpools near building entrances to encourage carpooling.</p>	S	EMP	X		X	NA
<p><b>Bicycle End Trip Facilities:</b> Provide on-site showers, lockers, and bicycle parking.</p>	S	EMP	X		X	NA
<p><b>Commute Trip Reduction Additional Strategies (that are not part of the voluntary or mandatory programs listed above).</b></p>						
<p><b>Transit Pass Subsidy:</b> Provide subsidized transit passes through programs such as Commuter Check or by purchasing passes to provide a financial incentive for employees or tenants to use transit.</p>	P	RES, EMP	X	X		0.3-20% Commute VMT
<p><b>Price Workplace Parking:</b> Price workplace parking to encourage use of alternate commute modes.</p>	P	EMP	X			0.1-19.7% Commute VMT

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TDM STRATEGY	PRIMARY (P) OR SUPPORTIVE (S)	APPLICABLE LAND USES: RESIDENTIAL (RES), EMPLOYMENT (EMP), RETAIL (RET)	CAP CONSISTENCY CHECKLIST	TRANSPORTATION AMENITY	VMT REDUCTION AMENITY	VMT REDUCTION RANGE
<b>Telecommuting:</b> Telecommuting allows employees to work from home and reduces trips made to the employer site.	P	EMP	X			0.2-5.5% Commute VMT
<b>Commute Trip Reduction Marketing:</b> The commute trip reduction program will be marketed through use of kiosks, flyers, posters, and emails. New employees/tenants are provided information on their travel options and program incentives.	P	RES, EMP	X	X	X	0.8-4.0% Commute VMT
<b>Guaranteed Ride Home Program:</b> Employees who use transit, carpools, or vanpools are guaranteed a ride home in case of emergency or if they need to work late which helps to reduce concerns about using alternative modes.	S	RES, EMP		X		
<b>Last Mile Connections:</b> Provide means for connecting the project to the closes transit stop (subsidized TNC rides, shuttle service, etc.).	S	RES, EMP				

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# EXHIBIT B

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INDOOR ENVIRONMENTAL ENGINEERING



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Date: May 20, 2024  
To: Victoria Yundt  
Lozeau | Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, California 94612  
From: Francis J. Offermann PE CIH  
Subject: Indoor Air Quality: Clairmont Village Project–San Diego, CA  
(IEE File Reference: P-4806)  
Pages: 18

**Indoor Air Quality Impacts**

A-8

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson,

**A-8** This comment provides general discussion on indoor air quality. The comment does not present information specific to the proposed project or Draft IS/MND that requires a response.

A-8  
(cont.)

2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

A-9

**Indoor Formaldehyde Concentrations Impact.** In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m<sup>3</sup>, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m<sup>3</sup>, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m<sup>3</sup>. The median indoor formaldehyde concentration was 36 µg/m<sup>3</sup>, and ranged from 4.8 to 136 µg/m<sup>3</sup>, which corresponds to a median exceedance of the 2 µg/m<sup>3</sup> NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m<sup>3</sup>, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the San Diego County Air Pollution Control District (SDAPCD, 2021).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m<sup>3</sup> to 28% for the Acute REL of 55 µg/m<sup>3</sup>.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

A-9 Refer to response A-5, above. Potential impacts to the project's residents from formaldehyde do not need to be assessed as part of CEQA review for the project considering compliance with current Title 24 regulations provides for acceptable indoor air quality, and a project-specific formaldehyde emissions assessment (which the commenter suggests should encompass both construction materials and future furnishings that are beyond the scope of the project) is not warranted.

particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of  $22.4 \mu\text{g}/\text{m}^3$  (18.2 ppb) as compared to a median of  $36 \mu\text{g}/\text{m}^3$  found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of  $24.1 \mu\text{g}/\text{m}^3$ , which is 33% lower than the  $36 \mu\text{g}/\text{m}^3$  found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

According to the Subsequent Mitigated Negative Declaration – Clairmont Village Project, San Diego (City of San Diego, 2024), the Project consists of residential and commercial

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building spaces.

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials and ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1  $\mu\text{g}/\text{m}^3$  (Singer et. al., 2020)

Assuming that the residential occupants inhale 20  $\text{m}^3$  of air per day, the average 70-year lifetime formaldehyde daily dose is 482  $\mu\text{g}/\text{day}$  for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

The employees of the commercial building spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because these commercial building spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1  $\mu\text{g}/\text{m}^3$  (Singer et. al., 2020)

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A-9  
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Assuming that the commercial building space employees work 8 hours per day and inhale 20 m<sup>3</sup> of air per day, the formaldehyde dose per work-day is 161 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 µg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report (“EIR”), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

In addition, we note that the average outdoor air concentration of formaldehyde in California is 3 ppb, or 3.7 µg/m<sup>3</sup>, (California Air Resources Board, 2004), and thus represents an average pre-existing background airborne cancer risk of 1.85 per million. Thus, the indoor air formaldehyde exposures describe above exacerbate this pre-existing risk resulting from outdoor air formaldehyde exposures.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

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The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

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2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m<sup>2</sup> of material/m<sup>2</sup> floor area, units of furnishings/m<sup>2</sup> floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m<sup>2</sup>-h) and the area (m<sup>2</sup>) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., µg/m<sup>2</sup>-h) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed

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A-9  
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for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than  $31 \mu\text{g}/\text{m}^2\text{-h}$ , but not the actual measured specific emission rate, which may be 3, 18, or  $30 \mu\text{g}/\text{m}^2\text{-h}$ . These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (<https://berkeleyanalytical.com>), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e.  $\mu\text{g}/\text{h}$ ) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration ( $\mu\text{g}/\text{m}^3$ ) from Equation 1 by dividing the total formaldehyde emission rates (i.e.  $\mu\text{g}/\text{h}$ ) as determined in Step 4, by the design minimum outdoor air ventilation rate ( $\text{m}^3/\text{h}$ ) for the IAQ Zone.

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$$C_{in} = \frac{E_{total}}{Q_{oa}} \text{ (Equation 1)}$$

where:

$C_{in}$  = indoor formaldehyde concentration ( $\mu\text{g}/\text{m}^3$ )

$E_{total}$  = total formaldehyde emission rate ( $\mu\text{g}/\text{h}$ ) into the IAQ Zone.

$Q_{oa}$  = design minimum outdoor air ventilation rate to the IAQ Zone ( $\text{m}^3/\text{h}$ )

The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

- 1.) reducing the amount materials and/or furnishings that emit formaldehyde
- 2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

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A-9  
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1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

A-10

**Outdoor Air Ventilation Impact.** Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their

**A-10** Contrary to what is stated in this comment, an Acoustical Analysis Report was prepared for the project that assessed existing and future ambient noise levels and the project’s compatibility with such noise levels. As specified on page 51 of the Draft IS/MND, the City would include a standard exterior-to-interior noise analysis as a condition of approval for the project to ensure that interior noise levels in habitable spaces would not exceed the applicable 45-Community Noise Equivalent Level (CNEL) interior standard. As detailed in Responses A-5 and A-9, the presented data does not reflect current regulatory requirements for ventilation or the project conditions. In accordance with Chapter 12, Sections 1202 and 1203 of the 2022 California Building Code, mechanical ventilation systems would be installed to allow windows and doors to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. Compliance with applicable California Building Code requirements would ensure adequate indoor air ventilation.

A-10  
(cont.)

windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

According to the Subsequent Mitigated Negative Declaration – Clairmont Village Project, San Diego (City of San Diego, 2024) the Project is located close to roads with moderate to high traffic including; Clairmont Drive, Cowley Way, Field Street, Mt. Arcadia Boulevard, Dear Park Drive, Burgener Boulevard, etc.

According to the Subsequent Mitigated Negative Declaration – Clairmont Village Project, San Diego (City of San Diego, 2024) there has been no acoustic study of the Project existing or future ambient noise levels. In order to design the building for this Project such that interior noise levels are acceptable, an acoustic study with actual on-site measurements of the existing ambient noise levels and modeled future ambient noise levels needs to be conducted. The acoustic study of the existing ambient noise levels should be conducted over a minimum of a one-week period and report the dBA CNEL or Ldn. This study will allow for the selection of a building envelope and windows with a sufficient STC such that the indoor noise levels are acceptable. A mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors will also be required. Such a ventilation system would allow windows and doors to be kept closed at the occupant’s discretion to control exterior noise within building interiors.

A-11

**PM<sub>2.5</sub> Outdoor Concentrations Impact**. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM<sub>2.5</sub>. According to the According to the Subsequent Mitigated Negative Declaration – Clairmont Village Project, San Diego (City of San Diego, 2024), the Project is located in the San Diego Air Basin, which is a State and Federal non-attainment area for PM<sub>2.5</sub>.

An air quality analyses should be conducted to determine the concentrations of PM<sub>2.5</sub> in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM<sub>2.5</sub> sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor

**A-11** Contrary to this comment implying an air quality analysis was not completed, an Air Quality Technical Report was prepared for this project. The issue of exposure of the project’s future residents to ambient concentrations of particulate matter 2.5 microns or less in diameter (PM<sub>2.5</sub>) is outside the scope of CEQA, since CEQA requires an evaluation of the impacts of a project on the environment, not impacts from the environment on a project’s residents. Impacts of the environment on a project’s residents or users are only a subject of CEQA analysis when the project exacerbates hazards that are already present. As detailed on page 27 of the Draft IS/MND, the project would generate emissions of PM<sub>2.5</sub> that would be well below the applicable threshold set forth by the San Diego County Air Pollution Control District (SDAPCD). The quantitative emissions thresholds established by SDAPCD are used to determine whether a project would (a) result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation, (b) result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment, or (c) have an adverse effect on human health. Since the project’s emissions of PM<sub>2.5</sub> would be well below the applicable threshold, impacts under CEQA would be less than significant and no further analysis is necessary. In addition, compliance with applicable California Building Code requirements would ensure adequate indoor air ventilation. As impacts would be less than significant, no mitigation is required.

A-11  
(cont.)

concentrations are determined to exceed the California and National annual average PM<sub>2.5</sub> exceedence concentration of 12 µg/m<sup>3</sup>, or the National 24-hour average exceedence concentration of 35 µg/m<sup>3</sup>, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor PM<sub>2.5</sub> particles is less than the California and National PM<sub>2.5</sub> annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM<sub>2.5</sub> will exceed the California and National PM<sub>2.5</sub> annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

A-12

**Ground Contamination** A study of the impact of ground contamination on indoor air quality at this site was conducted (EnviroApplications, 2023) and determined that there were elevated indoor concentrations of Trichloroethene (TCE) and Tetrachloroethene (PCE) at three indoor locations of buildings at this site. Both TCE and PCE are known human carcinogens. The EnviroApplications study recommended additional indoor air quality evaluation. A ground contamination survey needs to be conducted at the Project site to determine the extent of the ground contamination and the required mitigation, such as a sub-slab exhaust system, to maintain indoor concentrations of TCE and PCE at acceptable indoor concentrations (i.e., 2.5 µg/m<sup>3</sup> for TCE and 0.7 µg/m<sup>3</sup> for PCE for less than 1 in 100,000 cancer risk).

#### **Indoor Air Quality Impact Mitigation Measures**

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

A-13

**Indoor Formaldehyde Concentrations Mitigation.** Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting

**A-12** As detailed in Section 6.2, *Air Quality*, and Section 6.7, *Health and Safety*, of the Draft IS/MND, to address potential impacts associated with trichloroethene (TCE) and tetrachloroethene (PCE) that may be present at the site, the project has been entered into the County of San Diego Department of Environmental Health and Quality (DEHQ) Voluntary Assistance Program (VAP), which provides staff consultation, project oversight, and technical and environmental report evaluation on projects pertaining to properties contaminated with hazardous substances to facilitate the rapid and cost-effective resolution of soil and groundwater contamination. The project would comply with regulatory requirements set forth under the VAP. Compliance measures could include soil characterization to delineate the extent of the contamination, vapor sampling during project grading and excavation, preparation of a Soil Management Plan, which would include a Community Health and Safety Plan, to handle potentially contaminated soils during project construction, and, if necessary, targeted soil excavation and removal and implementation of vapor attenuation measures to meet specific numerical thresholds for the post-construction condition. The project would be conditioned to provide a Concurrence Letter from the DEHQ VAP for the Cleanup Program Site (Local Case #DEH2022-LSAM-000709) demonstrating adherence to the VAP requirements and inclusion of the VAP measures on the grading plans, as applicable, prior to the issuance of grading permits. The project would be conditioned to provide a Closure/ No Further Action Letter from the DEHQ VAP for Cleanup Program Site (Local Case #DEH2022-LSAM-000709) prior to the issuance of building permits. Considering the project would comply with regulatory requirements set forth under the VAP, project impacts related to TCE and PCE would be less than significant.

**A-13** As detailed in responses A-5 and A-9 through A-12, the project would not result in significant impacts under CEQA that require the implementation of the mitigation measures presented in this comment. The project would comply with applicable regulatory requirements for new residential construction, which would avoid the potential health-related effects to the project's future residents identified in this comment letter.

formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met (see Appendix A).

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft<sup>2</sup> of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

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PM<sub>2.5</sub> Outdoor Air Concentration Mitigation. Install air filtration with sufficient PM<sub>2.5</sub> removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM<sub>2.5</sub> particles are less than the California and National PM<sub>2.5</sub> annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

Ground Contamination Mitigation. A ground contamination survey needs to be conducted at the Project site to determine the extent of the ground contamination and the required mitigation, such as a sub-slab exhaust system, to maintain indoor concentrations of TCE and PCE at acceptable indoor concentrations (i.e., 2.5 µg/m<sup>3</sup> for TCE and 0.7 µg/m<sup>3</sup> for PCE for less than 1 in 100,000 cancer risk).

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APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS  
AND THE  
CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to “reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California”*. In other words, the CARB ATCM regulations do not “assure healthful indoor air quality”, but rather “reduce formaldehyde emissions from composite wood products”.

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not “*assure healthful indoor air quality*” when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4  $\mu\text{g}/\text{m}^3$  (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272  $\text{ft}^2$ ), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California Department of Public Health,

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Richmond, CA. <https://www.cdph.ca.gov/Programs/CCDPPH/DEODC/EHLB/IAQ/Pages/VOC.aspx>.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m<sup>3</sup>/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft<sup>2</sup> (0.7% of the floor area), or  
Particle Board – 30 ft<sup>2</sup> (1.3% of the floor area), or  
Hardwood Plywood – 54 ft<sup>2</sup> (2.4% of the floor area), or  
Thin MDF – 46 ft<sup>2</sup> (2.0 % of the floor area).

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For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or  
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or  
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or  
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA

cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde that meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

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**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

14 May 2024

To: Ms. Morgan Dresser  
Development Services Department  
City of San Diego  
1222 First Avenue, Mail Station 501  
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration  
Clairemont Village  
Project No. 0697307


Dear Ms. Dresser:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the documents o]posted on the City's website, we agree that impacts to cultural resources are unlikely. However, given that Tribal consultation produced a request for a monitoring program, the proposed mitigation is satisfactory.

We appreciate the opportunity to participate in the public review period for this environmental document.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: SDCAS President  
File

City staff response(s) to the San Diego County Archaeological Society, Inc. comment(s) letter  
for the Clairemont Village project, Project No. 697307

**B-1** This comment indicates concurrence with the analysis and mitigation related to cultural resources that were included in the Draft IS/MND. The comment does not address the adequacy of the Initial Study/Mitigated Negative Declaration. No response is required.

B-1

**From:** [Marshall, Dawna](#) on behalf of [DSD EAS](#)  
**To:** [Dresser, Morgan](#)  
**Subject:** FW: [EXTERNAL] Clairemont Village Apartment Project  
**Date:** Monday, April 29, 2024 2:47:02 PM

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**From:** Mike Flanagan <[flanclan1@sbcglobal.net](mailto:flanclan1@sbcglobal.net)>  
**Sent:** Friday, April 26, 2024 11:39 AM  
**To:** DSD EAS <[DSDEAS@san Diego.gov](mailto:DSDEAS@san Diego.gov)>  
**Subject:** [EXTERNAL] Clairemont Village Apartment Project

**\*\*This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.\*\***

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- C-1  This complex proposed for the corner of Field and Cowley Way is too large for the area. It should not exceed the 30' height policy.
- C-2  The building will have insufficient parking.
- C-3  It will cause great traffic congestion.
- C-4  Stop ruining neighborhoods?  
Mike Flanagan  
Clairemont Resident

**City staff response(s) to the Mike Flanagan email comment(s) letter  
for the Clairemont Village project, Project No. 697307**

- C-1** The commenter's concern regarding the size of the proposed project is noted. Analysis related to the size of the proposed structure is included in Section 6.16, *Visual Effects and Neighborhood Character*, of the Draft IS/MND. As determined therein, impacts associated with obstruction of views and alteration to the character of the area from the proposed building would be less than significant. The project is requesting a Neighborhood Development Permit (NDP) to allow a deviation to San Diego Municipal Code Section 131.0531 to the 45-foot height limit for the CC-1-3 zone and a Site Development Plan (SDP) to allow a deviation to the 30-foot height limit per the Clairemont Mesa Height Limit Overlay Zone. A deviation to the Clairemont Mesa height limit can be approved if the San Diego City Council makes appropriate findings per Section 126.0505 of the San Diego Municipal Code. As detailed on pages 63 and 64 in Section 6.16 of the Draft IS/MND, the project would be consistent with the necessary findings.
- C-2** The project would provide 342 new parking spaces. In addition, 43 existing retail parking spaces would be shared with residents and their guests between the hours of 6:00 p.m. and 9:00 a.m. The total of 385 parking spaces provided would meet the minimum 385 parking spaces required for the project. Additionally, parking is not a topic that is subject to CEQA review unless lack of parking results in adverse physical effects on the environment. The project would not create an environmental impact related to parking capacity.
- C-3** As of July 1, 2020, the metric for project-level analysis of traffic impacts under CEQA has changed from level of service (LOS) to vehicle miles traveled. The IS/MND completed the transportation analysis in accordance with the 2022 City Significance Determination Thresholds, and the Draft IS/MND identified significant impacts. Refer to Draft IS/MND pages 55 through 61 for further details. A Local Mobility Analysis was prepared to assess the transportation operational effects of the project and appropriate improvements by the project. The Local Mobility Analysis concluded that the project should increase existing storage lanes to accommodate vehicle queues that would exceed existing storage lengths of exclusive turn lanes, at the intersections of Clairemont Drive/Burgener Boulevard and Clairemont Drive/Iroquois Avenue.
- C-4** Comment noted. The comment does not address the adequacy of the Initial Study/Mitigated Negative Declaration. No response is required.

## Subsequent Initial Study Checklist

### 1. INTRODUCTION

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#### 1.1 Subsequent Initial Study

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study is a preliminary environmental analysis that is used by the lead agency as a basis for determining whether an Environmental Impact Report (EIR), a Subsequent Mitigated Negative Declaration, or a Negative Declaration is required for a project. The CEQA Guidelines require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

#### 1.2 Tiering Process

This environmental analysis is a Subsequent Initial Study for the proposed Clairemont Village project (referred to as the "proposed project" or "project" throughout this document). This environmental analysis is tiered from the *Complete Communities: Housing Solutions and Mobility Choices Program EIR* in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The *Complete Communities: Housing Solutions and Mobility Choices Program EIR* was prepared pursuant to Section 15168 of the CEQA Guidelines.

The Complete Communities Mobility Choices (Mobility Choices Program) amended the San Diego Municipal Code (SDMC Chapter 14, Article 3, Division 11) and Land Development Manual to adopt a new CEQA significance threshold for transportation that implements Senate Bill (SB) 743, and a program to mitigate vehicle miles traveled (VMT) impacts from new development. The Mobility Choices Program ensures that new development mitigates transportation impacts to the extent feasible.

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects that implement the program. This environmental document incorporates by reference the discussions in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR* and concentrates on project-specific issues. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference.

Section 15168(d) of the state CEQA Guidelines provides for simplifying the preparation of environmental documents on individual parts of the program by incorporating by reference analyses and discussions that apply to the program as a whole. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]).

#### 1.3 Appropriateness of a Subsequent Initial Study

The proposed project would be consistent with the scope of the program as described in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*. Accordingly, pursuant to Section 15152 of the state CEQA Guidelines, it is appropriate to tier this Initial Study from the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*. This Subsequent Initial Study evaluates whether the environmental effects of the proposed project were adequately addressed in the *Complete: Housing Solutions and Mobility Choices Program EIR*. For impacts that were adequately addressed, the Subsequent Initial Study provides a cross reference to the relevant discussion in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*. project-specific impacts that were not addressed in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*, are evaluated in detail in this document. project specific mitigation has been identified where required.

## 2. PROJECT INFORMATION

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2.1 Project title/Project number:

Clairemont Village/697307

2.2 Lead agency name and address:

City of San Diego, 1222 First Avenue, MS-501, San Diego, California 92101

2.3 Contact person and phone number:

Morgan Dresser / 619-687-5904

2.4 Project location:

3001 through 3089 Clairemont Drive (Assessor's Parcel Numbers [APN] 425-680-09 and 425-680-10) in the Clairemont Mesa community of the City of San Diego

2.5 Project Applicant/Sponsor's name and address:

Clairemont Village Quad, LLC, c/o Kleege Enterprises, 12625 High Bluff Drive, Suite 310, San Diego, CA 92130

2.6 General/Community Plan designation:

General Plan land use designation: Commercial Employment, Retail, and Services;  
Clairemont Mesa Community Plan land use designation: Commercial

2.7 Zoning:

CC-1-3

2.8 Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

N/A

## 3. PROJECT DESCRIPTION

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3.1 Environmental setting and surrounding land uses:

The 12.96-acre project site is located within the existing Clairemont Village Shopping Center at 3001 through 3089 Clairemont Drive (APN 425-680-09 and 425-680-10) in the Clairemont Mesa community of the City of San Diego (City; refer to Figure 1, *Regional Location*). The site is bounded by multi-family residences to the north, Cowley Way and multi-family residences



to the east, Field Street and single-family residences to the south, Burgener Boulevard to the southwest, and Clairemont Drive to the northwest. The proposed project improvements would occur in the eastern portion of the shopping center, at the northwest corner of Field Street and Cowley Way, within a 2.67-acre area identified as the area of impact (refer to Figure 2, *Aerial Photograph*). The project site has a General Plan land use designation of Commercial Employment, Retail, and Services and a Clairemont Mesa Community Plan land use designation of Commercial and is zoned CC-1-3. Additionally, the site is within the Airport Land Use Compatibility Overlay Zone (Montgomery Field), Airport Influence Area – Review Area 2 (Montgomery Field), Federal Aviation Administration (FAA) Part 77 Noticing Area, Clairemont Mesa Height Limitation Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ) – Type B, and Very High Fire Hazard Severity Zone.

The proposed 2.67-acre area of impact is currently developed with a paved parking lot and a small portion of existing commercial uses. It is surrounded by existing commercial uses within the Clairemont Village Shopping Center to the west, multi-family residential uses to the north, multi-family residential uses to the east across Cowley Way, and single-family residential uses to the south across Field Street.

- 3.2 Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

A NEIGHBORHOOD DEVELOPMENT PERMIT (NDP), SITE DEVELOPMENT PERMIT (SDP), and EASEMENT VACATION to allow for the construction of 224 multi-family residential units within five floors over two levels of parking within a 2.67-acre portion of the existing 12.96-acre Clairemont Village Shopping Center (refer to Figure 3, *Site Plan*). The residential component of the building would be 262,624 SF and the parking component would be 124,449 SF. The project would also include demolition of approximately 3,770 SF of retail commercial space, for the provision of a fire access lane around the proposed building, leaving 120,313 SF of existing community retail.

The residential component, occupying building levels three through seven, would be comprised of 28 studio units, 103 one-bedroom units, 85 two-bedroom units, and 8 three-bedroom units, as well as a club area, two lounges, and a fitness center. Two outdoor courtyards, one of which would include a lap pool, would be provided on the third level of the building. Of the 224 proposed residential units, 23 units would be set aside for households with an income at or below 60 percent area median income. The unit mix would include 3 studio units, 10 one-bedroom units, 9 two-bedroom units, and 1 three-bedroom unit.

The parking component, occupying levels one (partially below grade) and two (at grade), would provide 342 parking spaces. In addition, there are 43 retail parking spaces that would be shared with residents and their guests between the hours of 6:00 p.m. and 9:00 a.m. Therefore, 385 parking spaces would be provided for residential use. Of the 385 parking spaces, 155 stalls would be EV supportive (137 inside the parking structure and 18 outside) and, in accordance with 2022 Green Building Code standards, 37 stalls would be EV capable, 97 stalls would be EV ready with low power level 2 receptacles, and 21 would be installed with level 2 EV supply equipment. The project would also provide 23 motorcycle parking

spaces and ~~102~~110 bicycle parking spaces. Vehicle access would be provided via two points of entry, one from Field Street and one from Cowley Way (refer to Figure 3).

The NDP would allow a deviation to the 45-foot height limit for the CC-1-3 zone per SDMC Section 131.0531 and a deviation from SDMC Chapter 14 Article 02 Division 04 Landscape Regulations for 2.67 acres to comply with the Landscape Regulations when 12.96 acres would be required. The SDP would allow an exception to the 30-foot height limit per the Clairemont Mesa Height Limit Overlay Zone. The building would range in height from approximately 65 feet to approximately 79 feet to top of parapet (depending on building elevation) with a height of approximately 75 feet to top of stair tower/elevator shafts.

In association with the proposed development, a partial easement vacation for a 10-foot public utility easement that runs east-west on the area of impact would be required. The project would trench and place PVC lines for the utility companies, which would then run their own lines and reestablish service connections. There would be no disruption to services in the area as a result of the easement vacation.

Electricity and gas service would be provided by existing SDG&E facilities at the site. Water and fire service laterals would be provided to connect to an existing City water main located in Cowley Way. Similarly, a sewer lateral would be provided to connect to an existing City sewer main located in Field Street. A curb inlet and modular wetland system would be provided on the west side of the building to collect stormwater runoff, which would then be routed to a new storm trap storage system located at the northwestern corner of the site.

Project construction would involve the demolition of approximately 3,770 SF of existing commercial retail space for provision of a fire access lane around the proposed building. Additionally, project construction would involve soil movement (cut and fill) during grading and excavation for the proposed structure, as well as utilities undergrounding, building construction, and paving. The project is anticipated to require 29,000 cubic yards of cut and 3,000 cubic yards of fill for a net export of 26,000 cubic yards. Total project construction is estimated to last for approximately 31 months.

- 3.3 Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

In accordance with the requirements of PRC Section 21080.3.1, Assembly Bill (AB) 52, the City distributed notification letters on September 13, 2022 to the local Kumeyaay Native American Tribes that are traditionally and culturally affiliated with the project area. The representative from the Lipay Nation of Santa Ysabel identified no monitoring was needed and concluded consultation on September 13, 2022. The representative from the Jamul Indian Village did not request consultation. The representative from the San Pasqual Tribe requested consultation on September 13, 2022. The City completed a consultation meeting with the San Pasqual Tribe on October 5, 2022. In the meeting, the San Pasqual Tribe requested tribal monitoring during grading to address concerns regarding Tribal Cultural Resources (TCRs).

**4. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Land Use                                  | <input type="checkbox"/> Air Quality  | <input type="checkbox"/> Biological Resources           |
| <input type="checkbox"/> Energy                                    | <input type="checkbox"/> Geology, Soils, and Seismicity                                       | <input type="checkbox"/> Greenhouse Gas Emissions       |
| <input type="checkbox"/> Health and Safety                         | <input checked="" type="checkbox"/> Historical, Archaeological, and Tribal Cultural Resources | <input type="checkbox"/> Hydrology/Water Quality        |
| <input type="checkbox"/> Noise                                     | <input type="checkbox"/> Paleontological Resources  | <input type="checkbox"/> Public Services and Facilities |
| <input type="checkbox"/> Public Utilities and Infrastructure       | <input checked="" type="checkbox"/> Transportation  | <input type="checkbox"/> Wildfire                       |
| <input type="checkbox"/> Visual Effects and Neighborhood Character | <input type="checkbox"/> Mandatory Findings of Significance                                   |   |

**5. DETERMINATION (To Be Completed By Lead Agency)**

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a SUBSEQUENT NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and a (SUBSEQUENT/SUPPLEMENTAL) ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A (SUBSEQUENT/SUPPLEMENTAL) ENVIRONMENTAL IMPACT REPORT is required but must analyze only the effects that remain to be addressed.

## 6. Evaluation of Environmental Impacts

The City of San Diego has defined the column headings in the Tiered Initial Study Checklist as follows:

1. "Potentially Significant Impact" is appropriate if there is substantial evidence that the project's effect may be significant. If there is one or more "Potentially Significant Impact" entries a Project EIR will be prepared.
2. "Project Impact Adequately Addressed in PEIR" applies where the potential impacts of the proposed project were adequately addressed in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*, as specified in the analysis, and will mitigate any impacts of the proposed project to the extent feasible. *Complete Communities: Housing Solutions and Mobility Choices Program EIR* mitigation measures may be incorporated into the project. The impact analysis in this document summarizes and cross references (including section/page numbers) the relevant analysis in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*.
3. "Less Than Significant with Project-level Mitigation Incorporated" applies where the incorporation of project-specific mitigation measures will reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." All project-specific mitigation measures must be described, including a brief explanation of how the measures reduce the effect to a less than significant level.
4. "Less Than Significant Impact" applies where the project will not result in any significant effects. The effects may or may not have been discussed in the *Complete Communities: Housing Solutions and Mobility Choices Program EIR*. The project impact is less than significant without the incorporation of *Complete Communities: Housing Solutions and Mobility Choices Program EIR* mitigation measures or project-specific mitigation.
5. "No Impact" applies where a project would not result in any impact in the category in question or the category simply does not apply. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
6. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
7. The discussion in each issue should include the following:
  - Discussion of *Complete Communities: Housing Solutions and Mobility Choices Program EIR* impact (direct and cumulative) conclusions
  - Discussion of potential project impacts
  - Applicable *Complete Communities: Housing Solutions and Mobility Choices Program EIR* mitigation measures assumed in the project
  - Significance determination after *Complete Communities: Housing Solutions and Mobility Choices Program EIR* mitigation measures
  - Additional project-level mitigation measures
  - Significance determination after all mitigation
8. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
9. Supporting Information Sources: A source list should be attached, and other sources utilized, or individuals contacted should be cited in the discussion.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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**6.1 LAND USE - Would the project:**

Issue 1: Cause a significant environmental impact due to a conflict with any land use plan, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site has a General Plan land use designation of Commercial Employment, Retail, and Services and a Clairemont Mesa Community Plan land use designation of Commercial. Commercial Employment, Retail, and Services (Community Commercial) land uses provide for shopping areas with retail, service, civic, and office uses for the community at large within three to six miles. It can also be applied to transit corridors where multi-family residential uses could be added to enhance the viability of existing commercial uses. Residential developments within Community Commercial land uses are permitted at densities between zero and 74 units per acre. The proposed project would be part of an existing commercial shopping center, which is located along a major transit corridor (Clairemont Drive). The proposed project would enhance the viability of the existing commercial uses in the area.

The Clairemont Mesa Community Plan identifies the project site as within "Clairemont Village" and designates the total 12.96-acre site as Community Center and within the CPIOZ - Type B. The Clairemont Mesa Community Plan provides greater specificity of land use than the General Plan. Although the community plan does not specify a recommended residential range, it does not preclude residential development at the project site like it does specifically for other identified commercial areas in the community plan where the vision is to retain those sites as purely commercial centers. Developers are instructed to refer to the existing zoning for allowable residential density. Currently, the existing zoning does allow for mixed-use development. The project would introduce residential development resulting in "horizontal" mixed-uses at the Clairemont Village site and would not materially affect the retention of existing commercial uses. The project does not require a General Plan Amendment or a Community Plan Amendment and is therefore considered consistent with the allowable land use of the site. In addition, the property is zoned CC-1-3, which permits residential development at a density of one unit per 1,500 SF of lot area (San Diego Municipal Code Section 131.0531 Table 131 05E). This would allow for up to 376 units on the 12.96-acre property. Therefore, the project's development of 224 units would be within the allowable development density, and the project would be consistent with the zoning designation.

The project includes a NDP to allow a deviation to the 45-foot CC-1-3 height limit per SDMC Section 131.0531 and a deviation from SDMC Chapter 14 Article 02 Division 04 Landscape Regulations for 2.67 acres to comply with the Landscape Regulations when 12.96 acres would be required. and an SDP to allow an exception to the 30-foot Clairemont Height Overlay limit per the Clairemont Mesa Height Limit Overlay Zone. ~~This~~ These deviations and exception would not cause a significant environmental impact. Specifically, as detailed in Section 6.16, the project would not result in significant impacts related to visual effects and neighborhood character from the height of the proposed structure. As such, the project would not cause a significant environmental impact due to a conflict with a land use plan, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issue 2: Lead to the development of conversion of General Plan or community designated open space or prime farmland to a more intensive land use, resulting in a physical division of the community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would occur within a commercial center that has been previously developed. The project site has a General Plan land use designation of Commercial Employment, Retail, and Services and a Clairemont Mesa Community Plan land use designation of Commercial. The property is zoned CC-1-3, which permits residential development at a density of one unit per 1,500 SF of lot area (San Diego Municipal Code Section 131.0531 Table 131 05E). This would allow for up to 376 units on the 12.96-acre property. The project site is not designated for open space or prime farmland. The project would not physically divide an established community. No impact would occur.

Issue 3: Result in land uses which are not compatible with an adopted airport land use compatibility plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is within Airport Influence Area (AIA) Review Area 2 of the Montgomery Field Airport Land Use Compatibility Plan (ALUCP). It is not within a mapped Noise Exposure Range, Safety Zone, Part 77 Airspace Surface, Airport Overflight Notification Area, or Avigation Easement Area. Therefore, the project would not require San Diego Airport Land Use Commission (ALUC) review (ALUC 2010). While the project is within the Federal Aviation Administration (FAA) Height Notification Area (ALUC 2010), it does not exceed the applicable notification surface elevation and therefore does not require FAA notification. As such, the project would be consistent with the Montgomery Field ALUCP, and impacts would be less than significant.

**6.2 AIR QUALITY - Would the project:**

Issue 1: Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The discussion below is based on the Air Quality Technical Report prepared by HELIX Environmental Planning, Inc. (HELIX) for the proposed project (HELIX 2024a).

The project site is located within the San Diego Air Basin (SDAB), which is governed by the San Diego County Air Pollution Control District (SDAPCD). The SDAPCD develops and administers local regulations for stationary air pollutant sources within the SDAB, and develops plans and programs to meet attainment requirements for both federal and state ambient air quality standards (National Ambient Air Quality Standards [NAAQS] and California Ambient Air Quality Standards [CAAQS], respectively). The current regional air quality plan for the NAAQS is SDAPCD's *2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County* (Attainment Plan; SDAPCD 2020) and the current regional air quality plans for the CAAQS is SDAPCD's *2016 Revision to the Regional Air Quality Strategy for San Diego County* (RAQS; SDAPCD 2016). These plans accommodate emissions from a variety of sources, including natural sources, through implementation of control measures, where feasible, on stationary sources to attain the standards. Mobile sources are

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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regulated by the U.S. Environmental Protection Agency (USEPA) and California Air Resources Board (CARB), and the emissions and reduction strategies related to mobile sources are considered in the Attainment Plan and RAQS.

The SDAPCD is required, pursuant to the federal Clean Air Act (CAA), to reduce emissions of criteria pollutants for which the SDAB is in nonattainment. Strategies to achieve these emissions reductions are developed in the Attainment Plan and RAQS, prepared by the SDAPCD for the region. Criteria pollutants of primary concern include ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter (including both respirable particulate matter 10 microns or less in diameter [PM<sub>10</sub>] and fine particulate matter 2.5 microns or less in diameter [PM<sub>2.5</sub>]), sulfur dioxide (SO<sub>2</sub>), and lead. The SDAB is currently designated as a nonattainment area for the 8-hour NAAQS for ozone. The SDAB is designated as being in attainment for all other applicable criteria pollutants under the NAAQS. The SDAB is currently classified as a nonattainment area under the CAAQS for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. It is in attainment for CO, NO<sub>2</sub>, SO<sub>2</sub>, and lead relative to state air standards.

Both the Attainment Plan and RAQS rely on information from CARB and the San Diego Association of Governments (SANDAG), including mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County as part of the development of their respective general plans. As such, projects that are consistent with the growth assumptions used in the Attainment Plan and RAQS, do not conflict with the control measures in the Attainment Plan and RAQS, and that do not result in criteria pollutant and precursor emissions in excess of the thresholds adopted by the City, would not hinder the goal of the Attainment Plan or RAQS to bring the SDAB into compliance with the NAAQS and CAAQS for the protection of public health.

The project site has a General Plan land use designation of Commercial Employment, Retail, and Services and a Community Plan land use designation of Commercial. The Community Plan provides greater specificity of land use than the General Plan and does not identify a specific residential density for mixed-use development at the project site, nor does it preclude residential development. The project does not require a General Plan Amendment or a Community Plan Amendment and is therefore considered consistent with the allowable land use of the site. In addition, the property is zoned CC-1-3, which permits residential development at a density of one unit per 1,500 SF of lot area (San Diego Municipal Code Section 131.0531 Table 131-05E). This would allow for up to 376 units on the 12.96-acre property. The project would provide 224 units and would therefore be within the allowable development intensity of the site. Since the project is consistent with the City's planned land use for the site, and since this local jurisdiction information is the information used by SANDAG to estimate projected growth for the region which is in turn incorporated into the assumptions used in Attainment Plan and RAQS, the project would not conflict with the Attainment Plan and RAQS (HELIX 2024a). Additionally, as discussed under Section 6.2, Issue 2 below, project construction and operation would not generate emissions more than the applicable screening level thresholds for criteria pollutants. The project would also comply with existing and new rules and regulations as they are implemented by the SDAPCD, CARB, and/or USEPA related to emissions generated during

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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construction. Therefore, the project would not obstruct or conflict with implementation of the Attainment Plan or RAQS, and impacts would be less than significant.

Issue 2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

As discussed above in Section 6.2, Issue 1, the SDAB is classified as a nonattainment area under the NAAQS for 8-hour ozone and as a nonattainment area under the CAAQS for 1-hour ozone, 8-hour ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The SDAB is an attainment area for all other criteria pollutants. Ozone is not emitted directly but is a result of atmospheric activity on precursors. Nitrogen oxides (NO<sub>x</sub>) and Reactive Organic Gases (ROG), otherwise known as Volatile Organic Compounds (VOCs), are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone. PM<sub>2.5</sub> includes fine particles that are found in smoke and haze and are emitted from all types of combustion activities (motor vehicles, power plants, wood burning, etc.) and certain industrial processes. PM<sub>10</sub> includes both fine and coarse dust particles, and sources include crushing or grinding operations and dust from paved or unpaved roads. To determine whether a project would (a) result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation, (b) result in a cumulatively considerable net increase of PM<sub>10</sub>, PM<sub>10</sub>, or exceed quantitative thresholds for ozone precursors (NO<sub>x</sub> and VOCs), or (c) have an adverse effect on human health, project emissions may be evaluated based on the quantitative emission thresholds established by the SDAPCD. As part of its air quality permitting process, the SDAPCD has established thresholds in Rules 20.2 and 20.3 for the preparation of Air Quality Impact Assessments (AQIAs). In the absence of a SDAPCD adopted thresholds for PM<sub>2.5</sub>, the SCAQMD's screening threshold of 55 pounds per day or 10 tons per year is used.

The project would generate criteria pollutants and ozone precursors in the short-term during construction and in the long-term during operation. Construction and operation air emissions were calculated using California Emissions Estimator Model (CalEEMod) 2022.1 (California Air Pollution Control Officers Association [CAPCOA] 2022). The CalEEMod program is a tool used to estimate air emissions resulting from land development projects based on California-specific emission factors. The model estimates mass emissions from two basic sources: construction sources and operational sources (i.e., area, energy, and mobile sources).

### Construction Emissions

Project construction would involve the demolition of a portion of an existing structure totaling 3,770 SF, clearing and grubbing, grading, underground utility installation, excavation for the proposed structure, building construction, and paving. These construction-related activities would result in temporary, short-term air pollutant emissions. Sources of construction-related air emissions from these activities would include the following:



Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Fugitive dust from soil movement activities (e.g., grading and excavation);
- Construction equipment exhaust;
- Construction vehicle exhaust related to trips by workers, delivery trucks, and material-hauling trucks; and
- Construction-related power consumption.

Fugitive dust emissions vary greatly during construction and are dependent on the amount and type of activity, silt content of the soil, and the weather. Vehicles moving over paved and unpaved surfaces, demolition, excavation, earth movement, grading, and wind erosion from exposed surfaces are all sources of fugitive dust. Standard dust control measures would be implemented as a part of project construction in accordance with SDAPCD Rule 55. This would involve watering two times daily during grading, ensuring that all exposed surfaces maintain a minimum soil moisture of 12 percent, and limiting vehicle speeds on unpaved roads to 15 mph. The project would also exceed the requirements of SDAPCD Rule 67 by using low-VOC coatings.

The results of the calculations for the various phases of project construction are shown in Table 1, *Maximum Daily Construction Emissions*. The data are presented as the maximum anticipated daily emissions for comparison with the SDAPCD thresholds.

**Table 1  
MAXIMUM DAILY CONSTRUCTION EMISSIONS**

Year	Pollutant Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition - 2025	2	18	17	<0.5	3	1
Clearing and Grubbing - 2025	1	11	11	<0.5	1	1
Grading - 2025	2	14	15	<0.5	3	2
Underground Utilities - 2025	<0.5	4	7	<0.5	<0.5	<0.5
Excavation - 2025	2	24	19	<0.5	6	3
Building Construction - 2025	2	13	23	<0.5	3	1
Building Construction - 2026	2	12	22	<0.5	3	1
Building Construction - 2027	2	12	21	<0.5	3	1
Paving - 2027	1	6	9	<0.5	<0.5	<0.5
<b>Maximum Daily Emissions<sup>1</sup></b>	<b>3</b>	<b>28</b>	<b>30</b>	<b>&lt;0.5</b>	<b>6</b>	<b>3</b>
<i>SDAPCD Thresholds</i>	75	250	550	250	100	55
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod (output data is provided in HELIX 2024a)

<sup>1</sup> Maximum daily emissions of VOC occur when underground utility installation and building construction overlap in 2025. Maximum daily emissions of all other pollutants occur when underground utility installation and excavation overlap in 2025.

VOC = volatile organic compound; NO<sub>x</sub> = nitrogen oxides; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = particulate matter 10 microns or less in diameter; PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with	Less Than Significant Impact	No Impact
			Project-Level Mitigation Incorporated		

For assessing the significance of the air quality emissions resulting from construction of the project, the construction emissions were compared to the screening thresholds shown in Table 1. As shown in Table 1, maximum daily construction emissions associated with the project are projected to be less than the applicable thresholds for all criteria pollutants. Therefore, project construction would not result in a cumulatively considerable net increase of nonattainment criteria pollutants, and impacts would be less than significant.

### Operational Emissions

Operational sources of emissions include area, energy, and transportation sources. Operational emissions from area sources include engine emissions from landscape maintenance equipment and VOC emissions from repainting of buildings. As described above, the project would exceed the requirements of SDAPCD Rule 67 by using no-VOC coatings. Energy source emissions include the combustion of natural gas for heating and hot water. The project’s assumed natural gas usage was based on model defaults.

Operational emissions from mobile sources are associated with project-related vehicle trip generation. Based on the Local Mobility Analysis (LMA) prepared for the project (Urban Systems Associates, Inc. 2023a), the project would generate 1,792 average daily trips (ADT). CalEEMod default vehicle speeds, trip purpose, and trip distances were applied to the trip types as analyzed in the LMA.

Table 2, *Maximum Daily Operational Emissions*, provides a summary of the operational emissions generated by the project. As shown in Table 2, project-generated operational emissions are projected to be less than the screening level thresholds for all criteria pollutants. Therefore, project operations would not result in a cumulatively considerable net increase of nonattainment criteria pollutants, and impacts would be less than significant.

**Table 2  
MAXIMUM DAILY OPERATIONAL EMISSIONS**

Category	Pollutant Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	7	<0.5	19	<0.5	<0.5	<0.5
Energy	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Mobile	6	4	40	<0.5	9	2
<b>Total Daily Emissions</b>	<b>13</b>	<b>4</b>	<b>59</b>	<b>&lt;0.5</b>	<b>9</b>	<b>2</b>
<i>SDAPCD Thresholds</i>	75	250	550	250	100	55
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod (output data is provided in HELIX 2024a)

Note: The total presented is the sum of the unrounded values.

VOC = volatile organic compound; NO<sub>x</sub> = nitrogen oxides; CO = carbon monoxide; SO<sub>2</sub> = sulfur dioxide;

PM<sub>10</sub> = particulate matter 10 microns or less in diameter; PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issue 3: Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than are the general population. Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. The nearest sensitive receptors are the multi-family residential uses located immediately north of the project site and the senior multi-family residential uses located to the east of the project site across Cowley Way. Impacts to sensitive receptors are typically analyzed for operational period CO hotspots and exposure to toxic air contaminants (TACs). An analysis of the project’s potential to expose sensitive receptors to these pollutants is provided below.

### Carbon Monoxide Hotspots

Localized air quality effects can occur when emissions from vehicular traffic increase in local areas. The primary mobile source pollutant of local concern is CO, which is a direct function of vehicle idling time and, thus, traffic flow conditions. CO transport is extremely limited – it disperses rapidly with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations proximate to a congested intersection may reach unhealthy levels affecting local sensitive receptors (residents, school children, the elderly, hospital patients, etc.). Generally, high CO concentrations are associated with intersections operating at unacceptable levels of service with extremely high traffic volumes and high levels of vehicle delay (idling). If a project generates vehicular traffic that increases average delay at signalized intersections operating at Level of Service (LOS) E or F or causes an intersection that would operate at LOS D or better without the project to operate at LOS E or F with the project, the project could result in significant CO hotspot-related effects to sensitive receptors.

According to the LMA prepared for the project (Urban Systems Associates, Inc. 2023a), all analyzed intersections, including the Clairemont Drive/Burgener Boulevard, Field Street/Burgener Boulevard, Mt. Acadia Boulevard/Cowley Way, Iroquois Avenue/Clairemont Drive, Iroquois Avenue/Cowley Way, project Driveway/Field Street, and project Driveway/Cowley Way intersections, would operate at LOS D or better with project implementation. The project would not increase average delay at signalized intersections operating at LOS E or F or cause an intersection that would operate at LOS D or better without the project to operate at LOS E or F with the project. In addition, various air quality agencies in California have developed other conservative screening methods for CO hotspot analyses. For example, the Sacramento Air Quality Management District states that a project would not result in a significant impact to local CO concentrations if the affected intersection carries less than 31,600 vehicles per hour, given that the intersection is not located in a tunnel, urban canyon, or similar area that would limit the mixing of air and the vehicle mix is not substantially different than the county average. The highest hourly intersection traffic volume of the intersections considered in the LMA is 2,778 vehicles per hour at the intersection of Clairemont Drive and Burgener Boulevard during PM peak hour (Urban Systems Associates, Inc. 2023a). This is substantially fewer vehicles than 31,600 vehicles per hour. Intersections near the project site also are not located in a tunnel, urban canyon, or similar area that would limit the mixing of air, nor is the vehicle mix anticipated to be substantially

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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different than the San Diego County average. Therefore, the project would not have the potential to result in a CO hotspot, and impacts would be less than significant.

Toxic Air Contaminants

*Construction*

Diesel engines emit a complex mixture of air pollutants, including gaseous material and Diesel Particulate Matter (DPM). DPM emissions would be released from operation of the on-site construction equipment used for project construction. CARB has declared that DPM from diesel engine exhaust is a TAC. Additionally, the Office of Environmental Health Hazard Assessment has determined that chronic exposure to DPM can cause carcinogenic and non-carcinogenic health effects. For this reason, although other pollutants would be generated, DPM would be the primary pollutant of concern.

The dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Thus, the risks estimated for a maximally exposed individual (MEI) are higher if a fixed exposure occurs over a longer time period. According to the Office of Environmental Health Hazard Assessment, health risk assessments (HRAs), which determine the exposure of sensitive receptors to TAC emissions, should be based on a 30-year exposure period; however, such assessments should be limited to the period/duration of activities associated with a project.

In comparison with the 30-year exposure period, the construction period for the project would be relatively short (estimated to be approximately 2.5 years). In addition, as shown above in Table 1, the highest daily emission of PM<sub>10</sub> (which includes equipment emissions of DPM) during construction is estimated to be approximately six pounds per day, which would be well below the 100 pounds per day significance level threshold (HELIX 2024a). As discussed above, these significance level thresholds were developed with the purpose of attaining the NAAQS and CAAQS, which identify concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. Combined with the highly dispersive properties of diesel PM, construction-related emissions would not expose sensitive receptors to substantial emissions of TACs. Impacts from construction emissions would be less than significant.

*Operations*

Once operational, the project would not be a source of substantial amounts of TACs. CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* identifies potential sources of substantial pollutant emissions and provides siting recommendations (CARB 2005). The sources of emissions include the following:

- Freeways and high-traffic roads (urban roads with 100,000 vehicles per day or rural roads with 50,000 vehicles per day)

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Distribution centers (that accommodate more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week)
- Rail yards
- Ports
- Refineries
- Chrome platers
- Dry cleaners using perchloroethylene
- Gasoline dispensing facilities (with a throughput of 3.6 million gallons per year or greater)

The project, as a residential development, does not include these types of sources and would not represent a substantial source of TACs that could affect off-site sensitive receptors. In addition, the project would not site the proposed residential use within these distances to an existing source of TACs. The closest potential source of TACs to the proposed residential building is the historic dry cleaner at 3043 and 3045 Clairemont Drive and the existing local dry cleaner (not a dry-cleaning plant) located at 3089 Clairemont Drive 550 feet to the northwest (within the Clairemont Village Shopping Center). The CARB-recommends 300-foot siting distance from dry cleaners (HELIX 2024a). The historic dry cleaner, which would be demolished as part of the project, is a Cleanup Program Site (Local Case #DEH2022-LSAM-000709) and has a County of San Diego Department of Environmental Health and Quality (DEHQ) Voluntary Assistance Program (VAP) remedial action agreement (dated August 7, 2022) to address soil vapor air quality concerns (refer to Section 6.7, Issue 4 for additional information). The soil vapor air quality concerns are related to the VOCs tetrachloroethylene (PCE) and trichloroethylene (TCE), common dry-cleaning chemicals, that were detected in samples in and near the project site at concentrations exceeding applicable Environmental Screening Levels (ESLs; Geocon 2022). The project would site the proposed residential uses in proximity to the vapor source and would have the potential to expose contaminated soils during demolition, grading, and excavation activities. However, the project would comply with regulatory requirements set forth under the VAP. Compliance measures could include soil characterization to delineate the extent of the contamination, vapor sampling during project grading and excavation, preparation of a Soil Management Plan, which would include a Community Health and Safety Plan, to handle potentially contaminated soils during project construction, and, if necessary, targeted soil excavation and removal and implementation of vapor attenuation measures to meet specific numerical thresholds for the post-construction condition (EnviroApplications, Inc. 2023). Therefore, through compliance with regulatory requirements set forth under the VAP the project would not expose sensitive receptors to substantial pollutant concentrations or TACs, and impacts would be less than significant.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issue 4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The project could produce odors during proposed construction activities from construction equipment exhaust, application of asphalt, and/or the application of architectural coatings; however, standard construction practices, such as limiting the use of equipment, application of asphalt, and application of architectural coatings to that necessary for the project, would minimize the odor emissions and their associated impacts. Furthermore, odors emitted during construction would be temporary, short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. Accordingly, the proposed project would not create objectionable odors affecting a substantial number of people during construction, and short-term impacts would be less than significant.

During project operation, the temporary storage of refuse could be a potential source of odor; however, project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the City's Refuse, Organic Waste, and Recyclable Materials Storage Regulations (Chapter 14, Article 2, Division 8 of the City's Municipal Code [City 2022a]), thereby precluding significant odor impacts. Furthermore, the proposed project would be required to comply with SDAPCD Rule 51 which prohibits the discharge of odorous emissions that would create a public nuisance. As such, long-term operation of the proposed project would not create objectionable odors affecting a substantial number of people. Impacts would be less than significant.

**6.3 BIOLOGICAL RESOURCES – Would the project:**

Issue 1: 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 Multiple Species Conservation Program or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The project site is developed and consists of 124,083 SF of commercial buildings, asphalt concrete parking areas, and ornamental landscaping. It does not contain environmentally sensitive land (ESL) where sensitive species may be present and is not adjacent to Multi-Habitat Planning Area (MHPA). The closest MHPA is located 350 feet east of the project site and is separated from the project site by development, including roadways, parking lots, and multi-family residential structures.

Consequently, the project site does not possess native vegetation that would serve as habitat area species identified as candidate, sensitive, or special status. Therefore, no direct or indirect impacts to sensitive species would occur.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issue 2: Result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site is currently developed and consists of 124,083 SF of commercial buildings, asphalt concrete parking areas, and ornamental landscaping. According to the City's Biology Guidelines (City 2018), developed land has not been assigned a tier and is not considered to have significant habitat value. Similarly, impacts to developed land are not considered significant by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Vegetation removal would be limited to ornamental trees. Therefore, the project would not result in a substantial adverse impact on any sensitive habitats. No impact would occur.

Issue 3: Result in a substantial adverse effect on federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site is currently developed and consists of 124,083 SF of commercial buildings, asphalt concrete parking areas, and ornamental landscaping. The project site does not contain wetlands as defined by Section 404 of the Clean Water Act. Therefore, the project would not result in a substantial adverse effect on federally protected wetlands. No impact would occur.

Issue 4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. The project site and immediate surrounding areas are currently developed and do not serve or have potential to serve as a wildlife corridor. Furthermore, the project site is not designated as a Multiple Species Conservation Program (MSCP) regional wildlife corridor as it does not provide a throughway for wildlife species by connecting with major areas of off-site habitat. The project would be required to comply with federal, state, and City regulations, including avoidance of impacts to nesting bird species. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. No impact would occur.

Issue 5: Result in a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, either within the Multiple Species Conservation Program (MSCP) plan area or in the surrounding region?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not located within or adjacent to MHPA within the City's Multiple Species Conservation Program Subarea. Furthermore, the project site is currently developed and does not possess native habitat. As described in Section 6.3, Issue 4 above, the project would be required to comply with federal, state, and City regulations. Therefore, the project would not result in a conflict with the provisions of an adopted Habitat Conservation Plan. No impact would occur.

Issue 6: Result in a conflict with the provisions of any local policies or ordinances protecting biological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is developed and is not within or adjacent to MHPA. Vegetation removal would be limited to ornamental trees that are not considered protected, rare, or endangered species. No impact would occur.

**6.4 ENERGY – Would the project:**

Issue 1: Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Energy used for construction would primarily consist of fuels in the form of diesel and gasoline. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction and would include off-road equipment as well as on-road vehicles for the transportation of construction materials and construction worker commutes. Heavy-duty construction equipment associated with construction activities, haul trucks involved in the removal of construction and demolition materials, and smaller support equipment (such as lighting, air compressors, and pumps) would consume petroleum-based fuel. Construction workers would travel to and from the project site throughout the duration of construction, presumably in gasoline-powered vehicles. While construction activities would consume petroleum-based fuels, consumption of such resources would be temporary and would cease upon the completion of construction. In addition, energy usage would be limited to that necessary to construct the project. As such, construction energy usage would not be wasteful, inefficient, or unnecessary.

Once operational, the project would require energy in the form of natural gas and electricity to power various appliances and equipment, including, but not limited to, HVAC systems, water



Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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heaters, and lighting. Electricity and natural gas would be provided to the project by SDG&E. According to the CalEEMod run performed for the project (HELIX 2024a), the project’s electricity use is estimated to be 1,155,202 kilowatts per hour (kWh) per year and the project’s natural gas use is estimated to be 1,585,570 thousand British Thermal Units (kBTU) per year. Buildout of the project would result in an increase in operational electricity and natural gas usage when compared to the existing condition; however, the project would be required to meet the mandatory energy conservation requirements of the 2022 California Building Energy Efficiency Standards (California Energy Code; Title 24, Part 6) and California Green Building Standards Code (CALGreen; Title 24, Part 11) and would benefit from the efficiencies associated with these regulations as they relate to building HVAC, systems, water heaters, and lighting. In addition, the project would implement applicable greenhouse gas (GHG) reduction measures related to energy efficiency and clean energy as required by the City’s Climate Action Plan (CAP; see Section 6.6 below). Therefore, the project would not result in excessive amounts of energy usage or result in the wasteful, inefficient, or unnecessary consumption of energy resources during project operations. Impacts would be less than significant.

Issue 2: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The applicable state plans that address renewable energy and energy efficiency are the California Energy Code and CALGreen, and the applicable local plan is the City’s CAP. As discussed above in Section 6.4, Issue 1, the project would be required to meet the requirements of the 2022 California Energy Code and CALGreen (DGS 2022). Further, as detailed below in Section 6.6, Issue 1, the project would be consistent with the CAP. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

**6.5 GEOLOGY/SOILS/SEISMICITY – Would the project:**

Issue 1: Expose people or structures to potential substantial adverse effects, 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?

The discussion below is based on the Geologic Reconnaissance and Fault Rupture Hazard Investigation prepared by Geocon Incorporated (Geocon; 2021a and 2021b).

The City of San Diego Seismic Safety Study, Geologic Hazards and Faults, Sheet 25 defines the northern portion of the site within *Hazard Category 51: Level mesas, underlain by terrace deposits and bedrock, nominal risk*. The southern portion of the site is defined as *Hazard Category 53: Level or sloping terrain, unfavorable geologic structure, low to moderate risk*. A fault is mapped immediately southeast of the site and is labeled as *Hazard Category 12: potentially active, inactive, presumed inactive, or activity unknown* (Geocon 2021a).

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Seismically induced surface or ground rupture occurs when movement on a fault deep within the earth breaks through to the surface because of seismic activity. Fault rupture almost always follows preexisting faults, which are zones of weakness. Sudden displacements are more damaging to structures because they are accompanied by shaking. While the City of San Diego Seismic Safety Study maps a fault immediately southeast of the site, it was determined in the Geologic Reconnaissance (Geocon 2021a) and Fault Rupture Hazard Investigation (Geocon 2021b) that active or potentially active faults do not cross the project site. The site is also not located within state of California Earthquake Fault Zone. Therefore, the risk associated with fault rupture is considered to be negligible.

The County and Southern California region is seismically active, and the project site could therefore be subject to strong seismic shaking. However, the project would be required to comply with the recommendations presented in the Geologic Reconnaissance (Geocon 2021a) and Fault Rupture Hazard Investigation (Geocon 2021b). Additionally, the project would be required to comply with seismic requirements of the California Building Code and utilize proper engineering design and standard construction practices (to be verified at the building permit stage) to ensure that potential impacts to people or structures would be reduced to an acceptable level of risk.

Liquefaction typically occurs when a site meets the following four criteria: it is located in a zone with seismic activity, on-site soils are cohesionless or silt/clay with low plasticity, groundwater is encountered, and soil relative densities are less than approximately 70 percent. If the four previous criteria are met, a seismic event could result in a rapid pore-water pressure increase from the earthquake-generated ground accelerations. Seismically induced settlement may occur whether the potential for liquefaction exists or not. Due to the lack of a near surface groundwater table and the dense nature of the existing fill soils and the formational units, the potential for liquefaction and seismically induced settlement occurring at the site is considered negligible (Geocon 2021b).

According to the Geologic Reconnaissance report, landslides are not present on or adjacent to the project site, based examination of aerial photographs and published geologic mapping. Therefore, landslides would not be a concern for the project (Geocon 2021a). As such, the project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides, and impacts would be less than significant.

Issue 2: Result in substantial soil erosion or the loss of topsoil?

Soil exposed by construction activities, such as grading, could be subject to erosion if exposed to heavy rain, winds, or other storm events. Grading activities within the site would be required to comply with the City Grading Ordinance and Storm Water Standards, which ensure soil erosion and topsoil loss is minimized through the issuance of a Grading Permit. Grading permits typically require projects to implement measures to prevent surface waters from damaging the face of any excavation or fill, ensuring erosion is minimized. Additionally, the project would employ best management practices (BMPs) to control erosion and prevent topsoil from exiting the site.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Therefore, the project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

Issue 3: Be 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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The project site is underlain by shallow undocumented fill (placed during the previous grading for the development) overlying formational materials of Very Old Paralic Deposits (formerly called the Lindavista Formation). This geologic unit consists of very dense, damp to moist, silty, fine to very coarse-grained sandstone, and was moderately to very well cemented. As discussed in Section 6.5, Issue 1 above, the potential for liquefaction and seismically induced settlement occurring at the site is considered negligible, and landslides would not be a concern for the project. Additionally, the potential for ground rupture at the project site is considered to be negligible due to the absence of active faults at the subject site. However, the existing fill soil is undocumented and is considered unsuitable for supporting new structures and pavements; therefore, remedial grading would be required in areas to receive structural fill or improvements. The project would be required to comply with seismic requirements of the California Building Code and utilize proper engineering design and standard construction practices (to be verified at the building permit stage) to ensure that potential impacts to people or structures would be reduced to an acceptable level of risk. Compliance with a final geotechnical report prepared in accordance with the City's Guidelines for Geotechnical Reports would be required as a condition of approval. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and impacts would be less than significant.

Issue 4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Based on previously conducted soil sampling and testing, the fill soils across the site generally have a "very low" to "low" expansion potential (expansion index of 50 or less; Geocon 2021a). Therefore, the project would not be located on expansive soil and would not create substantial direct or indirect risks to life or property, and impacts would be less than significant.

**6.6 GREENHOUSE GAS EMISSIONS - Would the project:**

Issue 1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The CAP Consistency Checklist is utilized to ensure project-by-project consistency with the underlying assumptions in the 2015 CAP and to ensure that the City would achieve its emission reduction targets identified in the CAP. The CAP Consistency Checklist includes a three-step process

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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to determine if a project would result in a GHG impact. Step 1 consists of an evaluation to determine the project's consistency with existing General Plan, Community Plan, and zoning designations for the site. Step 2 consists of an evaluation of the project's design features compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but is also in a transit priority area to allow for more intensive development than assumed in the CAP.

The City recently adopted its 2022 CAP which builds upon the 2015 CAP, establishing more aggressive goals to reduce GHG emissions. The 2022 CAP establishes a community-wide goal of net zero energy by 2035, thereby committing the City to an accelerated strategy to achieve GHG reductions while also requiring equity, accountability, and transparency in doing so. Further, the City recently adopted its CAP Consistency Regulations in April 2022 (SMDC Chapter 14, Article 3, Division 14, Climate Action Plan Consistency Regulations) which apply to ministerial and discretionary projects to ensure that such projects comply with the goals and objectives of the updated CAP. The City's prior GHG Significance Determination threshold allowed for project-level environmental analysis to demonstrate consistency with the CAP through use of the CAP Consistency Checklist. The recently adopted CAP Consistency Regulations replaced the City's CAP Consistency Checklist as the list of measures that can be implemented on a project-by-project basis to collectively achieve a specified emissions level as required by CEQA Guidelines Section 15183.5b(1)(D). However, the proposed project was deemed complete prior to the CAP Consistency Regulations effective date of October 23, 2022, and therefore, per the CAP Consistency Regulations, the previous CAP Consistency Checklist and GHG 2020 significance determination guidelines were applied in evaluating potential project effects on climate change (as analyzed herein in this Initial Study).

As detailed in the project-specific CAP Consistency Checklist (HWL Planning and Engineering [HWL] 2022a) Step 1 (Land Use Consistency), the project site has a General Plan land use designation of Commercial Employment, Retail, and Services (Community Commercial), and a Community Plan land use designation of Commercial. The site is zoned CC-1-3. Commercial Employment, Retail, and Services (Community Commercial) land uses provide for shopping areas with retail, service, civic, and office uses for the community at large within three to six miles. It can also be applied to transit corridors where multi-family residential uses could be added to enhance the viability of existing commercial uses. Residential developments are permitted at densities between zero and 74 unit per acre. The proposed project site is part of a commercial shopping center, which is located along a major transit corridor (Clairemont Drive). The proposed project would enhance the viability of the existing commercial uses in the area. The Clairemont Mesa Community Plan identifies the project site as "Clairemont Village" and designates the total 12.96-acre site as Community Center and within the CPIOZ - Type B. The Community Plan does not identify a specific residential density for mixed-use development, nor does it preclude residential development. As proposed, the project would introduce residential development resulting in "horizontal" mixed-use fashion at the Clairemont Village site and would not affect the retention of existing commercial uses as the community center. The property is zoned CC-1-3 which permits residential development at a density of 1 unit per 1,500 SF (29 units/acre) of lot area (SDMC Section 131.0531 Table 131-05E). This would allow for up to 376 units on the 12.96-acre property, or 29 units per acre. The proposed project would total 224 units, or 1 unit per 2,520 SF of lot area (17 units per acre). Therefore, the proposed project is consistent with the existing General Plan and Community Plan land use and zoning designations (HWL 2022a).

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Completion of Step 2 of the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. The project would include roofing materials with a minimum 3-year aged solar reflection and thermal emittance per CALGreen Regulations (California Department of General Services [DGS] 2022). The project would include plumbing fixtures with restricted maximum flow rates to save water. Additionally, the project would provide 385 parking spaces for residential use. Of those, 155 stalls would be EV supportive. In accordance with 2022 CALGreen standards, approximately 37 stalls will be EV capable, 97 stalls will be EV ready with Low Power Level 2 Receptacles, and 21 will be installed with Level 2 EV Supply Equipment. The project would also include approximately 36 designated parking spaces for use by low-emitting, fuel-efficient, and/or carpool/vanpool vehicles. It was determined that 100 bicycle spaces would be a requirement of the development. The proposed project includes provisions for ~~102~~110 bicycle parking spaces. All bicycle parking spaces would be long term. No short-term bicycle parking is required or proposed. The proposed project would include the development of a residential building on a 2.67-acre portion of a larger commercial center. Therefore, a Transportation Demand Management Program is not applicable (HWL 2022a).

Based on the project's consistency with existing land use and zoning designations and implementation of the Step 2 strategies and actions for reducing GHG emissions, the project would be consistent with the City's CAP Consistency Checklist and CAP assumptions, and the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment, and impacts would be less than significant.

Issue 2: Conflict with City's Climate Action Plan or another applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As described in Section 6.6, Issue 1 above, the project would be consistent with the City's CAP Consistency Checklist, and the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable (HWL 2022a). Therefore, the project would not conflict with City's CAP or another applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG, and impacts would be less than significant.

**6.7 HEALTH AND SAFETY - Would the project:**

Issue 1: Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?

Project construction may involve the use of small amounts of solvents, cleaners, paint, oils, and fuel for equipment. However, these materials are not acutely hazardous, and use of these common hazardous materials in small quantities would not represent a significant hazard to the public or

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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environment. The use of such hazardous materials and substances during construction would be subject to federal, state, and local health and safety requirements for handling, storage, and disposal, including the California Occupational Safety and Health Administration and the California Department of Environmental Health Hazardous Materials Division. Therefore, project construction would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

Operation of the residential development and associated parking structure would not involve the routine transport, use, or disposal of significant hazardous materials. Operations of the project may involve the use of small amounts of solvents and cleaners that are not acutely hazardous. Such materials are ubiquitous and product labeling identifies appropriate handling and use of these materials. Therefore, operation of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

Issue 2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As described in Section 6.7, Issue 1 above, project construction would be required to be undertaken in compliance with applicable federal, state, and local regulations pertaining to the proper use of common hazardous materials. The operation of the project would not involve the routine transport, use, or disposal of significant hazardous materials. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant.

Issue 3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no schools located within one-quarter mile of the project site. The closest school is the Whittier School, located approximately 0.6 mile northwest of the project site. Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. No impact would occur.

Issue 4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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The discussion below is based on the Phase I Environmental Site Assessment (ESA) and Additional Site Investigation Report prepared by Geocon Incorporated (Geocon 2016 and 2022).

Review of the California Department of Toxic Substances Control (DTSC) EnviroStor Database (DTSC 2023) and State Water Resources Control Board (SWRCB) GeoTracker database (SWRCB 2023) determined that one listed hazardous materials site is present at the project site. The listed site is associated with a former dry-cleaning facility located at 3043 and 3045 Clairemont Drive, which are listed on the Environmental Data Resources, Inc. (EDR) US Historical Cleaners database and are considered recognized environmental conditions (RECs) at the site (Geocon 2016). The structures at 3043 and 3045 would be demolished as part of the project and a new fire access lane would be provided with new residential uses beyond. As such, air and soil vapor surveys were performed to assess the potential presence of dry-cleaning chemicals in air and soil vapor within and near the facilities located at 3043 and 3045 Clairemont Drive. The VOCs PCE and TCE, common dry-cleaning chemicals, were detected in samples at concentrations exceeding applicable ESLs (Geocon 2022). As such, the project has been entered into the County of San Diego DEHQ VAP, which provides staff consultation, project oversight, and technical and environmental report evaluation on projects pertaining to properties contaminated with hazardous substances to facilitate the rapid and cost-effective resolution of soil and groundwater contamination. The project would comply with regulatory requirements set forth under the VAP. Compliance measures could include soil characterization to delineate the extent of the contamination, vapor sampling during project grading and excavation, preparation of a Soil Management Plan, which would include a Community Health and Safety Plan, to handle potentially contaminated soils during project construction, and, if necessary, targeted soil excavation and removal and implementation of vapor attenuation measures to meet specific numerical thresholds for the post-construction condition (EnviroApplications, Inc. 2023). Compliance with regulatory requirements set forth under the VAP would result in project impacts related to the listed hazardous materials site being less than significant.

Issue 5: Result in a safety hazard for people residing or working within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport?

The project site is not within two miles of a public airport or public use airport. The site is within Airport Influence Area (AIA) Review Area 2 of the Montgomery Field Airport Land Use Compatibility Plan (ALUCP). However, the site is not within a Safety Zone mapped in the Montgomery Field ALUCP. Therefore, the project would not result in a safety hazard for people residing or working at the project site, and no impact would occur.

Issue 6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project site is in a developed area with access to major roadways that would allow for emergency evacuation. The project would utilize the existing connections with Field Street and Cowley Way and would not modify the existing roadway network. project-related traffic would not

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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cause a significant increase in congestion (Urban Systems Associates 2023a). During construction of the project, heavy construction vehicles could interfere with emergency response to the site or emergency evacuation procedures in the event of an emergency (e.g., vehicles traveling behind the slow-moving truck). However, such trips would be infrequent and temporary. Therefore, the project would not impair or interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

**6.8 HISTORICAL/ARCHAEOLOGICAL/TRIBAL CULTURAL RESOURCES – Would the project:**

Issue 1: Result in an alteration, including the adverse physical or aesthetic effects and/or destruction of a historic building (including architecturally significant building) structure, object, or site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The project site is located within a low sensitivity area on the City's Historic Resources Sensitivity Map. No historic resources were identified within or adjacent to the site during a records search of the California Historic Resources Information System (CHRIS) digital database.

The City of San Diego criteria for determination of historic significance, pursuant to CEQA, is evaluated based upon age (over 45 years), location, context, association with an important event, uniqueness, or structural integrity of the building. Projects requiring the demolition and/or modification of structures that are 45 years or older can result in potential impacts to a historical resource. Structures proposed for demolition are not 45 years old and do not qualify as historic resources under the City's Historic Resource Guidelines. Therefore, the project would not result in an alteration, including the adverse physical or aesthetic effects and/or destruction of a historic building (including architecturally significant building) structure, object, or site. Impacts would be less than significant.



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Issue 2: Result in a substantial adverse change in the significance of a prehistoric or historic archaeological resource, a religious or sacred site, or the disturbance of any human remains those interred outside of formal cemeteries?

As mentioned above in Section 6.8, Issue 1, the project site is located within a low sensitivity area on the City's Historic Resources Sensitivity Map. No historic resources were identified within or adjacent to the site during a records search of the CHRIS digital database. The project site was subject to prior grading and disturbance to allow for the existing development. Due to the disturbed soil conditions, the site is not likely to yield inadvertent discoveries of archaeological resources. There are no known dedicated cemeteries or recorded burials within the project footprint or surrounding vicinity. In the unlikely event that unknown human burials are encountered during project grading and construction, they would be handled in accordance with procedures of the Public Resources Code Section 5097.98, the California Government Code Section 27491, and the Health and Safety Code Section 7050.5. These regulations detail specific procedures to follow in the event of the discovery of human remains. 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 site, or the disturbance of any human remains. Impacts would be less than significant.

Issue 3: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or,

As mentioned above in Section 6.8, Issue 1, the project site is located within a low sensitivity area on the City's Historic Resources Sensitivity Map. No historic resources were identified within or adjacent to the site during a records search of the CHRIS digital database. Therefore, the project would not cause a substantial adverse effect to a Tribal Cultural Resource (TCR) that is listed or eligible for listing in the CHRIS, or in a local register of historical resources as defined by the Public Resources Code. Impacts would be less than significant.

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<p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TCRs include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Native American Tribe. TCRs include "non-unique archaeological resources" that, instead of being important for "scientific" value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial evidence regarding the locations, types, and significance of tribal cultural resources within their traditionally and culturally affiliated geographic area (PRC Section 21080.3.1 (a)).

In accordance with the requirements of PRC Section 21080.3.1, Assembly Bill (AB) 52, the City distributed notification letters on September 13, 2022 to the local Native American Tribes that are traditionally and culturally affiliated with the project area. The representative from the Lipay Nation of Santa Ysabel identified no monitoring was needed and concluded consultation on September 13, 2022. The representative from the Jamul Indian Village did not request consultation within 30 days from notification. The representative from the San Pasqual Tribe requested consultation on September 13, 2022. The City completed a consultation meeting with the San Pasqual Tribe on October 5, 2022. In the meeting, the San Pasqual Tribe requested tribal monitoring during grading to address concerns regarding TCRs. The City, as Lead Agency, has considered the significance of the resource to the San Pasqual Tribe and concluded that a potential TCR impact may occur. A Mitigation, Monitoring, and Reporting Program as detailed in Section IV. of the Mitigated Negative Declaration would be required. With implementation of the monitoring program, potential impacts on TCRs would be reduced to below a level of significance.

**6.9 HYDROLOGY/WATER QUALITY – Would the project:**

<p>Issue 1: Result in flooding due to an increase in impervious surfaces or changes in absorption rates, drainage patterns, or the rate of surface runoff?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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A site-specific drainage study was prepared for the proposed project by Mellor Landy (Mellor Landy 2022) that evaluates the existing and proposed drainage patterns at the site. The project site is currently developed as a parking lot and covered by impervious concrete and asphalt surfaces. Surface runoff generally flows towards the center of the site and is collected into a series of existing surface level drainage inlets that run north to south through the site. The entire tributary drainage area flows in a southern direction to an existing curb inlet located at the southern corner of the

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existing asphalt/concrete paved parking lot, at the intersection of Field Street and Cowley Way. Flows are routed to this existing curb inlet via surface drainage as well as existing underground storm drain piping. This existing curb inlet location acts as the point of confluence for the project site.

Upon post-development conditions, the amount of impervious surface would not be greater than the existing condition, since the existing site is currently developed as a parking lot and covered by impervious concrete and asphalt surfaces, as mentioned above. Runoff would be collected on the rooftops of the proposed structure and would be diverted and routed into a series of biofiltration planters located along the sides of the building. These planters would treat the runoff and discharge the stormwater in a northern direction via a proposed discharge pipe. This pipe would route the stormwater captured from the structure footprint into a hydromodification storage vault located beneath the asphalt/concrete surface at the northwestern corner of the site. Runoff in the western portion of the site would be accommodated by surface level drainage inlets and then be routed to the curb inlet at the intersection of Field Street and Cowley Way via a proposed storm drain.

Runoff along the fire access road adjacent to the structure would be routed to the north along a proposed curb. This runoff would empty into a proposed drainage inlet connected to a proposed modular wetland system. The modular wetland system would treat the runoff and then discharge the runoff to the same hydromodification storage vault located at the northwestern corner of the site. Once runoff is detained in the storage vault, it would be discharged at controlled rates via a proposed 18-inch storm drain outlet pipe that would route to the southwest, parallel to the other proposed storm drain that is accommodating the runoff from the western portion of the site. These two proposed storm drains would tie together at a proposed inlet and the combined flow would route into one more reach of proposed 18-inch pipe, which would eventually flow to the ultimate discharge point/point of confluence located at the existing curb inlet at the southerly corner of the project site. Due to the increase in overall stormwater flow length to the point of compliance as discussed above, there would be minor changes in the overall drainage patterns of the site. However, the general overall drainage pattern will be preserved under post development conditions.

The hydraulic analysis conducted for the drainage study determined that the project would have no increase in peak flows in the 100-year storm condition. Specifically, peak flows in the 100-year storm condition with the project would slightly decrease from 18.27 cubic feet per second (cfs) in the existing condition to 18.24 cfs in the project condition. On-site biofiltration planters, a modular wetland system, and an underground storage vault would further detain runoff on site to adhere to water quality and hydromodification requirements. Therefore, the project would not result in flooding due to an increase in impervious surfaces or changes in absorption rates, drainage patterns, or the rate of surface runoff, and impacts would be less than significant.

Issue 2: Result in a substantial increase in pollutant discharge to receiving waters and increase of identified pollutants to an already impaired water body?

The proposed project would be subject to California’s statewide General National Pollutant Discharge Elimination System (NPDES) permit for Stormwater Discharges Associated with

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Construction Activities, also known as the State Construction General Permit (CGP), and therefore a Stormwater Pollution prevention plan (SWPPP) would be prepared prior to construction of the project and implemented during construction. The SWPPP would contain BMPs for storm water pollutant control during construction. In addition, due to potential soil contamination at and near the project site associated with a former dry-cleaning facility located at 3043 and 3045 Clairemont Drive (refer to Section 6.7, Issue 4), the project would comply with regulatory requirements set forth under the VAP related to soil handling during project grading and excavation. Compliance measures could include soil characterization to delineate the extent of the contamination, vapor sampling during project grading and excavation, preparation of a Soil Management Plan, which would include a Community Health and Safety Plan, to handle potentially contaminated soils during project construction, and, if necessary, targeted soil excavation and removal (EnviroApplications, Inc. 2023). Compliance with such measures would ensure that contaminated soils are properly handled, and pollutants are not discharged to receiving waters during project construction.

The Storm Water Quality Management Plan (SWQMP) prepared by NOVA Engineering ([NOVA] 2022) contains additional BMPs to protect stormwater runoff during operations, which include the installation of biofiltration planters and modular wetland systems described above as part of the site drainage. Therefore, the project would not result in a substantial increase in pollutant discharge to receiving waters or result in a substantial increase of identified pollutants to an already impaired water body, and impacts would be less than significant.

Issue 3: Deplete groundwater supplies, degrade groundwater quality, or interfere with groundwater recharge?

The project would retain the existing public water service connections and would not use groundwater. The project site is currently impervious and does not allow for groundwater recharge. Upon implementation of the project, water would be filtered through proposed stormwater BMPs that provide pollutant control, ensuring pollutants are removed from infiltrated groundwater. Therefore, the project would not deplete groundwater supplies, degrade groundwater quality, or interfere with groundwater recharge. No impact would occur.

**6.10 NOISE - Would the project:**

Issue 1: Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The discussion below is based on the Acoustical Analysis Report prepared by HELIX (HELIX 2024b).

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### On-site Construction Noise Generation

Project construction would require demolition, clearing and grubbing, grading, underground utilities installation, building construction, and paving. These construction activities would generate elevated noise levels that could be audible to the residential noise sensitive land uses (NSLUs) (i.e., residences) located to the north, east, and south of the project site. The magnitude of the impact would depend on the type of construction activity, equipment used, duration of each construction phase, distance between the noise source and receiver(s), and any intervening structures. Construction equipment would not all operate at the same time or location. Furthermore, construction equipment would not be in constant use during the 8-hour operating day.

Demolition would be required for a small portion of one existing structure totaling 3,770 SF to the west of the proposed project structure location, at an approximate distance of 180 feet from the nearest off-site residential property line to the north. Development of the proposed project structure would involve clearing and grubbing, grading, underground utilities installation, building construction, and paving. Work for structure development would occur throughout the structure site area and equipment would be mobile throughout the site area; therefore, for noise analysis purposes, grading and construction equipment is considered at the center of the structure site area, at an approximate distance of 140 feet from the closest residential property line to the east across Cowley Way. This distance represents the assumed average distance to the property line that construction equipment would be operating over the course of a workday.

The loudest combination of equipment anticipated to be used simultaneously for each of these construction activities and the resultant noise levels at the applicable distances are shown in Table 3, *Construction Noise Levels*.

**Table 3  
CONSTRUCTION NOISE LEVELS**

Phase	Simultaneous Construction Equipment	Average Distance to Nearest NSLU (feet)	Noise Levels (dBA L <sub>EQ</sub> )
Demolition	Concrete Saw	180	71.5
	Rubber Tired Dozer, Tractor/Loader/Backhoe	180	70.2
Clearing and Grubbing	Grader	140	72.1
	Scraper	140	70.7
Grading	Rubber Tired Dozer, Tractor/Loader/Backhoe	140	70.2
	Grader	140	72.1
Underground Utilities	Excavator, Tractor/Loader/Backhoe	140	69.5
Excavation	Rubber Tired Dozer, Tractor/Loader/Backhoe	140	70.2
	Grader	140	72.1

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Phase</b>	<b>Simultaneous Construction Equipment</b>		<b>Average Distance to Nearest NSLU (feet)</b>	<b>Noise Levels (dBA L<sub>EQ</sub>)</b>	
Building Construction	Crane, Forklift, Tractor/Loader/Backhoe		140	67.8	
Paving	Paver, Roller, Tractor/Loader/Backhoe		140	69.5	

Source: Roadway Construction Noise Model (U.S. Department of Transportation 2008)  
 NSLU= Noise Sensitive Land Uses; dBA L<sub>EQ</sub> =A-weighted decibels time-averaged noise level

As shown in Table 3, noise levels at nearby NSLUs are estimated to be as high as 72.1 A-weighted decibels (dBA) time-averaged noise level (L<sub>EQ</sub>) (12 hour), which would occur during the grading, clearing and grubbing, and excavation phases, and would not exceed the applicable 75-dBA L<sub>EQ</sub> (12 hour) construction noise limit set forth in the City's Municipal Code or result in a substantial (10 dBA or more) increase over ambient conditions. Although project construction activities would result in increased noise levels at adjacent commercial uses within the Clairemont Village Shopping Center, the noise generation would be occurring on the back side of these businesses and would not be disruptive to the existing grocery store, restaurants and personal services. Therefore, temporary project construction noise would not substantially interfere with normal business communication at these uses. Further, the noise levels present a conservative analysis that assumes that the equipment listed in the Noise Analysis (HELIX 2024b) would be operating simultaneously at a single given location. In actuality, the pieces of equipment would be located at different areas of the site and would not necessarily generate combined noise at a given receptor location. As such, impacts from project construction would be less than significant.

#### Off-site Construction Traffic Noise Generation

Project construction would involve the demolition of a portion of an existing structure totaling 3,770 SF and soil movement (cut and fill) during grading. The export of demolition materials, the export of cut soil, and/or the import of fill soil would require the use of on-road haul trucks that would generate noise. According to the Waste Management Plan (WMP) prepared for the project (HWL 2022b), approximately 2,990 tons of waste is expected to be generated during demolition. For excavation, the project would require 29,000 cubic yards of cut and 3,000 cubic yards of fill for a net export of 26,000 cubic yards (HWL 2022b). Assuming the use of standard 16-cubic yard haul trucks, the export of demolition materials would involve 277 one-way haul truck trips and the export of excavated earth material would involve 3,250 one-way haul trucks. Demolition is expected to occur over 20 days and excavation is expected to occur over 31 days (HELIX 2024a); thus, the project would include approximately 14 one-way trucks trips per day during demolition, resulting in approximately two trips per hour over the course of an eight hour workday, and approximately 105 one-way truck trips per workday during excavation, resulting in approximately 13 trips per hour over the course of an eight-hour workday. These daily traffic levels are anticipated to be the highest daily traffic levels associated with project construction.

It is expected that haul trucks would exit the project site to the south and travel along Field Street, Burgener Boulevard, and Clairemont Drive in route to Interstate 5, thus having the potential to expose residences along Field Street and Clairemont Drive to elevated noise levels. These hourly

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truck trip volumes were input into the Traffic Noise Model (TNM) with trucks assumed to travel 30 miles per hour along Field Street and 35 miles per hour along Clairemont Drive, in accordance with posted speed limits. Noise levels were considered at residences located as close as 40 feet from the roadway centerline along Field Street, the Clairmont Branch Library located 40 feet from the roadway centerline along Burgener Boulevard, and residences located 50 feet from the roadway centerline along Clairemont Drive. Noise levels from haul trucks at residences along Field Street and the Clairemont Branch Library were calculated to be as high as 57.8 dBA  $L_{EQ}$  and noise levels from haul trucks at residences along Clairemont Drive were calculated to be as high as 57.2 dBA  $L_{EQ}$ . Noise levels would be below the 75-dBA  $L_{EQ}$  construction noise limit and impacts would therefore be less than significant.

### On-Site Operational Noise Generation

The project would include rooftop-mounted HVAC units, which would represent the most prominent on-site operational noise source. It was assumed that typical to larger sized residential HVAC units would be used with one unit included for each residential unit, as well as one each for the lounge room, club room, fitness center, and leasing office. A single unit typically generates a noise level of 56 dBA at a distance of seven feet. The units would be surrounded by an approximately four-foot-tall parapet. The HVAC units would have the potential to generate increased noise levels at adjacent receiving property lines to the north, east, and south, and at the existing commercial buildings to the west, as well as at elevated balconies associated with the off-site multi-family residential developments to the north (Mission Bay Ridge) and east (Sorrento Tower). Noise generated by the HVAC units is subject to property line limits set forth in the City's Municipal Code. The limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts. The 12.96-acre project site is zoned CC-1-3, the parcel to the north is zoned CC-1-3, parcels to the east (across Cowley Way) are zoned RM-3-7, and parcels to the south (across Field Street) are zoned RS-1-7. The Noise Analysis focuses on nighttime limits, as those are the most restrictive and HVAC units would operate during nighttime hours. Thus, the applicable limits considered in this analysis are 60 dBA  $L_{EQ}$  at the northern property line, 52.5 dBA  $L_{EQ}$  at the eastern property line, 50 dBA  $L_{EQ}$  at the southern property line, and 60 dBA  $L_{EQ}$  to the west at the boundary of the area of impact (i.e., at the existing commercial uses).

Noise levels at the modeled receiver locations are presented in Table 4, *Project-generated Noise Levels*. Receiver locations considered in the analysis are shown on Figure 4, *Modeled Noise Receiver Locations*. The location number on Figure 4 representing each receiver is indicated in the table. Note that some location numbers represent more than one receiver as these receivers are at different heights at a given location. As shown in Table 4, modeled noise levels from the project's HVAC units are generally higher at increasing off-site receiver heights because of the location of the project's HVAC units on the roof of the proposed structure. Noise levels at modeled receiver locations were calculated to range from 29.4 dBA  $L_{EQ}$  at the southern property line to 49.6 dBA  $L_{EQ}$  at the thirteenth-story balcony location of the multi-family development to the east. Noise levels would not exceed applicable noise limits and impacts from the project's on-site operational noise would be less than significant.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Table 4  
PROJECT-GENERATED NOISE LEVELS**

Receiver	Figure 4 Location Number	Operational Hourly Noise Levels (dBA L <sub>EQ</sub> )	Municipal Code Limit (dBA L <sub>EQ</sub> )	Exceed Limit?
North Property Line 1	1	33.5	60	No
North Property Line 2	2	31.6	60	No
North Building Story 2	3	36.0	60	No
North Building Story 3	3	39.1	60	No
North Building Story 4	3	43.1	60	No
East Property Line 1	4	29.5	52.5	No
East Property Line 2	5	29.5	52.5	No
East Property Line 3	6	29.9	52.5	No
East Building Story 3	7	33.6	52.5	No
East Building Story 4	7	36.0	52.5	No
East Building Story 5	7	39.0	52.5	No
East Building Story 6	7	42.9	52.5	No
East Building Story 7	7	45.2	52.5	No
East Building Story 8	7	46.0	52.5	No
East Building Story 9	7	46.7	52.5	No
East Building Story 10	7	47.6	52.5	No
East Building Story 11	7	48.3	52.5	No
East Building Story 12	7	48.9	52.5	No
East Building Story 13	7	49.6	52.5	No
East Building Story 14	7	49.8	52.5	No
South Property Line 1	8	30.1	50	No
South Property Line 2	9	29.4	50	No
Existing Commercial Line 1	10	32.9	60	No
Existing Commercial Line 2	11	33.2	60	No
Existing Commercial Line 3	12	32.4	60	No
Existing Commercial Line 4	13	34.3	60	No
Existing Commercial Line 5	14	32.8	60	No

Off-site Operational Traffic Noise Generation

According to the LMA prepared for the project (Urban Systems Associates Inc. 2023a), the project would generate 1,792 ADT that would occur along Cowley Way, Field Street, Iroquois Avenue, Burgener Boulevard, and Clairemont Drive and have the potential to generate elevated noise levels at residential land uses along Cowley Way, Field Street, and Iroquois Avenue, and the library use along Burgener Boulevard. The segment of Clairemont Drive studied in the LMA (Urban Systems Associates, Inc. 2023a) is between Burgener Boulevard and Iroquois Avenue where no NSLUs are located. Impacts would be significant in areas where traffic noise at residential or library uses exceeds the 65 Community Noise Equivalent Level (CNEL) noise compatibility level specified in Table K-2 of the City’s CEQA Significance Determination Thresholds (City 2022b) and implementation of the project results in a significant increase in noise levels, which is considered greater than a perceptible change of 3 CNEL over without-project conditions. The project would result in a



Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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maximum increase of 1.5 CNEL and would therefore not result in an increase of 3 CNEL or more along the four analyzed roadway segments (refer to Table 9 of the Acoustical Analysis Report [HELIX 2024b]); therefore, impacts associated with operational project-generated traffic noise would be less than significant.

On-Site Operational Noise Compatibility

The City’s General Plan states that existing and future noise levels should be considered when making land use planning decisions to minimize people’s exposure to excessive noise (City 2015). Multi-family residential uses are compatible where exterior noise levels are below 60 CNEL, are conditionally compatible where exterior noise levels are between 60 and 70 CNEL and are not compatible in areas where exterior noise levels exceed 70 CNEL. Per the Noise Element, indoor uses that are within the conditionally compatible noise level must demonstrate the building structure would attenuate interior noise levels for occupied areas to 45 CNEL and measures should be included to make the outdoor activity areas acceptable.

The project’s exterior use areas include a pool area and a courtyard on the western side of the building and private balconies for residential units on all sides of the building. The primary noise sources that may affect exterior noise levels at the project includes roadway traffic along Cowley Way and Field Street and activity at the adjacent commercial uses, such as truck deliveries. The CNEL at the project site was measured to range from 59.7 CNEL in the northwest to 68.2 CNEL in the south. Noise levels in the northwest are within the compatible range while noise levels in the south, southwest, and southeast are within the conditionally compatible range for multi-family residential uses. The project’s primary outdoor use areas are the pool area and the courtyard on the west side of the building. These areas are both located on the third story and would be afforded noise attenuation by stories four through seven that would be located on the south, east, and north sides of the pool area and courtyard, between the outdoor areas and Field Street and Cowley Way, which are the primary noise sources in the area. As such, it is expected that noise levels at these outdoor use areas would be below 60 CNEL upon buildout of the project. Impacts are therefore considered less than significant.

As mentioned above, noise levels at the periphery of the proposed structure location, at approximate locations of future building facades, were measured to be as high as 68.2 CNEL, which is within the conditionally compatible noise exposure range for multi-family residential uses. Therefore, interior noise levels must be attenuated to 45 CNEL or less. To assess anticipated interior noise levels, a preliminary exterior-to-interior analysis was conducted. The information for the analysis includes wall heights/lengths, room volumes, window/door tables typical for a standard building plan, as well as information on any other openings in the building shell for the habitable residential rooms.

The rooms expected to have the highest interior noise levels are those located along Field Street that have two walls exposed to exterior noise. Based on inclusion of typical window and wall construction, the project’s interior noise levels are anticipated to be below 45 CNEL for habitable areas. Appropriate means of air circulation and provision of fresh air would be present to allow windows to remain closed for extended intervals of time so that acceptable levels of noise can be

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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maintained in the interior. Once final building plan information is available, the City would include a standard exterior-to-interior noise analysis as a condition of approval to ensure that interior noise levels in habitable spaces would not the exceed 45 CNEL interior standard. Therefore, the impacts would be less than significant.

Issue 2: Cause the generation of, excessive groundborne vibration or groundborne noise levels?

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted for the project. The most prominent source of vibration anticipated during general project construction activities would be a vibratory roller used for soil and/or pavement compaction. Vibration-sensitive land uses in the project area include nearby residential uses. A vibratory roller could be used as close as 60 feet from the closest off-site residential structure to the north. According to Caltrans, a vibratory roller creates a peak particle velocity (PPV) of 0.210 in/sec at 25 feet (Caltrans 2020). At a distance of 60 feet, a vibratory roller would create a PPV of 0.08 in/sec. This would be lower than what is considered a “strongly perceptible” level for humans of 0.1 inch per second PPV, and far lower than the residential structural damage threshold of 0.5 in/sec PPV for continuous/frequent intermittent construction sources. Therefore, although a vibratory roller may be perceptible to nearby human receptors, temporary impacts associated with the roller (and other potential equipment) would be less than significant.

Land uses that may generate substantial operational vibrations include heavy industrial or mining operations that require the use of vibratory equipment. The proposed project does not include equipment that would generate substantial vibration. Therefore, operational vibration impacts are less than significant.

Issue 3: Be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The closest airport to the project site is Montgomery-Gibbs Executive Airport, located approximately 2.7 miles to the northeast. The project site is not within the 60 to 65 CNEL contour as shown on Exhibit III-1, Compatibility Policy Map: Noise of the Montgomery Field ALUCP (ALUCP 2010). Therefore, the project would not result in the exposure of people working or residing in the project area to excessive noise from airports and no impact would occur.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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**6.11 PALEONTOLOGICAL RESOURCES – Would the project:**

Issue 1: Result in development that requires over 1,000 cubic yards of excavation in a high resources potential geologic deposit/formation/rock unit or over 2,000 cubic yards of excavation in a moderate resources potential geologic deposit/formation/rock unit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is underlain by shallow undocumented fill generally less than three feet deep (placed during the previous grading for the development) overlying formational materials of Very Old Paralic Deposits (Geocon 2021a). Very Old Paralic Deposits have a moderate paleontological sensitivity rating. project grading would require 29,000 cubic yards of excavation up to depths of 11 feet.

The City's CEQA Significance Determination Thresholds provides guidance for determining the potential significance of impacts to paleontological resources. Based on the City's thresholds, a significant impact to paleontological resources could occur if the proposed project would result in development that requires:

- Over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit; or
- Over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit.

Based on the excavation volumes, depth of excavation, and underlying geologic formations, a potentially significant impact to paleontological resources could occur during project excavation and grading. However, in accordance with San Diego Municipal Code Section 142.0151 (Paleontological Resources Requirements for Grading Activities), the project would require paleontological monitoring during grading and/or excavation activities as outlined in the City's Land Development Manual Appendix P, General Grading Guidelines for Paleontological Resources. Adherence to these SDMC requirements during excavation and grading would ensure potential impacts to paleontological resources would be less than significant.

**6.12 PUBLIC SERVICES AND FACILITIES – Would the project:**

Issue 1: Promote growth patterns resulting in the need for and/or provision of new or physically altered public facilities (including police, fire-rescue, schools, libraries, parks, or other recreational facilities), the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project does not require a General Plan Amendment or a Community Plan Amendment and is therefore considered consistent with the allowable land use of the site. In addition, the property is zoned CC-1-3, which permits residential development at a density of one unit per 1,500 SF of lot area (San Diego Municipal Code Section 131.0531 Table 131-05E). This would allow for up to 376 units on the 12.96-acre property. The project would provide 224 units and would therefore be within the allowable development intensity of the site. Consequently, the project would be consistent with growth projections that were utilized to forecast demand for future public facilities. Furthermore, the project would pay Development Impact Fees prior to building permit issuance, which would be used to maintain and fund future public facilities. The project would not construct housing that could result in an increase in population beyond what was anticipated by the Community Plan. Additionally, the project is within a developed area that would be covered by existing services. Therefore, the project would not promote growth patterns resulting in the need for and/or provision of new or physically altered public facilities (including police, fire-rescue, schools, libraries, parks, or other recreational facilities), the construction of which could cause significant environmental impacts, and impacts would be less than significant.

Issue 2: Increase the use of existing neighborhood and regional recreational facilities such that substantial deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As discussed above in Section 6.12, Issue 1, the project is consistent with land use and zoning designations and, therefore, would be consistent with growth projections that were utilized to forecast demand for future park and recreation facilities in the Clairemont Mesa community. As such, existing and future planned facilities within the Clairemont Mesa community would be able to accommodate the new residents of the proposed project. In addition, the project would provide on-site recreational facilities for use by project residents, including a fitness center and two outdoor courtyards, one of which would include a lap pool. The provision of on-site recreational facilities would likely reduce project residents' reliance on off-site recreational facilities. Therefore, the project would not increase the use of existing neighborhood and regional recreational facilities such that substantial deterioration of the facility would occur or be accelerated, and impacts would be less than significant.

Issue 3: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As discussed above, the project would provide on-site recreational facilities for use by project residents, including a fitness center and two outdoor courtyards, one of which would include a lap pool. Potential adverse physical effects on the environment from construction of these proposed recreational facilities are analyzed throughout this Initial Study as part of the project. As such, impacts are considered less than significant.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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**6.13 PUBLIC UTILITIES AND INFRASTRUCTURE – Would the project:**

Issue 1: Use excessive amounts of water beyond projected available supplies?

The 2020 City Urban Water Management Plan (UWMP) serves as the water resources planning document that assesses the current and future water supply and needs for the City. The City's current and approved future water supplies consist of: (1) water purchased from the San Diego County Water Authority (SDCWA), either directly transferred or stored in various reservoirs; (2) local supplies including groundwater, capture of local runoff from rainfall within seven of its nine surface reservoirs, and Pure Water which is approved and in progress; and (3) recycled water for non-potable water use. Purchased water from SDCWA is the largest portion of the City's overall water supply. In 2015, a significant drought year, SDCWA water accounted for 97 percent of the City's total water supply as the availability of local surface water was lower than in normal hydrologic years. Imported water from SDCWA accounted for about 89 percent on average from 2016 to 2020. (City 2021). Implementation of the project would not result in new or expanded water entitlements from the water service provider. The project would be consistent with the existing land use and zoning designations for the project site, and therefore would be consistent with existing water demand projections contained in the UWMP. Therefore, the project would not use excessive amounts of water beyond projected available supplies, and impacts would be less than significant.

Issue 2: 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?

The project consists of redevelopment of an urbanized site. The project site is currently served by existing underground water, stormwater, and sewer lines located within the adjacent streets. Infrastructure improvements would be limited to connections with these underground utility lines located within the adjacent streets. Additionally, utility improvements would occur at the project site as part of the project, impacts of which are considered herein. Therefore, 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, and impacts would be less than significant.

Issue 3: Result in impacts to solid waste management, including the need for construction of new solid waste infrastructure including organics management, materials recovery facilities, and/or landfills; or result in development that would not promote the achievement of a 75 percent target for waste diversion and recycling as required under AB 341 and the City's Climate Action Plan?

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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A WMP was prepared for the project to identify the solid waste that would be generated by construction and operation of the project and to identify measures to reduce those impacts to this waste generation (HWL 2022b). Table 5, *Total Waste Generated, Diverted, and Disposed of by Phase*, presents the total waste that would be generated and diverted during the demolition, grading, and construction phases of the project. Of the 31,422 tons estimated to be generated, 31,072 tons would be diverted, primarily through source separation. This would result in the diversion and reuse of 99 percent of the waste material generated from the project from the landfill, which would meet the City's current 75 percent waste diversion goal. Therefore, solid waste management impacts associated with project construction would be less than significant.

**Table 5  
TOTAL WASTE GENERATED, DIVERTED, AND DISPOSED OF BY PHASE**

Phase	Tons Generated	Tons Diverted	Tons Disposed
Demolition	2,990	2,920	70
Grading	26,000	26,000	0
Construction	2,432	2,152	279
Total	31,422	31,072	349

Operation of the project would generate approximately 269 tons of waste per year (HWL 2022b). Compliance with the City's Recycling Ordinance is expected to divert approximately 202 tons, or 75 percent, of the waste each year beginning with occupancy. Therefore, approximately 68 tons, or 25 percent, of waste would require disposal in a landfill, which would exceed the 60 ton per year threshold of significance for a cumulative impact on solid waste services in the City. According to the CalRecycle 2018 Facility-Based Characterization of Solid Waste in California (Cal Recycle 2020), organic material accounted for approximately 36.4 percent of the franchised commercial disposed waste. Therefore, of the 68 tons of disposed materials anticipated after the standard 75 percent diversion rate, it is assumed that 36.4 percent of that tonnage would be organic, equal to 25 tons per year of organic materials, and would therefore comply with SB 1383 and the Recycling Ordinance. To reduce the potential cumulative impact on solid waste, the applicant (or applicant's successor in interest) shall be responsible for implementing the ongoing waste reduction measures documented in the WMP, which would ensure that the project meets or exceeds the requirements set forth in AB 939 and AB 341. These measures include recyclable collection services required by and in accordance with the City's Recycling Ordinance, as well as providing exterior storage space for refuse, recyclable materials, organic waste materials. Implementation of the waste reduction measures documented in the WMP would allow solid waste management impacts associated with project operation to be less than significant.

**6.14 TRANSPORTATION – Would the project:**

Issue 1: Conflict with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle, and pedestrian facilities?

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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The assessment below compares proposed project impacts to the transportation analysis within the *Complete Communities: Housing Solutions and Mobility Choices Program EIR* (City 2020). The evaluation of the proposed project's VMT impacts is based on the LMA (Urban Systems Associates, Inc. 2023a), and VMT Assessment prepared for the project (Urban Systems Associates, Inc. 2023b), and VMT Assessment Supplemental Memo (Urban Systems Associates, Inc. 2024) prepared for the project. Additionally, a LMA (Urban Systems Associates, Inc. 2023a) was prepared for the project to assess potential transportation operational effects.

### Complete Communities Program EIR

The Complete Communities Program EIR found that the Complete Communities project would not conflict with adopted transportation policies, plans, and programs including those supporting transit, bicycle, and pedestrian facilities. The project incentivized the development of high-density multi-family residential development near existing transit areas. The Complete Communities project would support the goals of the City's General Plan, CAP, and San Diego Forward: The Regional Plan, because it supported high densities within proximity to transit. Impacts would be less than significant.

### Project

The project would be located immediately adjacent to Field Street and Cowley Way. project traffic is expected to utilize Field Street, Cowley Way, Burgener Boulevard, Iroquois Avenue, and Clairemont Drive. Field Street, Cowley Way, Burgener Boulevard, and Iroquois Avenue are currently built as two-lane collectors. Clairemont Drive is currently built as a four-lane collector. Sidewalks are present along either side of each of these five roadway segments. No bicycle lanes are currently present on any of the five segments in the vicinity of the project. Bus stops are located near the intersection of Clairemont Drive and Burgener Boulevard and the intersection of Clairemont Drive and Iroquois Avenue.

The project would include the development of multi-family residential uses that would be consistent with the General Plan land use designation of Commercial Employment, Retail, and Services, the Clairemont Mesa Community Plan land use designation of Commercial, and zoning designation of CC-1-3. The project is anticipated to generate 1,792 average daily trips. This number of project trips would not conflict with an adopted program, plan, ordinance, or policy addressing the transportation system. In addition, existing alternative transportation facilities would not be affected by project implementation. Existing pedestrian access on sidewalks along Field Street and Cowley Way would be maintained. There are no transit or bicycle facilities located on Field Street or Cowley Way that would be affected. Impacts would be less than significant, consistent with the findings in the Complete Communities Program EIR (Urban Systems Associates, Inc. 2023a).

### Project Cumulative

As no policy conflicts had been identified, cumulative impacts related to transportation policy would be less than significant.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
Issue 2: Be located within an area on the SANDAG VMT screening maps estimated to generate resident VMT per capita greater than 85 percent of the base year regional average? For mixed-use projects with a commercial component, would the project be located within an area on SANDAG VMT screening maps estimated to generate resident VMT per capita and/or employee VMT per employee greater than 85 percent of the base year regional average?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Complete Communities Program EIR

The Complete Communities Program EIR evaluated, among other things, adoption of the City's Complete Communities: Mobility Choices (Mobility Choices Program). The purpose of the Mobility Choices Program is to implement SB 743 by ensuring that new development mitigates transportation impacts based on VMT to the extent feasible, while incentivizing development within the City's Sustainable Development Areas (SDAs)~~transit priority areas (TPAs)~~ and urban areas. The Mobility Choices Program included amendment to the 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 Program EIR evaluated adoption of a fee for projects in VMT-inefficient areas to mitigate VMT impacts from new development.

The Complete Communities Program EIR found that implementation of the Mobility Choices Program and associated updates to the SDMC and Land Development Manual to implement a new threshold for VMT impacts would not be associated with increases in VMT per capita. Rather, implementation of the Mobility Choices Program was intended to support reductions in VMT per capita by either requiring construction of, or funding for, transportation infrastructure and amenities within Mobility Zones 1 and 2 (e.g., Downtown or in an SDA~~TPA~~) that would encourage non-vehicular travel.

The Complete Communities Program EIR found that implementation of the Mobility Choices Program and the new significance thresholds for transportation impacts consistent with SB 743 would result in VMT-related impacts for new development that occurs in an area that generates resident VMT per capita or employee VMT per employee that is greater than 85 percent of the base year regional average, absent mitigation. While the Mobility Choices Program regulations were intended to serve as mitigation to ensure an overall reduction in Citywide VMT, the Program EIR did not conclude that all potential VMT impacts would be fully mitigated because at a program level of analysis it could not be determined with certainty whether the improvements associated with program implementation would fully mitigate VMT-related impacts at the project level. Although the Mobility Choices Program is anticipated to result in the implementation of infrastructure improvements that could result in VMT per capita reductions, at a program level, the Program EIR found that potentially significant VMT impacts could nonetheless remain significant because it could not be determined with certainty whether the improvements would be implemented at the time a



Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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future development project’s VMT impacts would occur and whether those impacts would be mitigated to a less-than-significant level. As such, impacts were determined to be significant and unavoidable.

Project

The project’s VMT Assessment Memo (Urban Systems Associates, Inc. 2023b) and VMT Assessment Supplemental Memo (Urban Systems Associates, Inc. 2024) ~~was~~ were prepared consistent with guidance from the City’s Transportation Study Manual (TSM; City 2022c), which is consistent with the state of California Office of Planning and Research’s (OPR’s) recommendations to evaluate potential transportation impacts using a VMT metric. The City’s TSM includes guidance on screening criteria, significance thresholds, analysis methodology, and mitigation.

The VMT Assessment Memo evaluated whether the project would qualify under the TSM screening criteria for a Residential project Located in a VMT Efficient Area. Based on the project’s proposed use, the TSM categorizes the project as a Residential land use type. Therefore, the project was evaluated as a Residential land use using the SANDAG base year screening map (Series 14 ABM2+, Year 2016), which identifies the regional mean VMT per resident for Census Tract 91.02 as 18.9 miles per resident. The project is located in Census Tract 91.02 with a VMT per resident of 17.7, which is 93.3 percent of the regional average. As such, the project is located within an area that is not defined as VMT efficient and is not screened out from having to perform a VMT analysis. For Residential projects that are expected to generate less than 2,400 daily trips, the project’s VMT per resident is considered the same as the VMT per resident of the census tract in which it is located. The project is expected to generate 1,792 daily trips; therefore, the project’s VMT per resident is considered the same as the VMT per resident of the census tract in which it is located.

As stated above, the project is within Census Tract 91.02 with a VMT per resident of 17.7, which is 93.9 percent of the regional average. Therefore, based on the adopted VMT significance threshold for a residential project of 15 percent below the regional mean (or 85 percent of the regional mean, which equals 16.065 VMT per resident), the project would have a significant VMT impact. Mitigation is thus required to reduce the project’s VMT impact to the greatest extent feasible.

The project is required to comply with the Complete Communities: Mobility Choices ordinance (effective January 8, 2021 outside the Coastal Zone) and will rely upon the Findings and Statement of Overriding Considerations (SOC) for the Complete Communities Program EIR as mitigation to the extent feasible for its significant VMT impact.

~~The project is not located within a TPA. SDMC Ordinance Number O-21274, as amended by O-21618, provides the development regulations for the Mobility Choices portion of the Complete Communities program. An amendment to the Mobility Choices Regulations, as adopted by O-21618 effective May 3, 2023 altered the mobility zone which the project is located in from Mobility Zone 4 to The project is in Mobility Zone 24. Per SDMC Section 143.1103 (b), development in Mobility Zone 24 is required to shall provide VMT reduction measures totaling at least 5 points. pay an Active Transportation In Lieu Fee, unless exempt, in which case VMT reduction measures shall be incorporated. The proposed project is not exempt and will therefore pay the required Active~~

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Transportation In Lieu Fee The project is relying on the Findings and SOC's of the Complete Communities Program EIR and will mitigate its significant VMT impact to the extent feasible by providing the required 5 points of VMT reduction measures (included herein as MM-TRA-1) as mitigation to the extent feasible. These VMT reduction measures are provided in Table 6, VMT Reduction Measures for Mobility Choices Compliance, below. The project is thus in compliance with the requirements of Mobility Zone 2 (Urban Systems Associates, Inc. 2024). Affordable dwelling units meeting applicable requirements, however, are exempt from this requirement. Per SDMC Section 143.1103(c)(3), affordable dwelling units that are deed restricted at or below 120 percent of the area median income, as defined in Section 143.0720, are exempt from the Active Transportation In Lieu Fee. The project's proposed 23 affordable units at 60 percent area median income meet this criterion and would be exempt from the Active Transportation In Lieu Fee.

**Table 6**  
**VMT REDUCTION MEASURES FOR MOBILITY CHOICES COMPLIANCE**

<u>Mobility Choices VMT Reduction Measures</u>	<u>Description of Project Compliance</u>	<u>VMT Reduction Measure Points Credited Towards Compliance</u>
<u>Provide long-term bicycle parking spaces at least 10 percent beyond minimum requirements (2 points for each 10 percent beyond the minimum)</u>	<u>The project is required to provide 100 long-term bicycle parking spaces and will provide 110 long-term bicycle parking spaces.</u>	<u>2.0</u>
<u>Provide an on-site bicycle repair station (1.5 points per unit)</u>	<u>The project will provide two on-site bicycle repair stations.</u>	<u>3.0</u>
<b>TOTAL POINTS</b>		<b>5.0</b>

As shown in Table 6, the project's proposed VMT reduction measures under MM-TRA-1 total to 5 points, meeting the required number of points. Therefore, the project ~~The project would pay the required Active Transportation In Lieu Fee for the market rate units. Payment of the fee does not translate to VMT reduction for the project, so impacts are considered significant and unavoidable. However, payment of the fee (i.e., implementation of MM-TRA-1) would mitigate the project's significant VMT impact through compliance and reduce VMT impacts to the extent feasible, consistent with the Mobility Choices program regulations and consistent with~~ rely upon the Findings and SOC's from the Complete Communities: Housing Solutions and Mobility Choices Final Program EIR as mitigation to the extent feasible.

Issue 3: Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

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Complete Communities Program EIR

The Complete Communities Program EIR found that although the project did not propose specific changes to roadways, future projects implemented in accordance with the Housing Program may include transportation improvements. Additionally, transportation improvements would result from the implementation of the Mobility Choices Program. Any proposed improvements to roadways or amenities such as bicycle facilities would undergo review and approval by the City Engineer. Adherence to the City standards, including the City’s Street Design Manual, would ensure that a substantial increase in hazards or incompatible uses would not occur as part of the project. The project did not include any requirements that would result in a substantial increase in hazards due to design features or incompatible uses. Impacts would be less than significant.

The Complete Communities Program EIR found that cumulative impacts associated with increased hazards due to design features would be less than significant as the project would support transportation infrastructure and amenities intended to increase multi-modal accessibility and safety. Development associated with Housing Program would occur in existing Mobility Zones 1, 2, and 3. Cumulative impacts associated with hazardous geometric design features or incompatible uses would be less than significant.

Project

The project would not introduce hazardous design features or incompatible uses. The project would be consistent with the site’s land use and zoning designations, as well as with surrounding land uses. Two access driveways would serve the project, one along Field Street and one along Cowley Way. These access driveways would be in the same locations as the existing access driveways and would therefore not represent a new potential hazardous design feature. In addition, the access driveways would be consistent with the City’s Standard Drawings and include 10-foot by 10-foot visibility triangles. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant, consistent with the findings in the Complete Communities Program EIR.

Project Cumulative

The project would not result in a cumulative increase in roadway hazards and therefore, the project would not result in cumulative impacts related to roadway hazards. Cumulative impacts would be less than significant and would be consistent with the findings in the Complete Communities Program EIR.

Issue 4: Result in inadequate emergency access?                             

Complete Communities Program EIR

The Complete Communities Program EIR determined that future development allowed under the proposed ordinances would be required to comply with all applicable City codes and policies related

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to emergency access including the California Fire Code, the San Diego Municipal Code Chapter 5, Article 5, Division 87: Appendix D – Fire Apparatus Access Roads, and City Fire Policies A-14-1 Fire Access Roadways, A-14-9 Access Roadways: Modified Roadway Surface, and A-14-10 Fire Apparatus Access Road for Existing Public Streets. The project did not include any requirements that would result in inadequate emergency access. In addition, as development would occur under the project, emergency access would be ensured by the Fire Marshal. Impacts related to emergency access would be less than significant.

The Complete Communities Program EIR found that cumulative impacts associated with emergency access would be less than significant as the project would support transportation infrastructure and amenities intended to increase multi-modal accessibility and safety that would not conflict with emergency access. Development associated with Housing Program would occur in existing Mobility Zones 1, 2, and 3. Cumulative impacts associated with emergency access would be less than significant.

Project

Access to and from the project residential project site would be provided via two existing full access driveways, one along Field Street and one along Cowley Way. The project driveways would be constructed consistent with the City's Standard Drawings. In addition, the project would include a 26-foot-wide fire access lane along the north and west sides of the proposed apartment structure to provide adequate emergency access within the site. The project would therefore not result in inadequate emergency access. Impacts would be less than significant, consistent with the findings in the Complete Communities Program EIR.

**6.15 WILDFIRE – Would the project:**

Issue 1: Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?

The project site and adjacent land to the north, east, and south is mapped as within a Very High Fire Hazard Severity Zone (VHFHSZ) within a Local Responsibility Area (City Fire-Rescue Department 2023). Fire hazard severity zones are based on factors such as fuel (e.g., flammable vegetation), slope, and fire weather. In the vicinity of the project site, VHFHSZs are associated with urban canyons with native or naturalized vegetation that can pose a wildfire risk.

While the project site is mapped as within a VHFHSZ, it is not located immediately adjacent to areas with native or naturalized vegetation that would be considered highly flammable. Rather, areas immediately surrounding the project site are developed. Per City regulations, brush management is required for developments with structures that are within 100 feet of highly flammable areas of native or naturalized vegetation. The project site is not within 100 feet of such areas and brush management is therefore not required. In addition, the project would be consistent with the land use and zoning designations for the site. The project's proposed habitable structure would be equipped with automatic alarm and sprinkler systems and would have fire resistant construction

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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per Chapter 7A of the California Building Code. A fire access lane would be provided along the north and west sides of the site to allow for adequate fire response access. Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

Issue 2: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As discussed under Section 6.15, Issue 1 above, the project site and adjacent land to the north, east, and south is mapped as within a VHFHSZ within a Local Responsibility Area (City Fire-Rescue Department 2023); however, the project site is not located immediately adjacent to areas with native of naturalized vegetation that would be considered highly flammable. The project site is relatively flat and currently supports commercial development; no undeveloped lands, steep slopes, or areas susceptible to high-speed wind patterns are present on site or in the immediate vicinity. As such, the project would not exacerbate wildfire risks. In addition, the project’s proposed habitable structure would be equipped with automatic alarm and sprinkler systems and would have fire resistant construction per Chapter 7A of the California Building Code. A fire access lane would be provided along the north and west sides of the site to allow for adequate fire response access. Therefore, impacts would be less than significant.

Issue 3: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project’s infrastructure improvements would be limited to on-site vehicular access improvements (including a fire access lane) and connections to underground utility lines located in Field Street and Cowley Way. Such improvements would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. No impact would occur.

Issue 4: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site and immediately surrounding areas are flat and are not located within a flood inundation zone, and the potential risk of downslope flooding or landslide hazards is considered low (see also Section 6.5, Geology and Soils). Further, as the project has been designed in accordance with City standards for grading and drainage control, the project would not increase the quantity or rate of runoff from the subject site with project implementation, thereby minimizing the potential

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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for the project to contribute to significant risk including downstream flooding as a result of runoff or drainage changes. Therefore, the project would not expose people or structures to significant risks, including from downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. Impacts would be less than significant.

**6.16 VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER – Would the project:**

Issue 1: Result in a substantial obstruction of a vista or scenic view from a public viewing area?

The Clairemont Mesa Community Plan (City 1989) contains information regarding the visual resources and public views that are integral to the character of the community. Due to the community’s sloping topography, public views (both short range and long range) are common. As shown on Figure 2 of the Clairemont Mesa Community Plan, views afforded from near the project site include short-range views to Tecolote Canyon Natural Park to the east and long-range views to Mission Bay and the Pacific Ocean to the west/southwest. Tecolote Canyon Natural Park is a resource-based park, defined as a park located at the site of distinctive scenic, natural, or cultural features and intended for citywide use. Tecolote Canyon Natural Park consists of approximately 903 acres that bisect the community. The canyon is approximately six miles long and varies between one-quarter and one-half-mile in width. Mission Bay Park, located between Clairemont Mesa and the Pacific Ocean, is also a resource-based park and consists of over 4,235 acres of land and water. Tecolote Canyon is located approximately 0.2 mile east of the project site and Mission Bay Park is located approximately 1 mile west of the project site.

Public views of Tecolote Canyon from Cowley Way looking east (at locations east of the project site), from Field Street looking east (from locations south of the project site), and from Mt. Acadia Boulevard looking east (from locations east of the project site) would not be obstructed with the addition of the proposed project because the structure would not be located between the locations where the public is afforded these views and Tecolote Canyon. Public views of Tecolote Canyon from Clairemont Drive and Burgener Boulevard are currently obstructed by intervening structures (primarily the existing commercial development within the Clairemont Village Shopping Center) and vegetation, and therefore the project would not impede these views. Due to the difference in elevation, public views provided within Tecolote Canyon would be unaffected by the addition of the proposed project. In addition, the project would be consistent in scale and height with existing surrounding developments in the area, most notably the existing commercial development within the Clairemont Village Shopping Center, the existing four-story multi-family residential complex located north of the project site that is at an elevation higher than the project site, and the existing 14-story multi-family residential complex located east of the project site across Cowley Way (refer to Figure 5, *Visual Simulations*).

The Pacific Ocean and Mission Bay Park can be viewed by the public near the project site from Field Street looking west (at locations southwest of the project site) and from Clairemont Drive looking west (at locations west and southwest of the project site). The project would not be located between the locations where the public is afforded these views and the Pacific Ocean and Mission Bay Park and would therefore not obstruct these public views. Due to intervening structures in proximity to

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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the location of the proposed project structure, including an existing four-story multi-family residential complex on the west side of Cowley Way north of the project site, the existing commercial development within the Clairemont Village Shopping Center, and existing single-family residences along the south side of Field south of the project site, as well as vegetation, views of the Pacific Ocean and Mission Bay Park are not provided from Cowley Way under existing conditions, and therefore implementation of the project would not impede views that are currently available. As such, the project would not obstruct a vista or scenic view of an important visual resource, and impacts would be less than significant.

Issue 2: Result in a substantial adverse alteration (e.g., bulk, scale, materials, or style) to the existing or planned (adopted) character of the area?

The project is proposing a structure which would range in height from approximately 65 feet to approximately 79 feet to top of parapet (depending on building elevation) with a height of approximately 75 feet to top of stair tower/elevator shafts, and is therefore requesting a NDP to allow for a deviation to the 45-foot height limit for the CC-1-3 zone per SDMC Section 131.0531 and a deviation from SDMC Chapter 14 Article 02 Division 04 Landscape Regulations for 2.67 acres to comply with the Landscape Regulations when 12.96 acres is required, and a SDP to allow an exception to the 30-foot height limit per the Clairemont Mesa Height Limit Overlay Zone. An exception to the Clairemont Mesa height limit can be approved if the San Diego City Council makes appropriate findings per Section 126.0505 of the SDMC.

As discussed in Section 6.1, Issue, 1, the project would be compatible with the site’s General Plan land use designation of Commercial Employment, Retail, and Services, the Clairemont Mesa Community Plan land use designation of Commercial, and zoning designation of CC-1-3, and would therefore not adversely affect the applicable land use plan. The project would not result in significant air quality impacts (Section 6.2), geology/soils/seismicity impacts (Section 6.5), health and safety impacts (Section 6.7), noise impacts (Section 6.10), public services and facilities impacts (Section 6.12), or wildfire impacts (Section 6.15), and would therefore not be detrimental to the public health, safety, and welfare. The project would also comply with the regulations of the Land Development Code.

As detailed above in Section 6.16, Issue 1, the project would not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area. The project would be consistent in scale and height with existing surrounding developments in the area, most notably the existing commercial development within the Clairemont Village Shopping Center, the existing four-story multi-family residential complex (over 30 feet in height) located north of the project site that is at an elevation higher than the project site, and the existing 14-story multi-family residential complex (over 30 feet in height) located east of the project site across Cowley Way (refer to Figure 5). In addition, the architectural design of the proposed residential building would be consistent with current applicable city development standards, including those related to setbacks, windows, parking entries, building articulation, and transparency. Therefore, the project would not result in a substantial adverse alteration to the existing or planned character of the area, and impacts would be less than significant.

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issue 3: Result in the loss of any distinctive or landmark tree(s), or stand of mature trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The City Council Policy 900-19 (“Public Tree Protection”) was adopted to protect designated tree resources located in public rights-of-way, on City-owned open space, in parks or other publicly owned lands, wherever practical. In addition, the policy applies to private land restricted by dedicated open space easements. The Policy would not apply to the project. Existing vegetation on the project site consists of ornamental landscaping that would be removed as part of the project. The Arborist Report prepared for the project determined that none of the trees on site are considered protected, rare, or endangered species (LC 2022). Several of the eucalyptus trees on site are in poor condition. Therefore, the project would not result in the loss of distinctive or landmark tree(s) or stand of mature trees, and impacts would be less than significant.

Issue 4: Result in a substantial change in the existing landform?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site does not contain unique physical features such as a natural canyon or natural hillside slopes. Tecolote Canyon is located approximately 0.2 miles east of the project; however, the project would not impact or affect the canyon’s natural terrain. Although the project would require 29,000 cubic yards of cut for grading and excavation, the project would not require mass terracing of natural slopes. This is because there are no steep hillsides on the project site due to the relatively flat site topography, with elevations ranging from 290 to 305 feet above mean sea level. Furthermore, the project would not create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent) slope gradient. Therefore, the project would not result in a substantial change in the existing landform or loss of unique physical features, and impacts would be less than significant.

Issue 5: Create substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is currently developed with an existing commercial area and parking lots/hardscape. The demolition of approximately 3,770 SF of existing commercial retail space for provision of a fire access lane around the proposed building and the subsequent construction of a residential building and associated parking structure would not create a new significant source of light compared to the existing condition. The project would comply with the outdoor lighting standards contained in Municipal Code Section 142.0740 (Outdoor Lighting Regulations) that require all outdoor lighting be installed, shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts from light pollution, including trespass, glare, and to control light from falling onto surrounding properties. Therefore, lighting installed with the project would not adversely affect day or nighttime views in the area. Additionally, the project would not introduce a source of glare that could affect day or nighttime views. Exterior materials utilized for the proposed structure would be limited to specific reflectivity ratings as required per Municipal Code Section 142.0730 (Glare Regulations). Therefore, the project would not create substantial light or glare which would adversely affect daytime or nighttime views in the area, and impacts would be less than significant.



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**6.17 AGRICULTURAL AND FOREST RESOURCES – Would the project:**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Issue 1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. Unique farmland is land, other than prime farmland, which has combined conditions to produce sustained high quality and high yields of specialty crops. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law. In some areas that are not identified as having national or statewide importance, land is considered to be Farmland of Local Importance. The Farmland Mapping and Monitoring Program (FMMP) maintained by the California Department of Conservation (DOC) is the responsible state agency for overseeing the farmland classification. In addition, the City's Thresholds state that in relation to converting designated farmland, a determination of substantial amount cannot be based on any one numerical criterion (i.e., one acre), but rather on the economic viability of the area proposed to be converted. Another factor to be considered is the location of the area proposed for conversion.

According to the DOC's California Important Farmland Finder (DOC 2022), the project site is classified as Urban and Built-Up Land, which is "land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes" (DOC 2022). Agricultural land is not present on the site or in the general vicinity. As a result, the project would not result in the conversion of land to non-agricultural use. No impact would occur.

Issue 2: Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use; in return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Williamson Act is only applicable to parcels within

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an established agricultural preserve consisting of at least 20 acres of Prime Farmland, or at least 40 acres of land not designated as Prime Farmland. The Williamson Act is designed to prevent the premature and unnecessary conversion of open space lands and agricultural areas to urban uses.

As described in Section 6.17, Issue 1 above, the project site is not located on or near land zoned for agriculture or land that has a Williamson Act contract. The project site has been previously developed. No impact would occur.

<p>Issue 3: Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Public Resources Code Section 12220(g) defines “forest land” as land that can support 10 percent native cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Based on this definition, no forest land occurs within or adjacent to the project site. The project site has been previously developed and vegetation removal would be limited to ornamental trees. No impact would occur.

<p>Issue 4: Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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As described in Section 6.17, Issue 3 above, the project site is not located on or near forest land. The project site has been previously developed and vegetation removal would be limited to ornamental trees. No impact would occur.

**6.18 MINERAL RESOURCES - Would the project:**

<p>Issue 1: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is not used for mineral resource extraction nor is it planned to be used for mineral resource extraction based on land use designation and zoning. The project site has been previously developed. No impact would occur.

<p>Issue 2: Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is not used for mineral resource extraction nor is it planned to be used for mineral resource extraction based on land use designation and zoning. The project site has been previously developed. No impact would occur.

**6.19 POPULATION AND HOUSING – Would the project:**

Issue 1: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project would provide new housing on a site where none is currently located; however, the project does not require a General Plan Amendment or a Community Plan Amendment and is therefore considered consistent with the allowable land use of the site. In addition, the property is zoned CC-1-3, which permits residential development at a density of one unit per 1,500 SF of lot area (San Diego Municipal Code Section 131.0531 Table 131-05E). This would allow for up to 376 units on the 12.96-acre property. The project would provide 224 units and would therefore be within the allowable development intensity of the site. The construction workers for the proposed project are assumed to be sourced locally and would not encourage substantial population relocation to the area. The project would not induce substantial population growth in an area, and impacts would be less than significant.

Issue 2: Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

There is no existing housing on site that would be displaced by the project, necessitating the construction of replacement housing elsewhere. No impact would occur.

**6.20 MANDATORY FINDINGS OF SIGNIFICANCE**

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the State CEQA Guidelines)

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issue 1: Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As described in Section 6.3, the project site is developed and does not contain native habitat and would therefore not result in impacts to special-status species or sensitive natural communities. The project therefore does not have the potential to result in impacts that would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

Based on the previously developed nature of the site, low cultural sensitivity of the area, and lack of historic resources mapped at or adjacent to the project site on the CHRIS, impacts to historic and archaeological resources are not anticipated. The 3,770-SF portion of retail commercial space to be demolished as part of the project is not 45 years old and do not qualify as historic resources under the City's Historic Resource Guidelines. Through implementation of MM-CUL-1, the project would avoid potential impacts to Tribal Cultural Resources. Similarly, through compliance with San Diego Municipal Code Section 142.0151 (Paleontological Resources Requirements for Grading Activities), significant impacts to paleontological resources would be avoided. Therefore, the project would not eliminate important examples of the major periods of California history or prehistory.

Issue 2: Does the project have impacts that are individually limited but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Cumulative impacts are defined as two or more individual project effects that, when considered together or in concert with other projects, combine to result in a significant impact (CEQA Guidelines Section 15355). There is potential for the construction schedules of other projects within the Claremont Mesa community, which would be consistent with the Community Plan and Complete Communities, to overlap. As described herein, all impacts identified would be reduced to less than significant with the incorporation of mitigation measures, as applicable. Construction of the proposed project would have the potential to impact Tribal Cultural Resources; however,

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implementation of MM-CUL-1 would avoid potential impacts. In addition, potential construction impacts to TCRs would be site-specific. The project could result in impacts to paleontological resources that would be reduced to less than significant through standard paleontological monitoring required by San Diego Municipal Code Section 142.0151. Such impacts would also be site-specific. Construction noise and vibration would be below the applicable thresholds, and therefore would not contribute to cumulative noise impacts. Additionally, all nearby projects would be required to comply with existing federal, state, and local regulations.

Cumulative transportation impacts are discussed in Section 6.14. As discussed, the project would not result in cumulative transportation impacts related to conflicting with a circulation plan, implementing hazardous design features or incompatible uses, or resulting in emergency access. While the project would result in a significant project-level impact related to VMT, the project would be consistent with the findings in the Complete Communities Program EIR and would mitigate the project's significant VMT impact to the extent feasible by incorporating VMT reduction measures ~~paying the required Active Transportation In-Lieu fee~~, consistent with the Mobility Choices program regulations and consistent with the Findings and SOCs from the Complete Communities: Housing Solutions and Mobility Choices Final PEIR. Therefore, the project would not result in new cumulative impacts that have not previously been analyzed in the Complete Communities Program EIR.

Air quality is a regional issue and the cumulative study area for air quality impacts encompasses the San Diego Air Basin as a whole. Therefore, the cumulative analysis considers regional air quality plans and policies, such as the RAQS, as well as the project's contribution to a net increase of any criteria pollutant for which the basin is listed as a non-attainment area. As described in Section 6.2, Air Quality, Issue 1 above, the project would be consistent with the General Plan designations and the designation in the Clairemont Mesa Community Plan. Therefore, the project would be consistent with the growth assumptions of the General Plan used to develop the RAQS emissions budgets. Additionally, as discussed under Section 6.2, Air Quality, Issue 2 above, the project would not result in construction or operational emissions in excess of the applicable screening level thresholds for all criteria pollutants. Consequently, the project would not result in an increase in emissions that are not already accounted for in the RAQS emissions budgets. As described in Section 6.3, Biological Resources, Issue 1 above, the project is developed and does not contain environmentally sensitive land (ESL) where sensitive species may be present and is not adjacent to MHPA and does not possess native vegetation that would serve as habitat area species identified as candidate, sensitive, or special status. The project would be required to comply with federal, state, and City regulations. As described in Section 6.6, Greenhouse Gas Emissions, Issue 2 above, the project would be consistent with the City's CAP Consistency Checklist, thereby ensuring that the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. All other project impacts were determined to be less than significant, and due to the limited scope of the project, would result in less than cumulatively considerable impacts.

The project would be consistent with the site's land use designation of Commercial Employment, Retail, and Services, the Clairemont Mesa Community Plan land use designation of Commercial, and zoning of CC-1-3. Therefore, the project would be consistent with applicable planning documents, and operation of the project would not cause significant impacts that could contribute to cumulative

Issues	Potentially Significant Impact	Project Impact Adequately Addressed in the PEIR	Less Than Significant with Project-Level Mitigation Incorporated	Less Than Significant Impact	No Impact
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impacts. The project would not result in impacts that are individually limited but cumulatively considerable.

Issue 3: Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed project would adhere to regulatory codes, ordinances, regulations, standards, and guidelines applicable to each of the environmental issue areas analyzed herein. As described above, the project would have a less than significant impact on air quality and GHG emissions and would not result in emissions that would significantly impact sensitive receptors. The project would not have the potential to cause adverse effects on human beings through the use, transport, or storage of hazardous materials through adherence to applicable regulations. As discussed in Section 6.7, potential impacts to humans related to hazardous materials from prior uses at the site would be avoided through the project's participation in the County's VAP. Additionally, the project would not generate noise or vibrations at such levels that would have substantial adverse effects on human beings. Impacts would be less than significant.

## 7. Supporting Information Sources

### Land Use

San Diego Airport Land Use Commission (ALUC)

- 2010 Montgomery Field Airport Land Use Compatibility Plan. December. Accessed May 10, 2023. Available at: [https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16148&Command=Core\\_Download&language=en-US&PortalId=0&TabId=807](https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16148&Command=Core_Download&language=en-US&PortalId=0&TabId=807).

### Air Quality

California Air Pollution Control Officers Association (CAPCOA)

- 2022 California Emission Estimator Model (CalEEMod) Version 2022.1.

California Air Resources Board (CARB)

- 2005 Air Quality and Land Use Handbook: A Community Health Perspective.

EnviroApplications, Inc.

- 2023 Indoor Air Quality Evaluation for: Commercial-Retail Shopping Center, Decker's Dog & Cat, 3055 Clairemont Drive, San Diego, California 92117. July 5.

HELIX Environmental Planning Inc, (HELIX)

- 2024a Air Quality Technical Report.

San Diego County Air Pollution Control District (SDAPCD)

- 2020 2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County. October.

- 2016 Final 2016 Revision to the Regional Air Quality Strategy for San Diego County. December

San Diego, City of (City)

- 2022a City of San Diego Municipal Code Chapter 14, Article 2, Division 8.

Urban Systems Associates, Inc.

- 2023a Local Mobility Analysis. February.

### Biological Resources

San Diego, City of (City)

- 2018 San Diego Municipal Code. Land Development Code Biology Guidelines. February.

### Energy

California Department of General Services (DGS)

- 2022 The California Green Building Standards Code—Part 11, Title 24, California Code of Regulations. Available at: <https://www.dgs.ca.gov/BSC/CALGreen> .

## **Geology/Soils/Seismicity**

Geocon Incorporated (Geocon)

2021a Geologic Reconnaissance. October.

2021b Fault Rupture Hazard Investigation. November.

## **Greenhouse Gas Emissions**

California Department of General Services (DGS)

2022 The California Green Building Standards Code—Part 11, Title 24, California Code of Regulations. Available at: <https://www.dgs.ca.gov/BSC/CALGreen>.

HWL Planning & Engineering (HWL)

2022a CAP Consistency Checklist.

## **Health and Safety**

California Department of Toxic Substances Control (DTSC)

2023 EnviroStor Database. Accessed May 10, 2023. Available at: <https://www.envirostor.dtsc.ca.gov/public/>.

EnviroApplications, Inc.

2023 Indoor Air Quality Evaluation for: Commercial-Retail Shopping Center, Decker's Dog & Cat, 3055 Clairemont Drive, San Diego, California 92117. July 5.

Geocon Incorporated (Geocon)

2022 Additional Site Investigation Report

2016 Phase I Environmental Site Assessment. July.

State Water Resources Control Board (SWRCB)

2023 GeoTracker database. Accessed May 10, 2023. Available at: <https://geotracker.waterboards.ca.gov/>.

Urban Systems Associates, Inc.

2023a Local Mobility Analysis. February.

## **Hydrology and Water Quality**

EnviroApplications, Inc.

2023 Indoor Air Quality Evaluation for: Commercial-Retail Shopping Center, Decker's Dog & Cat, 3055 Clairemont Drive, San Diego, California 92117. July 5.

Mellor Landy

2022 Preliminary Drainage Report for Clairemont Village. April.



NOVA Engineering (NOVA)  
2022 Storm Water Quality Management Plan. September.

## **Noise**

California Department of Transportation (Caltrans)  
2020 Transportation and Construction Vibration Guidance Manual. April.

HELIX Environmental Planning Inc, (HELIX)  
2024a Air Quality Technical Report.

2024b Acoustical Analysis Report.

HWL Planning & Engineering (HWL)  
2022b Waste Management Plan.

San Diego Airport Land Use Commission (ALUC)  
2010 Montgomery Field Airport Land Use Compatibility Plan. December. Accessed May 10, 2023. Available at: [https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16148&Command=Core\\_Download&language=en-US&PortalId=0&TabId=807](https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16148&Command=Core_Download&language=en-US&PortalId=0&TabId=807)

San Diego, City of (City)  
2022b City CEQA Significance Determination Thresholds. September.

2015 City of San Diego General Plan. Noise Element. Available at: [https://www.sandiego.gov/sites/default/files/ne\\_2015.pdf](https://www.sandiego.gov/sites/default/files/ne_2015.pdf).

Urban Systems Associates, Inc.  
2023a Local Mobility Analysis. February.

U.S. Department of Transportation  
2008 Roadway Construction Noise Model.

## **Paleontological Resources**

Geocon Incorporated (Geocon)  
2021a Geologic Reconnaissance. October.

## **Public Utilities and Infrastructure**

California Department of Resources Recycling and Recovery (CalRecycle)  
2020 2018 Facility-Based Characterization of Solid Waste in California. May.

HWL Planning & Engineering (HWL)  
2022b Waste Management Plan.

San Diego, City of (City)  
2021 2020 Urban Water Management Plan. June.

## **Transportation**

San Diego, City of (City)

2020 Complete Communities: Housing Solutions and Mobility Choices Program EIR.

2022c Transportation Study Manual. September.

Urban Systems Associates, Inc.

2023a Local Mobility Analysis. February.

2023b VMT Assessment. January.

2024 VMT Assessment Supplemental Memo. August.

## **Wildfire**

City Fire-Rescue Department

2023 Very High Fire Hazard Severity Zone Map. Available at:  
<https://www.sandiego.gov/fire/services/brush/severityzones>

## **Visual Effects and Neighborhood Character**

LC Tree Service (LC)

2022 Certified Arborist Report. August.

San Diego, City of (City)

1989 Clairemont Mesa Community Plan. Adopted on September 26, 1989. Amended on August 1, 2019.

## **Agriculture and Forestry Resources**

California Department of Conservation (DOC)

2022 California Important Farmland Finder. Available at:  
<https://maps.conservation.ca.gov/dlrp/ciff/>.

## **Responses to Comments**

Singer, B.C, Chan, W.R, Kim, Y., Offermann, F.J., and Walker I.S.

2020 Indoor Air Quality in California Homes with Code-Required Mechanical Ventilation. Indoor Air, Vol 30, Issue 5, 885-899.

## 8. List of Acronyms and Abbreviated Terms

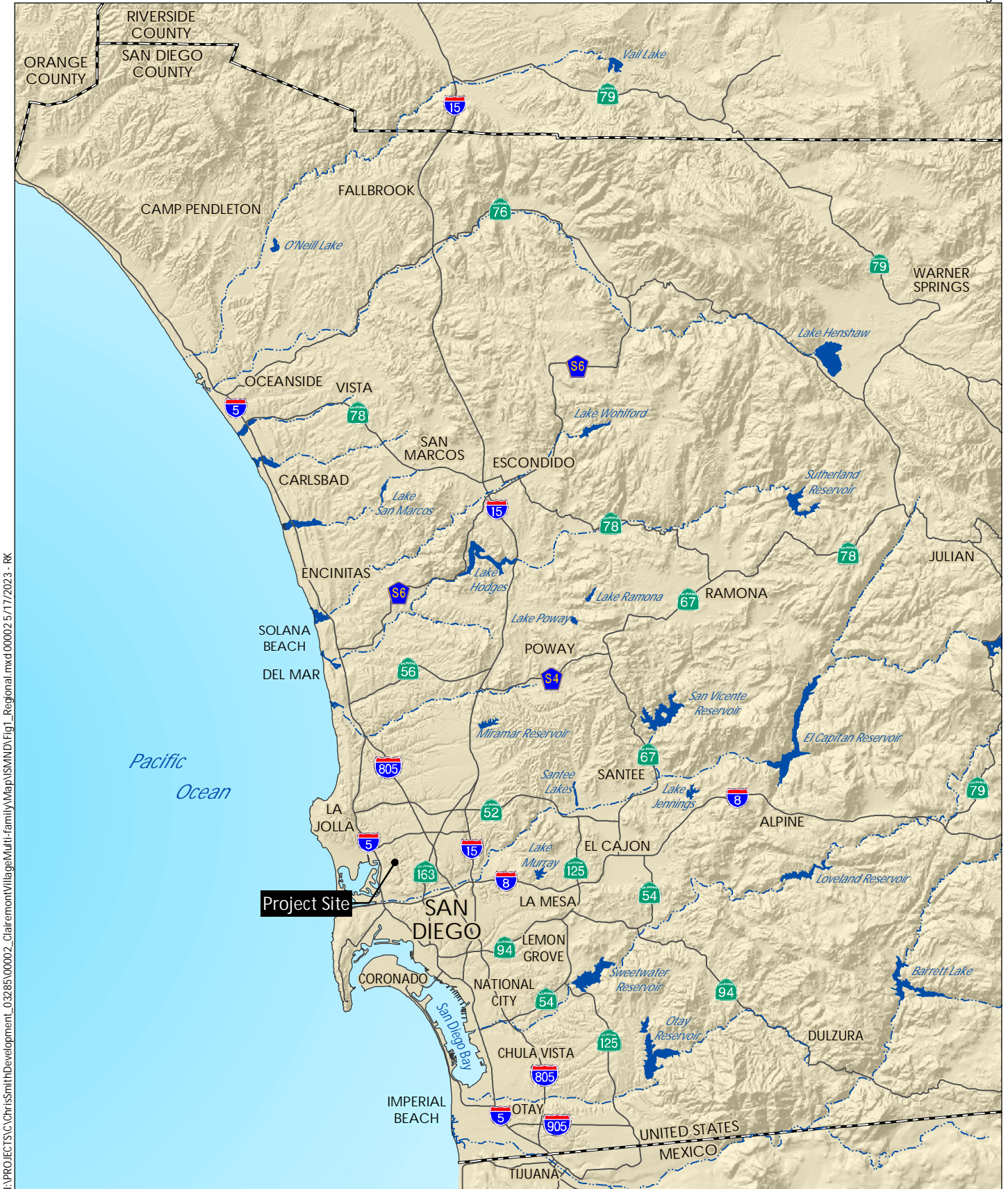
AB	Assembly Bill
ADT	average daily trips
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
AQIAs	Air Quality Impact Assessments
Attainment Plan	2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County
BMP	best management practice
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CGP	Construction General Permit
CHRIS	California Historic Resources Information System
City	City of San Diego
CNEL	community noise equivalent level
CO	Carbon Monoxide
Community Commercial	Commercial Employment, Retail, and Services
CPIOZ	Community Plan Implementation Overlay Zone
dba	A-weighted decibel
DEHQ	County of San Diego Department of Environmental Health and Quality
DGS	California Department of General Services
DOC	California Department of Conservation
DPM	Diesel Particulate Matter
DTSC	California Department of Toxic Substances Control
EDR	Environmental Data Resources, Inc
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
ESL	Environmental Screening Levels
EV	electric vehicle
FAA	Federal Aviation Administration
FMMP	Farmland Mapping and Monitoring Program

GHG	greenhouse gas
HELIX	HELIX Environmental Planning Inc.
HRA	health risk assessment
HWL	HWL Planning & Engineering
kBTU	kilo-British Thermal Unit
kWh	kilowatts per hour
L <sub>EQ</sub>	time-averaged noise level
LMA	Local Mobility Analysis
LOS	level of service
MHPA	Multi-habitat Planning Area
MSCP	Multiple Species Conservation Program
MM	Mitigation Measure
NAAQS	National Ambient Air Quality Standards
NDP	Neighborhood Development Permit
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NSLU	noise sensitive land use
OPR	State of California Office of Planning and Research
PCE	tetrachloroethylene
PM <sub>10</sub>	respirable particulate matter 10 microns or less in diameter
PM <sub>2.5</sub>	fine particulate matter 2.5 microns or less in diameter
PPV	peak particle velocity
RAQS	Regional Air Quality Strategy
REC	recognized environmental condition
ROG	reactive organic gas
SANDAG	San Diego Association of Governments
SB	Senate Bill
<u>SDA</u>	<u>Sustainable Development Area</u>
SDAB	San Diego Air Basin
SDAPCD	San Diego County Air Pollution Control District
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas and Electric
SDMC	San Diego Municipal Code
SDP	Site Development Permit
SF	square feet
SO <sub>2</sub>	sulfur dioxide
SOC	Statement of Overriding Considerations

SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Stormwater Quality Management Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCE	trichloroethylene
TCR	Tribal Cultural Resource
TNM	Traffic Noise Model
<del>TPA</del>	<del>Transit Priority Area</del>
TRU	transport refrigeration unit
USEPA	U.S. Environmental Protection Agency
UWMP	Urban Water Management Plan
VAP	Voluntary Assistance Program
VHFHSZ	Very High Fire Hazard Severity Zone
VOC	volatile organic compound
VMT	vehicle miles traveled
WMP	Waste Management Plan

# Figures

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Source: Base Map Layers (SanGIS, 2016)

Fig2\_Vicinity.indd 00002 04/01/22 -RK



Source: AO Architects, 2022



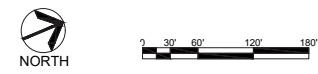
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**LEGEND**

- 43 SHARED PARKING STALLS: RETAIL STALLS TO BE SHARED WITH RESIDENTIAL BETWEEN 6 PM AND 9 AM
- (E) EXISTING RETAIL
- TS TRAFFIC SIGNAL
- ADA ACCESSIBILITY
- NEIGHBORHOOD CONNECTION
- ▨ AREA OF IMPACT

PROJECT DESCRIPTION		
A 5 STORY TYPE III-A RESIDENTIAL BUILDING CONSISTING OF 224 UNITS OVER 2 STORY TYPE I PARKING STRUCTURE WITH 342 PARKING STALLS		
GROSS SITE AREA:	564,537 S.F.	12.96 ACRES
TOTAL UNITS:		224 UNITS
GROSS DENSITY:		17.28 DU/AC
EXISTING RETAIL AREA:		124,083 S.F.
EXISTING RETAIL PARKING PROVIDED:		666 STALLS
EXISTING RETAIL PARKING RATIO:		5.37
REMAINING RETAIL AREA:		120,313 S.F.
REMAINING RETAIL PARKING PROVIDED:		516 STALLS
REMAINING RETAIL PARKING RATIO:		4.29
PROPOSED RESIDENTIAL STRUCTURED PARKING:		342 STALLS
PROPOSED RETAIL PARKING TO BE SHARED WITH RESIDENTIAL:		43 STALLS
PROPOSED TOTAL PARKING:		858 STALLS
AREA OF IMPACT		2.67 ACRES



Source: AO Architects, 2022

-  Overall Site Boundary
-  Proposed Project Structure
-  Proposed Area of Impact
-  Receiver Location
- 1 - North Property Line 1
- 2 - North Property Line 2
- 3 - North Building Stories 2-4
- 4 - East Property Line 1
- 5 - East Property Line 2
- 6 - East Property Line 3
- 7 - East Building Stories 3-14
- 8 - South Property Line 1
- 9 - South Property Line 2
- 10 - Existing Commercial Line 1
- 11 - Existing Commercial Line 2
- 12 - Existing Commercial Line 3
- 13 - Existing Commercial Line 4
- 14 - Existing Commercial Line 5



I:\PROJECTS\ChrisSmithDevelopment\_03285\00002\_ClairemontVillage\Multi-FamilyMap\ISMND\Fig4\_NoiseReceivers.mxd 00002 8/30/2023 - RK

Source: Aerial (SanGIS 2019)



ABOVE SPROUTS LOOKING EAST



FROM THE SPROUTS PARKING LOT OFF CLAIREMONT DR.

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Source: AO Architects, 2022



FROM COWLEY AND FIELD LOOKING NORTH



FROM COWLEY WAY LOOKING SOUTHWEST

Source: AO Architects, 2022

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